

His Worship the Mayor
Councillors
CITY OF MARION



**NOTICE OF
GENERAL COUNCIL MEETING**

Notice is hereby given pursuant to the provisions under Section 83 of the Local Government Act 1999 that a General Council meeting will be held

Tuesday 14 July 2015

Commencing at 7.00 p.m.

In the Council Chamber

Council Administration Centre

245 Sturt Road, Sturt

A copy of the Agenda for this meeting is attached in accordance with Section 83 of the Act.

Meetings of the Council are open to the public and interested members of this community are welcome to attend. Access to the Council Chamber is via the main entrance to the Administration building on Sturt Road, Sturt.

A handwritten signature in black ink, appearing to read "G. Whitbread", with a stylized flourish at the end.

Geoff Whitbread
ACTING CHIEF EXECUTIVE OFFICER

9 July 2015

**CITY OF MARION
GENERAL COUNCIL AGENDA
FOR MEETING TO BE HELD ON
TUESDAY 14 JULY 2015
COMMENCING AT 7.00PM**



1. OPEN MEETING

2. KAURNA ACKNOWLEDGEMENT

We acknowledge the Kurna people, the traditional custodians of this land and pay our respects to their elders past and present.

3. DISCLOSURE

All persons in attendance are advised that the audio of this General Council meeting will be recorded and will be made available on the City of Marion website.

4. ELECTED MEMBER'S DECLARATION OF INTEREST (if any)

5. CONFIRMATION OF MINUTES

Confirmation of the Minutes for the General Council meeting held on
23 June 20155

6. ADJOURNED ITEMS

Warriparinga Site – Motion Without Notice
GC090615M02 (replaces GC140715R01).....29

7. YOUTH ADVISORY COMMITTEE (YAC) UPDATE

Nil

8. DEPUTATIONS

Jeff Allen – Marion Bowling Club
GC140715D0133

Mark Baade – Telecommunication Tower at Kellett Reserve
GC140715D02.....33a

Matt Luker – Telecommunication Tower at Kellett Reserve
GC140715D03.....33b

Shelly Roach – Telecommunication Tower at Kellett Reserve
GC140715D04.....33c

9. PETITIONS

Nil

10. COMMITTEE RECOMMENDATIONS

Nil

11. WORKSHOP / PRESENTATION ITEMS

Nil

12. CORPORATE REPORTS FOR DECISION

Marion Bowling Club Inc. Landlords Approval for Solar Panels
GC140715R0235

Telecommunications Tower Kellett Reserve
GC140715R0339

Murray Darling Association Membership
GC140715R0461

Privately Funded DPA Policy
GC140715R0571

Jervois Street Reserve
GC140715R0679

Oaklands Park / Marion 40km/hr Precinct Speed Limit
GC140715R0785

Code of Conduct
GC140715R0890

13. CORPORATE REPORTS FOR INFORMATION/NOTING

NIL

MATTERS RAISED BY MEMBERS

14. Questions with Notice

Emergency Services Levy Increases
GC140715Q01102

15. Motions with Notice

Seacliff Park DPA Hearing Committee
GC140715M01104

Emergency Services Levy Increase on Community Facilities
GC140715M02106

Illegally Dumped Rubbish
GC140715M03107

16. Questions without Notice

17. Motions without Notice

18. CONFIDENTIAL ITEMS

Hallett Cove Library Building

GC140715F01110

City Services Surplus Land Valuation

GC140715F02.....119

19. LATE ITEMS

20. MEETING CLOSURE

Council shall conclude on or before 10.00pm unless there is a specific motion adopted at the meeting to continue beyond that time.

**MINUTES OF THE GENERAL COUNCIL MEETING
HELD AT ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 23 JUNE 2015**



PRESENT

Chair: Deputy Mayor Luke Hutchinson

Councillors

Coastal Ward

Ian Crossland
Tim Gard

Mullawirra Ward

Jerome Appleby
Jason Veliskou

Southern Hills

Janet Byram
Nick Westwood

Warracowie Ward

Bruce Hull
Nathan Prior

Warriparinga Ward

Raelene Telfer

Woodlands Ward

Nick Kerry
Tim Pfeiffer

In Attendance

Mr Geoff Whitbread
Ms Kathy Jarrett
Mr Vincent Mifsud
Ms Heather Montgomerie
Ms Kate McKenzie
Ms Victoria Moritz

Acting CEO
Director
Director
Director
Manager Governance
Governance Officer

COMMENCEMENT

The meeting commenced at 6.59pm.

KAURNA ACKNOWLEDGEMENT

We acknowledge the Kurna people, the traditional custodians of this land and pay our respects to their elders past and present.

DISCLOSURE

All persons in attendance are advised that the audio of this General Council meeting will be recorded and will be made available on the City of Marion website.

ORDER OF BUSINESS ITEMS

The Chair sought leave of the meeting to amend the order of business items based on matters of public interest.

The meeting agreed

MEMBERS DECLARATION OF INTEREST

The Chair asked if any Member wished to disclose an interest in relation to any item being considered at the meeting.

- No declarations were declared.

CONFIRMATION OF MINUTES

Moved Councillor Telfer, Seconded Councillor Prior that the minutes of the General Council meeting held on 9 June 2015 be taken as read and confirmed.

Moved Councillor Appleby, Seconded Councillor Crossland that the matter be left lying on the table to seek further advice on the meeting procedures in relation to the item *Request to fly the Rainbow Flag during Feast Festival – GC090615R06*.

Lost

The Original Motion was Carried

Moved Councillor Veliskou, Seconded Councillor Gard that the minutes of the Special General Council meeting held on 16 June 2015 be taken as read and confirmed.

Carried Unanimously

COMMUNICATION - HIS WORSHIP THE MAYOR

Nil

COMMUNICATION – DEPUTY MAYOR

Report on Deputy Mayoral Activities for May and June 2015

Date	Event	Comment
21 May 15	CEO Interviews	Attended
15 June 15	CEO Interviews	Attended
19 June 15	World Refugee Day Reception	Attended

Moved Councillor Pfeiffer, Seconded Councillor Telfer that the report by the Deputy Mayor be received.

Carried

COMMUNICATION – ELECTED MEMBERS

Councillor Ian Crossland
File No. 9.33.3.30

Nil

Councillor Tim Gard
File No. 9.33.3.31

Nil

Councillor Jerome Appleby
File No. 9.33.3.20

Nil

Councillor Jason Veliskou
File No. 9.33.3.17

Nil

Councillor Janet Byram
File No. 9.33.3.34

Nil

Councillor Nick Westwood
File No. 9.33.3.35
Nil

Councillor Bruce Hull
File No. 9.33.3.27

Nil

Councillor Nathan Prior
File No. 9.33.3.29

Nil

Councillor Luke Hutchinson
File No. 9.33.3.24

Nil

Councillor Raelene Telfer
File No. 9.33.3.33

Date	Event	Comment
28 May 15	Coast FM	Community Radio Half Hour
28 May 15	Marion Historic Village Project Group	Spoke to meeting about vision
2 June 15	Warriparinga Ward Briefing	Local issues discussed
9 June 15	National Stronger Regions Fund	Represented Mayor
10 June 15	Marion Historic Village Vision	Cultural Development Staff Brief
12 June 15	Gallery M Exhibition	Opening of 'Remember the Holocaust'
22 June 15	Hamilton College	Business Week address presented
23 June 15	Anglicare SA Southern Hub Office	Opening representing the Mayor

Councillor Nick Kerry
File No. 9.33.3.32

Nil

Councillor Tim Pfeiffer
File No. 9.33.3.22

Nil

Moved Councillor Pfeiffer, Seconded Councillor Telfer that the Elected Member Communication Reports be received.

Carried

COMMUNICATION – CEO AND EXECUTIVE REPORTS

Report on CEO and Executive Activities for May and June 2015

Date	Meeting/Activity	Attended by	Comments
28 May	Tonsley Governance meeting	Geoff Whitbread	
1 June	Tonsley Project Steering Committee meeting; Richard McLachlan	Geoff Whitbread	
1 June	Southern Region Waste Resource Authority (SRWRA) Board meeting	Vincent Mifsud	
4 June	Meeting with Tonsley Project Steering Committee Chair; Terry Burgess	Geoff Whitbread	
10 June	David Speirs MP, Member for Bright	Geoff Whitbread	
10 June	Tonsley Precinct discussion; Vice Chancellor Flinders University, Prof Colin Stirling and Tonsley Project	Geoff Whitbread	

	Steering Committee Chair; Terry Burgess		
11 June	Westfield Precinct Business Meeting	Vincent Mifsud	
15 June	Kellett Reserve Listening Forum	Kathy Jarrett	
16 June	Council Solutions Board Meeting	Geoff Whitbread	
19 June	Metropolitan Chief Executive Officers' Meeting	Geoff Whitbread	
23 June	Tonsley Project Steering Committee meeting	Geoff Whitbread	

Moved Councillor Pfeiffer, Seconded Councillor Telfer that the report by the CEO and Executive be received.

Carried

ADJOURNED ITEMS

Cove Youth Service Operational Options
Report Reference: GC230615R01

Moved Councillor Crossland, Seconded Councillor Westwood that Council Adjourn the item *Cove Youth Service Operational Options* Report until after consideration of the Asset Management Plans (item GC230615R09).

Carried

YOUTH ADVISORY COMMITTEE (YAC) UPDATE

Nil

DEPUTATIONS

Deputation – Red House Group Inc

Reference No: GC230615D01

Representatives from the Red House Group Inc (Julie Pritchard - Manager, Kathryn Hill - Exhibition Convenor and Ines Patriitti -Local Businesswoman) gave a deputation to Council in relation to the business relationship it has with City of Marion, with specific regard to the management of Gallery M.

Renewal of the Management Agreement with the Red House Group Inc for the Management of Gallery M – Amendment

Report Reference: GC230615M04

Moved Councillor Veliskou, Seconded Councillor Prior that:

The resolution passed by Council at the 9 June 2015 meeting relating to the Renewal of the Management Agreement with the Red House Group Inc for the Management of Gallery M (reference GC090615R03) be amended to provide for a new three year funding agreement with the Red House Group Inc. for the Management of Gallery M commencing 1 July 2015 and concluding on 30 June 2018. The amended motion would read:

That Council:

1. Enter into a new three year funding agreement with the Red House Group Inc., for the Management of Gallery M commencing 1 July 2015 and concluding on 30 June 2018.
2. Approve that the new agreement allows for the Red House Group Inc. to retain in full any income generated from gallery fees throughout the life of the agreement.

Carried

Councillor Hull called for a Division

Those For: Councillors Pfeiffer, Kerry, Telfer, Prior, Hull, Westwood, Byram, Veliskou, Gard and Crossland

Those Against: Councillor Appleby

Carried

MOTIONS WITHOUT NOTICE

Gay Hate Material

Report Reference GC230615M05

Moved Councillor Hull, Seconded Councillor Gard that Council:

1. Write to the Minister for Social Inclusion and the Equal Opportunity Commission to both advise and supply them with a copy of the 'gay hate' material distributed in the City of Marion; advise them that the matter has been referred to SAPOL; and seek their continued support in strengthening laws against homophobic crimes such as this.
3. Provide written feedback to the State Government's public consultation on *Removing LGBTIQ Discrimination from SA Laws*; The support letter include the City of Marion campaign for social inclusion (flag flying) and why discrimination must be removed from our laws to show leadership in countering homophobic material from being distributed such as the "love it or leave" card distributed last week; The submission be sent before 6 July 2015.

Carried

Councillor Hull called for a Division

Those For: Councillors Pfeiffer, Telfer, Prior, Hull, Westwood, Byram, Veliskou, Gard and Crossland

Those Against: Kerry and Appleby

Carried

Deputation – Feast Festival

Reference No: GC230615D02

This item was Withdrawn

PETITIONS

Petition – Removal of Rainbow Flag **Reference No: GC230615P01**

Moved Councillor Appleby, Seconded Councillor Gard that:

1. The Petition be noted and organisers be advised of Council's resolution regarding the rainbow flag.

Carried Unanimously

Rainbow Flag Rescission **Report Reference: GC230615M02**

Moved Councillor Appleby, Seconded Councillor Crossland that the following motion passed at the 9 June 2015 Council Meeting be rescinded:

1. *Endorses The Rainbow Flag to be flown at the City of Marion administration building on an on-going basis.*
2. *The flag pole flying the City of Marion flag be changed at times of other significant events (e.g. flying the Eureka Flag).*
3. *Not register the flying of the flag with any organisation.*

Lost

Councillor Appleby called for a Division

Those For: Councillors Kerry, Byram, Appleby and Crossland

Those Against: Councillors Pfeiffer, Telfer, Prior, Hull, Westwood, Veliskou and Gard

Lost

Moved Councillor Kerry, Seconded Councillor Pfeiffer that the meeting be Adjourned for a period of 10 minutes.

Carried Unanimously

8.09pm the meeting was Adjourned

8.10pm Councillor Kerry left the meeting and did not return

8.10pm Councillors Pfeiffer, Prior and Westwood left the meeting

8.21pm the meeting resumed

Rainbow Flag Rescission **Report Reference: GC230615M03**

This item was withdrawn

WORKSHOP / PRESENTATION ITEM

Nil

COMMITTEE RECOMMENDATIONS

Audit Committee Confirmation of Minutes of Meeting held on 15 June 2015 Report Reference: GC230615R02

Moved Councillor Telfer, Seconded Councillor Crossland that Council:

1. Receive and note the minutes of the Audit Committee meeting of 15 June 2015 (Appendix 1).
2. Note that separate reports are being brought to Council for consideration of the Annual Business Plan and Budget and Long Term Financial Plan (GC230615R04) and the Asset Management Plan (GC230615R09) at the 23 June Council Meetings.

Carried Unanimously

Strategic Directions Committee Confirmation of Minutes of Meeting held on 2 June 2015 Report Reference: GC230615R03

Moved Councillor Veliskou, Seconded Councillor Gard that Council:

1. Receive and note the minutes of the Strategic Directions Committee meeting of 2 June 2015 (Appendix 1 to report reference GC230615R03).

Carried Unanimously

8.25pm Councillor Pfeiffer entered the meeting

8.25pm Councillor Prior entered the meeting

ORDER OF BUSINESS ITEMS

The Chair sought leave of the meeting to bring forward the Motion with Notice relating to Oaklands Crossing report reference GC230615M01.

The meeting agreed

MOTIONS WITH NOTICE

Oaklands Crossing

Report Reference: GC230615M01

Moved Councillor Hull, Seconded Councillor Prior that Council calls for a report in relation to the costs and other associated detail related to a Council led campaign for a grade separation engineering solution for the Oaklands Crossing. That this campaign incorporates the use of Bill Boards, namely those operated by ooh! media at this very crossing (as pictured in Appendix 1). That the funding of this campaign is not limited to Council with Council canvassing local businesses to potentially co-fund this campaign

Moved Councillor Crossland, Seconded Councillor Veliskou that the motion be put.

Carried Unanimously

The motion was put and was **Carried**

QUESTION WITHOUT NOTICE

The Chair sought leave of the meeting to record in the minutes the following Question Without Notice from Councillor Byram relating to the item *Request to fly the Rainbow Flag during Feast Festival – GC090615R06*.

The meeting agreed

Flying of the Rainbow Flag Report Reference: GC230615Q03

Question:

Has council written to Feast Festival under Clause 3 of the motion passed at the General Council Meeting on the 9 June 2015 to advise that council does not wish to register the flying of the flag with any organisation or to be listed in their roll call appearing on their dedicated page in the 2015 Feast Program Guide?

Comments:

Following the General Council Meeting on 9th June 2015, Council wrote to the organisers of Feast Festival on the 10th June 2015, advising them of point 3 of the resolution that was passed at the Meeting.

CORPORATE REPORTS FOR INFORMATION NOTING

Finance Report – May 2015 Report Reference: GC230615R10

Moved Councillor Telfer, Seconded Councillor Crossland that Council:

1. Receive the report “Finance Report – May 2015”.

8.44pm Councillor Westwood entered the meeting

Carried Unanimously

CORPORATE REPORTS FOR DECISION

Annual Business Plan & Budget 2015-16 and Long Term Financial Plan 2015-16 to 2024-25 Report Reference: GC230615R04

Moved Councillor Telfer, Seconded Councillor Hull that the following be adopted by Council in the following order:

1. Financial Policies (Appendix 1 → appendices 8 to 14):
 - a) Rating Policy
 - b) Treasury Management Policy

- c) Asset Management Policy (attached as Appendix 1 to the minutes)
- d) Fees and Charges Policy
- e) Reserve Funds Policy
- f) Asset Accounting Policy
- g) Budget Policy

with such amendments/insertions as are necessary to reflect other relevant decisions made by the Council at this meeting.

- 2. pursuant to Section 123(6) of the Local Government Act 1999 and regulation 6 of the Local Government (Financial Management) Regulations 2011, the Annual Business Plan 2015/16 (Appendix 1)
- 3. pursuant to Section 123(7) of the Local Government Act 1999, and regulation 7 of the Local Government (Financial Management) Regulations 2011, the Annual Budget 2015/16 (Appendix 1)
- 4. pursuant to Section 122(1a) of the Local Government Act 1999, and regulation 5 of the Local Government (Financial Management) Regulations 2011, the Long Term Financial Plan for 2015/16 to 2024/25 (Appendix 2)

Carried

Councillor Appleby called for a Division

Those For: Councillors Pfeiffer, Telfer, Prior, Hull, Westwood, Byram, Veliskou, Gard and Crossland

Those Against: Councillor Appleby

Carried

Valuation – Adoption for 2015/2016 Financial Year
Report Reference: GC230615R05

Moved Councillor Hull, Seconded Councillor Telfer that:

- 1. Pursuant to Section 167(2)(a) of the Local Government Act 1999 Council adopts the capital valuations as supplied by the Office of the Valuer-General, (at Supplementary Week 51 dated 22 June 2015), as the Valuations that are to apply to land within its area for rating purposes for the 2015/2016 financial year.
- 2. Council notes that, at the time of adoption, the Valuation totalled \$17,847,592,060 (including \$17,096,186,435 Rateable and \$751,405,625 Exempt).

Carried Unanimously

Rates Declaration – 2015/2016
Report Reference: GC230615R06

Moved Councillor Telfer, Seconded Councillor Veliskou that:

1.
 - i) pursuant to Section 153(1)(b) and 156(1)(a) of the Local Government Act, 1999 the Council declares differential general rates according to land use based on Capital Value within the area for the 2015/2016 financial year as follows:
 - (a) 0.364584 cents in the dollar on rateable land of Categories 1 – Residential, 7 – Primary Production, 9 – Other.
 - (b) 0.674480 cents in the dollar on rateable land of Categories 2 – Commercial Shop, 3 – Commercial Office, 4 – Commercial Other.
 - (c) 0.601563 cents in the dollar on rateable land of Categories 5 – Industry Light and 6 – Industry Other.
 - (d) 0.692709 cents in the dollar on rateable land of Category 8 – Vacant Land
 - ii) pursuant to Section 158 (1)(a) of the Local Government Act 1999, fixes a minimum amount payable by way of General Rates in respect of rateable land within the area for the 2015/2016 financial year of \$965.00.
2. Pursuant to Section 153(3) of the Local Government Act 1999 the Council has determined not to fix a maximum increase under this Section in the general rate to be charged on a principal place of residence of a principal ratepayer upon the basis that relief is otherwise provided under the 'Discretionary Rebate – Residential Land Use (Rate Capping)' provision of its Rating Policy.
3. As required by the Natural Resources Management Act 2004, and pursuant to Section 95 of that Act and Section 154 (1) of the Local Government Act, the Council declares a Separate Rate of 0.009344 cents in the dollar on all rateable land in the area covered by the Adelaide and Mount Lofty Ranges Natural Resources Management Board within this Council's area for the 2015/2016 financial year.
4. Pursuant to Section 181 (1) of the Local Government Act rates are payable in four equal or approximately equal instalments, and Council resolves that pursuant to section 181(2) of the Act the due dates for those instalments shall be:

1 September 2015
1 December 2015
1 March 2016
1 June 2016

5. Pursuant to Section 44 of the Local Government Act 1999 the Council delegates to the Chief Executive Officer the power at Section 181(4)(b) to alter the due date for payment of any rate or instalment payment of a ratepayer where circumstances warrant such action, and to make any arrangement for payment of an account (either including or excluding the imposition of fines thereon) over an extended period.

Carried

Councillor Appleby called for a Division

Those For: Councillors Pfeiffer, Telfer, Prior, Hull, Westwood, Byram, Veliskou, Gard and Crossland

Those Against: Councillor Appleby

Carried

Rate Rebates 2015-16

Report Reference: GC230615R07

Moved Councillor Veliskou, Seconded Councillor Telfer that:

1. The Schedule of Mandatory Rate Rebates (refer Appendix 1) be noted.
2. Council resolves that a discretionary rate rebate of 25% be granted under Section 166(1)(j) of the Local Government Act, 1999 to Foodbank SA on the properties it occupies for the 2015-16 financial year.
3. Council resolves that a discretionary rebate of 25% be granted under Section 166(1)(d) of the Local Government Act, 1999 to Suneden School on the property it occupies and uses for educational purposes for the 2015-16 financial year.
4. Council resolves that a discretionary rate rebate of 25% be granted under Section 166(1)(g) of the Local Government Act, 1999 to Developing Alternative Solutions to Housing Inc (DASH) on the properties it occupies at 1/5 and 3/5 Finniss St Marion, 105 Nunya Ave, Morphettville, 348 & 348A Sturt Rd, Clovelly Park for the 2015-16 financial year.
5. Council resolves that a discretionary rate rebate of 100% be granted under Section 166(1)(j) of the Local Government Act, 1999 to the Scout and Guide Organisations on the properties currently occupied by them for the 2015-16 financial year.
6. Council resolves that a discretionary rate rebate of 50% be granted under Section 166(1)(j) of the Local Government Act, 1999 to The Abbeyfield Society (Marion) Inc on the property it occupies at 5 Lawrence Ave, Edwardstown for the 2015-16 financial year, subject to receipt by Council of a new rebate application request.
7. Council resolves that a discretionary rate rebate of 50% be granted under Section 166(1)(j) of the Local Government Act, 1999 to the Plympton Glenelg RSL Sub Branch on the property it occupies at 464 Marion Rd, Plympton Park for the 2015-16 financial year, subject to receipt by Council of a new rebate application request.
8. Council resolves that a discretionary rate rebate of 25% be granted under Section 166(1)(j) of the Local Government Act, 1999 to Prison Fellowship Australia (SA) on the property it occupies at 397C and 397E Diagonal Rd, Sturt for the 2015-16 financial year, subject to receipt by Council of a new rebate application request.

Carried Unanimously

Disposal of Land and Assets Policy
Report Reference: GC230615R08

Moved Councillor Telfer, Seconded Councillor Gard that Council:

1. Note that the Asset Management Policy adopted at Item GC230615R04 incorporates amendments clarifying linkages to other relevant Council Policies.
2. Adopt a Disposal of Land and Assets policy, replacing the 'Acquisition and Disposal of Land Assets Policy' and 'Disposal of Assets Other Than Land Policy'.

Carried

Asset Management Plan
Report Reference: GC230615R09

Moved Councillor Telfer, Seconded Councillor Crossland that Council:

1. Note the report and the Audit Committee's feedback
2. Endorse the draft AMP for a period of 4 weeks community consultation.

Carried Unanimously

ADJOURNED ITEMS

Cove Youth Service Operational Options
Report Reference: GC230615R01

Moved Councillor Crossland, Seconded Councillor Gard that:

1. The Cove Youth Service will cease to operate from its current site in Hallett Cove as soon as practicably possible. The new City of Marion Youth Service will operate from the City of Marion Administration Building.
2. A series of workshops will be initiated in the next three months to consider a new direction and strategy for youth programs across our city. Elected Members and representatives from related organisations within our community will be encouraged to participate.
3. Recommendations will be made to council by 1st December 2015.

Carried Unanimously

MATTERS RAISED BY MEMBERS

QUESTIONS WITH NOTICE

Waste Recycling Community Education Report Reference: GC230615Q01

QUESTION:

"How can Council better educate the community regarding recycling waste"

COMMENTS: Councillor Bruce Hull

The response should take into consideration the community's expectation for privacy in relation to their garbage bins.

COMMENTS: Roger Belding, Unit Manager Operational Support

Marion promotes community waste education through several levels of communication designed to inform and provide understanding across multiple demographics.

Information provided to the community is designed to reaffirm and encourage households to recycle and where required to promote behavioural change improving recycling outcomes.

Current waste strategies adopted include:

- Waste and recycling information, both in print and outlined on Council's web site. Printed information provided by the City of Marion includes the household Bin Collection Calendar and Recycling Guide.
- Presentations and workshops with community groups, schools and small businesses.
- Recycle Right bin tagging program. The Recycle Right bin tagging campaign, initiated through Zero Waste SA, is an example of our partnering with other organisations to provide a consistent waste education message across Adelaide (refer Appendix 1). Staff place an information tag on bins advising that a bin audit is to be conducted. This advisory tag provides relevant contact details should residents seek additional information (refer Appendix 2). The intent of the survey is to encourage appropriate waste minimisation and improve recycling habits. The bin audit identifies the types of materials being recycled whilst maintaining privacy for residents.
- Waste and recycling information for other activities of Council such as major events (Marion Celebrates) and the green at work programme.
- Residents also have the opportunity to attend tours of waste and recycling facilities to see what happens to their waste and learn more about the benefits of recycling.

Application of these approaches has achieved benefit for the City of Marion through a marked reduction of contaminants being placed in kerbside recycling bins.

Other strategies for community waste education could be explored including:

- Continued development of partnership approaches
- Greater utilisation of social media
- Capturing community interest towards improved recycling outcomes.

Our waste education approach is achieved through ongoing evaluation and assessment against what is a constantly changing environment.

Appendix (refer to report GC230615Q01 in the Agenda)

1. Zero Waste SA Guidelines Bin Tagging
2. Bin Inspection - Example of Pre-Inspection Advice Provided to Residents

Marion Swimming Pool LED Signage

Report Reference: GC230615Q02

QUESTION: Councillor Hull

Can you tell me who approved the new LED ready Swimming Pool sign to go up in that location prohibiting it from having LED signage?

There is a 100 meters of frontage there on Oaklands Road that could have been used for the sign. Can you advise please?

COMMENTS: Abby Dickson, Manager Libraries & Cultural Development

The Marion Outdoor Swimming Pool sign is located on the corner of Oakland's Road and Hendrie Street and its primary role is to provide directional signage for traffic entering into Hendrie Street from either direction on Oaklands Road. The sign required replacement this year and falls under the category renewal/replacement within Council's Asset Management Framework. The entrance into the Outdoor Swimming Pool is not visible from Oaklands Road making signage on this corner essential. Locating the sign away from the corner would not provide traffic on Oaklands Road with clear directions to the Centre's carpark and entrance. It is on this basis a decision has been made to retain the current location of the sign.

A report is in the process of being developed for Council's consideration which outlines the sign's usage moving forward, and whether or not installing LED functionality is possible. This will include detailing the associated development assessment processes, including advice from DPTI.

QUESTIONS WITHOUT NOTICE

Several Questions were asked and taken on notice during this time.

LATE ITEMS

Chief Executive Officer Recruitment Process

Reference No: GC230615F01

Moved Councillor Veliskou, Seconded Councillor Byram that pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Kate McKenzie, Manager Governance be excluded from the meeting as the Council receives and considers information relating to the 'Chief Executive Officer Recruitment Process', upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to nominated persons for the role who are yet to be appointed for the position.

Carried Unanimously

9.22pm the meeting went into confidence

Extension of Time

Moved Councillor Veliskou, Seconded Councillor Prior that the meeting be extended for 20 minutes.

Carried

Meeting extended at 9.57pm

Extension of Time

Moved Councillor Veliskou, Seconded Prior that the meeting be further extended by 10 minutes.

Meeting extended at 10.17pm

Carried

Moved Councillor Pfieffer, Seconded Councillor Bryam that Council in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, 'Chief Executive Officer Recruitment Process', any information relating to this item distributed at the meeting and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential, except for the Chief Executive Officer, Manager Governance and Manager Organisational Development and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2015.

Carried

10.22 pm the meeting came out of confidence

CLOSURE - Meeting Declared Closed at 10.22 pm.

CONFIRMED THIS 14 July 2015

.....

CHAIRPERSON

Asset Management

Policy

**POLICY STATEMENT**

City of Marion owns and manages assets in order to provide services to the Community for current and future generations. This Policy supports informed and strategic decision making on the provision of assets to support services.

SCOPE

This policy applies to Council assets within the City of Marion that are owned, managed and under the care control and management of Council.

CONTEXT

The City of Marion currently owns and maintains over \$1 billion worth of assets including infrastructure (e.g. roads, drainage), land, buildings, furniture and fittings, and equipment. These assets make up the social and economic infrastructure that enables the provision of services to the community and businesses, playing a vital role in the local economy and on quality of life. Asset management is a critical tool in ensuring appropriate provision is made for the long-term management of Council assets, and their impacts on all areas of service planning and delivery.

The *Local Government Act 1999* provides the highest level authorising framework for councils to conduct their business. The Act sets out the functions of a council which provides the basis for determining service provision and associated asset management. The Act makes explicit that councils have a role to play in planning, protecting, managing, developing, promoting, improving, restoring and enhancing their local communities. Asset management is a critical element in undertaking these functions.

The *Local Government Act 1999* also requires that Councils must develop and adopt plans (to be collectively called the strategic management plans) for the management of its area including the extent to which any infrastructure will need to be *maintained, replaced or developed* by the council.

The City of Marion's Strategic Management Framework provides the overarching framework that supports Council in setting strategic direction and making determinations relating to priorities and resource allocation. The Community Plan- Towards 2040 and the Council Plan – Towards 2025, provide clarity on strategic direction and focus for the City of Marion over the next 30 years, and articulate how City of Marion will undertake its role and functions as described in the *Local Government Act 1999*. Decisions regarding asset provision and management are a critical element in the delivery of the Plans.

This policy sets the principles that govern the provision ~~and~~ and management ~~and disposal~~ of assets in order to deliver ~~asset related~~ services and programs ~~that rely on those assets, and disposal of assets that are no longer required for service delivery~~. The strategic management framework sets out the process to



determine the life cycle cost and funding requirements of each service for current and future generations. The Asset Management Plans and Long Term Financial Plans are the mechanisms by which the asset related priorities are resourced to ensure delivery of strategic outcomes.

DEFINITIONS

Asset

An individual or group of physical objects, which has value and enables services to be provided.

Asset Management

The combination of management, financial, economic, engineering and other practices applied to physical assets with the objective of providing the required service level in the most cost effective manner.

Lifecycle Cost

The total cost of an asset throughout its life including planning, design, construction, acquisition, operation, maintenance, rehabilitation and disposal costs.

Asset Sustainability Index

Provides a measure as to whether Council's asset base is being adequately maintained. It expresses as a percentage the proportion of the total asset value consumed (depreciation) compared to the amount spent in preserving the asset (capital replacement/renewal).

*further definitions included in the Strategic Asset Management Framework presented below

PRINCIPLES

The following key principles will define Council's approach to asset management.

1. Assets exist to support the delivery of services to the service levels adopted by Council.
2. All relevant legislative requirements together with political, social and economic environments are to be taken into account in asset management.
3. Asset management is an integral element of Strategic Management and forms part of key strategic management plans.
4. Asset management decisions are based on Council's Strategic Asset Management Framework (as described below). The framework comprises an assessment of asset criticality, based on priority 1-critical, priority 2-important and priority 3-aspirational/discretionary; and asset action based on asset maintenance before renewal and renewal before new/upgrade (where it is cost effective to do so).
5. Asset renewal actions will consider all options and opportunities for more efficient and effective means of service delivery prior to investment.



6. Council will consider asset ownership and management model options in its strategic asset decision making.
7. Prioritisation of new asset investments and asset disposal decisions are based on an evaluation of potential public value, encompassing consideration of such criteria as asset utilisation potential, benefits, risks, ownership and management options, life cycles and costs [in accordance with Council's Prudential Management Policy and Disposal of Land and Assets Policy](#).
8. Asset disposal will occur following a transparent process, aligned with all legislative requirements [and Council's Disposal of Land and Assets Policy](#).
9. Systems including an effective internal control structure are established and adhered to, to provide responsibility and accountability for asset conditions, usage and performance.
10. Council will maintain Long Term Asset Management Plans that identify current and future asset management requirements within the context of the Strategic Management Framework.
11. Council's Long Term Financial Plan will align with Asset Management Plans to ensure adequate financial forecasts for asset management.
12. Council recognises the need to maintain its asset base and will target a long term asset sustainability index averaging 95-100%.
13. Council will use the Asset Management Sustainability Reserve (refer 'Reserve Fund Policy') to assist with funding Long Term Asset Management requirements.



STRATEGIC ASSET MANAGEMENT FRAMEWORK

In order for assets to be managed in a way that ensures efficient, effective and sustainable service delivery all assets are assessed using a decision-making matrix based on asset criticality and priority for action.

1. Strategic Asset Criticality

All City of Marion assets are categorised to determine their criticality, based on the definitions below.

Priority 1- Critical	<ul style="list-style-type: none"> Those assets that are <u>essential</u> in discharging council's role and functions as set out in the LG Act 1999 eg to provide infrastructure for its community and for development within its area (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area); Those assets that will result in <u>severe</u> consequence to community, or financial, business or service levels in event of failure, repurposing or disposal.
Priority 2- Important	<ul style="list-style-type: none"> Those assets that contribute <u>significantly</u> to the role and function of council under the LG Act. Those assets that are important in the delivery of identified services, with <u>major/moderate</u> consequence to community, or financial, business or service levels in event of failure, repurposing or disposal.
Priority 3- Aspirational/ Discretionary	<ul style="list-style-type: none"> Those assets that <u>contribute</u> to the role and functions of council under the LG Act. Those assets that <u>contribute</u> to the achievement of CoM Community aspirations and council outcomes. Those assets that contribute to the delivery of identified services, with <u>minor</u> consequence to community, or financial, business or service levels in event of failure, repurposing or disposal.



2. Asset Management Actions

All actions associated with asset management are categorised to determine their priority based on the definitions provided below. Asset management will follow an approach based on maintenance before renewal and renewal before new/upgrade (where it is cost effective to do so).

Maintain	All operational actions necessary for retaining an asset as near as practicable to its original condition, but excluding rehabilitation or renewal. Maintenance <u>does not increase the service potential</u> of the asset or keep it in its original condition, it slows down deterioration and delays when rehabilitation or replacement is necessary (IIMM 2011).
Renew/Replace	Restores, rehabilitates, refurbishes existing asset to its original capacity. <u>Returns service capability</u> of the asset up to that which it had originally (AIFM Guidelines 2009).
New/Develop/Upgrade	Enhancements to an existing asset or creation of a new asset to provide <u>higher service levels, or new service level/output</u> that did not exist beforehand. Also includes the extension/expansion of an existing asset to provide benefits to a new user group. May also increase the life of the asset beyond that which it had originally (AIFM Guidelines 2009).

References

International Infrastructure Management Manual 2011

Australian Infrastructure Financial Management Guidelines Version 1.0 2009



3. Strategic Asset Management Decision Making Matrix

Strategic decisions on asset management are made based on consideration of asset criticality and priority for action.

	Priority 1- Critical	Priority 2- Important	Priority 3- Aspirational/ Discretionary
Priority 1- Maintain			
Priority 2- Renew			
Priority 3- New/Develop/Upgrade			



Any decision that falls in the green section of the matrix is considered operational/business as usual.

- These decisions are automatically planned for and funded as part of the Annual Business Planning and Budgeting process.
- These decisions are automatically reflected in the Asset Management Plans and Long Term Financial Plan.
- Decisions made on renewal actions will consider all options and opportunities for more efficient and effective means of service delivery prior to investment.



Any decision that falls in the yellow section of the matrix is considered beyond operational/business as usual.

- These New Develop or Upgrade decisions are automatically referred to the 'new initiatives' process to be assessed and prioritised for action. This process is a critical element of the Annual Business



Plan and Budgeting process to ensure Council considers potential funding of prioritised initiatives as part of the setting of the budget.

- [As maintenance and renewal of Aspirational/Discretionary Assets is required, a more detailed assessment of the asset will be undertaken and decision sought from council as to whether the asset should be maintained, renewed or prioritized for disposal.](#)
- ~~These actions~~ [Priority three expenditure decisions](#) are not reflected in the Asset Management Plans or Long Term Financial Plan until Council has made a decision to implement the action.

REFERENCES

Local Government Act 1999

Community Plan – Towards 2040

Council Plan – Towards 2025

[Asset and Disposal of Land Assets Policy](#)

[Asset Accounting Policy](#)

[Asset Management Policy](#)

[Community Consultation Policy](#)

[Disposal of Assets other than Land Assets Policy](#)

[Procurement Policy](#)

[Prudential Management Policy](#)

PROCEDURE REFERENCE:

Acquisition and Sale of Land Assets Policy

- Roads Opening and Closing Policy

AUTHOR

Fiona Harvey

Formatted: Indent: First
line: 0 cm

Formatted: Indent: First
line: 0 cm



DATE

12 August 2014

**CITY OF MARION
GENERAL COUNCIL MEETING
14 July 2015**

ADJOURNED ITEM

Motion without Notice: **Councillor Bruce Hull**
Subject: **Warriparinga Site**
Ref No: **GC090615M02 (replaces GC140715R01)**
File No: **9.24.1.4**

At the General Council Meeting on 9 June 2015, the following Motion Without Notice was:

“adjourned until the 14 July 2015 General Council Meeting to allow for the provision of relevant information from staff to inform Council’s decision making process.”

MOTION WITHOUT NOTICE:

Moved Councillor Hull, Seconded Councillor Gard that Council:

Directs staff to advise DPTI that Council will not support or make any land available for any further encroachments into the Warriparinga site.

COMMENTS: Councillor Hull

Nil

COMMENTS: Rudy Tieman, Manager Infrastructure Projects

A Report has been prepared (Appendix 1) to present additional information regarding the land acquisition implications of the Darlington Upgrade Project on Warriparinga requested by Council to inform its Motion without Notice (GC 090615M02, Warriparinga Site).

A summary of the status of development of the Darlington Upgrade Project and Council’s input and involvement in this process as it affects Warriparinga has been prepared to assist Council in considering its adjourned motion.

**CITY OF MARION
GENERAL COUNCIL MEETING
14 July 2015**

ADDITIONAL INFORMATION

Originating Officer: Rudy Tieman, Manager Infrastructure Projects

Director: Kathy Jarrett

EXECUTIVE SUMMARY:

Council has prepared a detailed response on the Darlington Upgrade Project and the proposed alternative scheme which was sent to the Minister of Transport and Infrastructure as formal feedback. This response clearly stated Council's opposition to acquisition of land from Warriparinga. As a consequence of this and Council staff re-iteration of Council's position at recent meetings with officers from the Department of Planning, Transport and Infrastructure, DPTI are fully aware of and appreciate Council's concerns and objection to further intrusion on and acquisition of land from Warriparinga.

DPTI have advised that the land acquisition requirements, if any, are to be confirmed by the detailed design of current proposed scheme for the Darlington Upgrade Project which is about to commence. An objective in this design is to avoid, or if this is not possible, to minimize the intrusion of the project into Warriparinga.

Should DPTI proceed with the acquisition of land from Warriparinga, they are likely to do so by way of compulsory acquisition. This process of acquisition will be in accord with the South Australian Land Acquisition Act 1969 which provides scope for Council to object to and seek review of a decision to proceed with acquisition. The time lines associated with this process, if it goes ahead, will enable Council to engage wider support if needed and prepare and present its objections.

ANALYSIS:

The Department of Planning Transport and Infrastructure (DPTI) prepared an initial preliminary/concept design for this project in early 2014. This scheme was subsequently reviewed and an amended alternative scheme was released by the Minister of Transport and Infrastructure for stakeholder and community engagement in March 2015.

Council were presented with the details of the proposed alternative Darlington Upgrade Project and the process for its development by DPTI at the Elected Member's Forum held on 5 May 2015. The community impacts of the project were discussed and Elected Members drew attention to a number of issues and concerns which were noted by DPTI. These included encroachment and building over the Sturt River and incursion on Warriparinga and the Tjilbruke Trail.

Council subsequently prepared a detailed response on the Darlington Upgrade Project and the proposed alternative scheme which was sent to the Minister as formal feedback. This

response identified and described impacts and opportunities that need further and detailed investigation and clearly stated Council's position in relation to acquisition of land from Warriparinga, that there must be no further intrusion into Warriparinga.

The alternative scheme is the current scheme approved by the Minister and is the scheme that will progress to the next stages of detailed design and development. The scheme as shown provides an additional north bound lane off the Southern Expressway to provide an off-ramp from the Expressway to the proposed western South Road service road. This ramp takes up additional space to the north of the existing Expressway structure and would in its current design take up remaining road reserve corridor and some Warriparinga land adjacent to the current property boundary. A DPTI plan of the scheme has been provided for information (a copy is pinned on the notice board in the EM room).

Council staff have re-emphasised Council's requirement of no further intrusion into Warriparinga at recent meetings with DPTI. In discussions at these meetings DPTI acknowledged that they are aware of and appreciate the Council's and the Friends of Warriparinga's position. They advised that the concept design as it is now is only preliminary and may alter with detailed investigation and design which is about to commence. DPTI also advised that they will require the consultants undertaking the detailed design of the project to look at design and alignment options to avoid and/or minimise the impact on Warriparinga.

The extent of incursion and land acquisition, if any, will not be known until this next stage of investigation and design is sufficiently advanced to confirm the road geometry. DPTI indicated this will be at least two months away. There will be opportunity for further discussion, negotiation, representation etc. by Council once we know what this impact will be and if DPTI intends to proceed with land acquisition.

In the event that DPTI do wish to proceed with the acquisition of land from Warriparinga, they are likely to do so by way of compulsory acquisition. The other process of acquisition is sale by agreement which is under the circumstances highly unlikely. Both processes are briefly explained below.

1. Sale by Agreement

The land at Warriparinga is classified as Community Land under the Local Government Act 1999. Community Land cannot be disposed of unless the Community Land classification has been revoked. This requires Minister's approval and is a 15 to 18 month process. In seeking a revocation of the Community Land classification, the community must be given the opportunity to make submissions which Council must consider prior to disposal of the land. Council must determine (in consultation with the community) whether the community's long term interest in the land needs to be protected. Council cannot enter into any contracts of sale until the Minister's approval is granted.

2. Compulsory Acquisition

The Land Acquisition Act 1969 provides the process for the compulsory acquisition of land by an Authority such as DPTI. The Act requires the Authority to give an explanation for the reasons of acquisition, if requested to do so by written notice once the notice of intention to acquire the land is served.

Following this there is a right to object and by written notice request the Authority not proceed with the acquisition land, or request that a particular part not be acquired, or that further land be acquired. It also advises grounds for objection, which in relation to Warriparinga would be that the acquisition and the carrying out of the purpose of the acquisition causes serious impairment of a site of historic interest, cultural significance and scenic beauty; it may prejudice other public interest which we would need to qualify.

There is also a right of review if the Authority advises that the request not to acquire is refused. Council would, following written notice of this decision, apply in writing to the Minister of Transport and Infrastructure for a review of this decision. The Minister determines the manner and form of the application for review and the process for the conduct of the review.

The Community Land classification is automatically removed by the compulsory acquisition process. The time from serving of notice of intention to acquire to publication of notice of acquisition in the Government Gazette is at least three months. There would however be earlier advice of intended land acquisition if, and when, this was confirmed by the detailed design.

In light of Council's strong opposition to any further impact and intrusion into Warriparinga, the relatively short timeline (end 2018) for completion of the project and the requirement for extensive community consultation to revoke Community Land classification if sale is by agreement; compulsory acquisition will be the process DPTI are likely to use should they require additional land along the property boundary with Warriparinga. This process will nevertheless provide time and opportunity for Council to present its objection to the acquisition, engage and represent community and stakeholder support and formally seek reconsideration by the Minister of this intention.

CONCLUSION:

DPTI are fully aware of and appreciate Council's concerns and objection to further intrusion on and acquisition of land from Warriparinga.

If, after detailed design investigation, DPTI confirm they are going to proceed with the acquisition of land from Warriparinga, they are likely to do so by way of compulsory acquisition. This process of acquisition will be in accord with the South Australian Land Acquisition Act 1969 which provides scope for Council to object to and seek review of a decision to proceed with acquisition. The timelines associated with this process, should it proceed, will enable Council to engage wider support if needed and prepare and present its objections.

**CITY OF MARION
GENERAL COUNCIL MEETING
14 July 2015**

Originating Officer: Victoria Moritz, Governance Officer
Corporate Manager: Craig Clarke, Acting Manager Governance
Director: Kathy Jarrett
Subject: Deputation – Marion Bowling Club
Ref No: GC140715D01

SPEAKERS:

Jeff Allen

ORGANISATION/GROUP REPRESENTED BY SPEAKERS:

Marion Bowling Club

COMMENTS:

Jeff Allen, President of the Marion Bowling Club has requested to give a deputation to Council in relation to the installation of a solar panel system on the roof of the Marion Bowling Club at the Marion Sports and Community Club complex.

**CITY OF MARION
GENERAL COUNCIL MEETING
14 July 2015**

Originating Officer: Victoria Moritz, Governance Officer
Corporate Manager: Craig Clarke, Acting Manager Governance
Director: Kathy Jarrett
Subject: Deputation – Telstra
Ref No: GC140715D02

SPEAKERS:

Mark Baade – SK Planning (Consultant representing Telstra)

ORGANISATION/GROUP REPRESENTED BY SPEAKERS:

Telstra

COMMENTS:

Mark Baade, on behalf of Telstra, has requested to give a deputation to Council in relation to the Telecommunications Tower at Kellett Reserve.

**CITY OF MARION
GENERAL COUNCIL MEETING
14 July 2015**

Originating Officer: Victoria Moritz, Governance Officer
Corporate Manager: Craig Clarke, Acting Manager Governance
Director: Kathy Jarrett
Subject: Deputation – Mr Matt Luker
Ref No: GC140715D03

SPEAKERS:

Matt Luker

ORGANISATION/GROUP REPRESENTED BY SPEAKERS:

Party in the appeal with the City of Marion against Telstra in the ERD Court Proceedings for the original proposal at 142 Morphett Road, Glengowrie.

COMMENTS:

Mr Matt Luker, has requested to give a deputation to Council in relation to the Telecommunications Tower at Kellett Reserve.

**CITY OF MARION
GENERAL COUNCIL MEETING
14 July 2015**

Originating Officer: Victoria Moritz, Governance Officer
Corporate Manager: Craig Clarke, Acting Manager Governance
Director: Kathy Jarrett
Subject: Deputation – Ms Shelly Roach
Ref No: GC140715D04

SPEAKERS:

Shelly Roach

ORGANISATION/GROUP REPRESENTED BY SPEAKERS:

Resident

COMMENTS:

Ms Shelly Roach has requested to give a deputation to Council in relation to the Telecommunications Tower at Kellett Reserve.

**CITY OF MARION
GENERAL COUNCIL MEETING
14 July 2015**

Originating Officer: Mark Gibson, Team Leader Land & Property

Corporate Manager: Peter Patterson, Manager Open Space & Facilities

Director: Abby Dickson (Acting Director)

Subject: Marion Bowling Club Inc. Landlord's approval for Solar Panel Installation, 262 Sturt Road, Marion, CT Volume 6063 Folio 665.

Report Reference: GC140715R02

REPORT OBJECTIVES:

The objective of this report is to obtain Council approval, as landlord, for the installation of a Solar Panel System on the roof of the Marion Bowling Club at the Marion Sports and Community Club complex, 262 Sturt Road, Marion.

EXECUTIVE SUMMARY:

Under the terms of the lease agreement with Marion Sports and Community Club Inc (MSCC) and the sub-lease agreement with Marion Bowling Club (MBC), it is the Club's responsibility to obtain landlord's approval prior to any improvement works being undertaken on the building. The MBC has requested that Council provide landlord's consent for the installation of a 120 Panel Solar System on the roof of the building.

The improvement works are subject to the Club being successful in their grant application to the Office of Recreational and Sport. The MBC has obtained consent from the MSCC as the Head Lessee. The total cost of the works is \$38,821. The MBC is committing \$20,821 of their funds towards the works and has submitted a grant application to the Office for Recreation and Sport is for \$18,000. Landlords approval for works may be approved under delegated authority under section 36(1)(c) of the Local Government Act 1999, if the works are under \$20,000 and meet the criteria. However as the MBC proposed works are quoted at \$38,821 the proposal has been brought to Council for consideration.

As part of the approval process, an investigation into the condition of the MBC roof has occurred, the investigation has identified that the existing roof requires renewal works estimated at \$34,300 and these works need to be undertaken prior to any future improvement works including the installation of a solar panel system. This work can be reprioritised and undertaken as part of the existing 2015-16 budget for minor capital renewal works, therefore having no impact on the adopted 2015-16 budget.

RECOMMENDATIONS (2)

DUE DATES

That Council:

1. **Grant landlord's consent to the installation of a Solar Panel System at Marion Bowling Club, 262 Sturt Road Marion, Certificate of Title Volume 6063 Folio 665.**

July 2015

2. authorises the Acting CEO to approve any works required to facilitate the installation of a Solar Panel System on the roof of Marion Bowling Club at the Marion Sports and Community Club.

July 2015

BACKGROUND:

The MBC is situated within the MSCC complex. The MSCC holds the Head Lease for the whole facility which expires in 2016 and MBC holds a sub-lease over the Bowling clubrooms and greens are which is currently within a holding over period.

Under the terms of the lease agreement with MSCC and the sub lease agreement with MBC, it is the Club's responsibility to obtain landlord's approval prior to any improvement works being undertaken on the building. The MBC has obtained consent from the MSCC as the Head Lessee. The MBC has requested that Council provide landlord's consent for the installation of a 120 Panel Solar System on the roof of the building.

The improvement works are however subject to the Club being successful in their grant application to the Office of Recreational and Sport. The total cost of the works is \$38,821. The MBC is committing \$20,821 towards the works and has submitted a grant application to the Office for Recreation and Sport for \$18,000. Landlord's approval for works may be approved under delegated authority under section 36(1)(c) of the Local Government Act 1999, if the works are under \$20,000 and meet the criteria. However as the MBC proposed works are quoted at \$38,821 the proposal has been brought to Council for consideration.

The MBC Solar Panel project is dependent on a successful application to the Office for Recreation and Sport grants program. It is unlikely the MBC will proceed with the Solar Panel System installation if the application is unsuccessful. The MBC have advised that a smaller Solar Panel System would have limited benefit.

As part of the approval process, a Council investigation of the condition of the MBC roof has identified that the roof requires significant renewal works and these works should be undertaken prior to any improvement works including the installation of the Solar Panel System. Under the terms of the current lease and sub-lease agreements, Council is responsible for undertaking these renewal works.

ANALYSIS:

The MBC is proposing to install 120 Solar Panel System at the premises. The installation of Solar Panel System is anticipated to support the long term sustainability of the Club by providing a saving in the order of \$10,000 per annum. The typical lifespan of a solar panel is estimated at 20 years. As part of the lease agreement, the MBC is fully responsible for all utility costs for the building. The Club is currently up to date with all payments to Council.

The MBC, situated within the Marion Sports and Community Club complex is the subject of an endorsed master plan. Under the master plan the current building in which the MBC resides would be demolished and replaced. However it is considered that the delivery of the master plan aspirations for the Marion Bowling Club site is likely to be a number of years away and therefore replacement of the existing roof would support the Club in both the short and medium term.

Under the terms of the approval process the MBC will be responsible for the repair, maintenance and renewal of the solar panels. Should Council subsequently demolish the

building at any stage in the future, Council will not be liable for the removal or reinstatement of the solar panel system.

Roof Condition

The MBC roof has had a number of repairs completed over the years and the original roof sheeting is now made up of various sheet profiles of varying ages.

In 2007, a building condition audit described the roof as “Average” – the material is generally in sound condition with some areas of damage or deterioration. This building condition report also indicated that the lifespan of the roof at that time was estimated at 5-15 years.

In response to the MBC request, a structural engineering report undertaken in February 2015 recommends that the main section of the roof be replaced or as a minimum requirement, that the more severely rusted sheeting be replaced prior to any improvement works are carried out.

The report identified a small section of the roof that is adequate in its present state for installation of solar panels however this area is not large enough to hold the 120 Solar panels that MBC proposes.

The report identified the following issues:

- Severe rusting of some steel roof sheeting - estimated at 10-15% of the whole roof area
- Small areas of longitudinal overlap sections have completely rusted through
- The remaining steel sheeting appears to be near the end of its useful life with noted deterioration of the galvanizing
- The fit of the overlap of sheeting joins is in poor condition – due to the varying profiles of roof sheeting used

Financial analysis

To restore the roof to a suitable condition prior to any improvement works undertaken by the MBC. There are three options available for consideration:

Option 1 – A total renewal of the existing roof sheeting and flashings. (Recommended)

The total cost to complete this work is estimated at \$34,300 (Exc GST). This option will provide a continuous roof surface which will ensure the water tightness of the building and provides an adequate roof surface for the solar panels.

Option 2 – A Partial replacement of the existing roof sheeting and flashing. (not recommended)

The total cost to complete this work is estimated at \$23,760 (excl GST). This option includes the replacement of 10m of the roof sheeting displaying the worst condition. There are complications in completing this option including attempting to match the existing roof sheet profile. In addition, the remaining roof would need to be replaced in the short term.

Option 3 - Supply and install 5 roof cappings over existing roof. (not recommended)

The total cost to complete this option is estimated at \$4,450 (excl GST). However repairs to flashings where required are considered likely to decrease the life of the existing roof sheeting as water can collect between the capping and the existing roof surface and encourage further rusting.

This work can be reprioritised as part of the existing 2015-16 budget for minor capital renewal works, therefore having no impact on the adopted 2015-16 budget.

Development Services

Development Services has advised that there is no requirement for a Development Application for the Solar Panel installation as the panels are to be installed flat and within 100mm of the roof surface.

Environmental Impact

The installation of solar panels on the MBC contributes to achievement of the City of Marion's Community Plan biophilic theme by reducing the community's carbon footprint and minimising impacts on the climate. The MBC solar panel system is anticipated to produce on average 130kw hours of power per day which would power 5 average homes per day and offset 100kg of carbon per day.

Social Impact

The MBC caters for 15,000 to 20,000 people per year engaged in competitive pennant competitions, State and club tournaments, social bowling activities, catering of meals for the local community, hiring club facilities for wedding receptions, birthday and engagement celebrations, corporate functions, etc. The savings in utility costs of approximately \$10,000 per year will support the Club's long term viability and enable greater investment by the Club into programs and activities for members and the wider community.

CONCLUSION:

The provision of landlord consent for the installation of solar panels at the MBC will deliver both environmental and social benefits. The initiative requires no additional financial commitment from Council other than the reprioritisation of planned minor capital renewal works.

**CITY OF MARION
GENERAL COUNCIL MEETING
14 July 2015**

Corporate Manager: John Valentine , Manager Strategic Projects
Director: Abby Dickson (Acting Director)
Subject: Telecommunications Facilities at Kellett Reserve
Report Reference: GC140715R03

REPORT OBJECTIVES:

To inform Council on the outcomes of the community consultation undertaken regarding the installation of a telecommunications facility on Kellett Reserve and to recommend that further community consultation occur.

EXECUTIVE SUMMARY:

At the 28 April 2015 General Council meeting, Council supported progressing negotiations to enter into a commercial lease with Telstra for the installation of a telecommunications facility on Kellett Reserve subject to Development Approval and community consultation. The potential community outcomes associated with revenue from the lease being reinvested back into the Morphettsville Park Sports Club (MPSC) were taken into account in reaching this position. Kellett Reserve was considered as a more appropriate site than 142 Morphetts Road given residential properties were not directly adjacent the area where the facility would be installed and existing trees would help to minimise the visual impact of the tower. Telstra have worked with Council staff in engaging with the community regarding Kellett Reserve.

The community consultation undertaken regarding Kellett Reserve as a potential location for a telecommunications facility indicated there is community opposition to this development. This included:

- Representations to DAP against Telstra's Development Application;
- A petition with 168 signatures opposing the development; and
- Feedback at the 15 June 2015 community forum.

The consultation identified that residents understood a telecommunications facility will be installed in the area and their preference is for alternative sites to be considered where the impact on residential amenity is further reduced.

On 1 July 2015, the DAP considered and approved Telstra's development application for the telecommunication facility for Kellett Reserve as it was not seriously at variance with the Council's Development Plan, and sufficiently complied with the relevant provisions of the Development Plan. Regardless of the DAP approval this development cannot proceed without Council approval to enter into a commercial lease with Telstra.

With the above outcomes, discussion commenced regarding the opportunity to undertake broader consultation across the facility catchment area to identify a location of least residential impact. Telstra have indicated they do not intend to allocate any further resources in community consultation regarding alternative sites having worked in good faith regarding

Kellett Reserve. Telstra have submitted a request to Council to provide a deputation at the 14 July 2015 General Council meeting.

This report outlines an approach for Council's consideration which recommends Council write to Telstra informing them of Council's preference for broader consultation to occur to identify a site which has the least impact on the amenity of residential properties which includes further analysis of Kellett Reserve.

RECOMMENDATIONS (3)

DUE DATES

That Council:

- | | |
|--|----------------|
| 1. Write to Telstra informing that Council at this point in time is not in a position to make a decision regarding entering into a commercial lease on Kellett Reserve. Rather, Council would prefer to undertake further community consultation to identify a location which has the least impact on the residential community. | July 2015 |
| 2. Subject to Telstra's agreement, endorse that further community engagement be undertaken to identify a site with the least residential amenity impact including further engagement with the Morphett Park Sports Club. | July 2015 |
| 3. Should further community consultation occur, require a report be brought back to Council detailing the outcomes of the further consultation undertaken and assessment of alternative sites. | September 2015 |

BACKGROUND:

In March 2014, Telstra applied for Development Approval for a telecommunications facility, incorporating a monopole with a total height of 31.16 metres above ground level, to be installed on a car sales yard located at 142 Morphett Road, Glengowrie.

The development application was refused by Council's Development Assessment Panel (DAP) at its meeting held on 3 September 2014 due to the significant visual impact the development would have on the amenity of the surrounding residential properties. Telstra lodged an appeal with the Environment, Resources and Development (ERD) Court against this decision in November 2014. The appeal is currently on hold pending investigation of alternative sites for the proposed facility.

Following discussions between Council staff, Telstra and the MPSC, a feasible alternative site was determined to be Kellett Reserve, located on Denham Avenue, Morphettville. All parties understood that the suitability of this site would be subject to community consultation and Council approval.

At the 28 April 2015 General Council meeting Council supported progressing negotiations to enter into a commercial lease with Telstra for the installation of a telecommunications facility on Kellett Reserve subject to Development Approval and community consultation. Council reached this position due to the positive community outcomes achieved from lease revenue being reinvested back into the MPSC. A reserve was also considered a better location than the 142 Morphett Road site.

At the 9 June 2015 General Council Meeting, Council passed the following resolution (GC090615M01):

The Council report considering the commercial lease to Telstra for a telecommunications tower at Kellett Reserve include details of further community feedback from residents surrounding both of the sites for which development assessment approval has been sought.

Further that an assessment is prepared by staff of the impacts and consequences of locating such a facility at each respective location.

This resolution recognised the need for all stakeholders to be engaged in a process to identify a location which has a lower impact to residential amenity.

On 1 July 2015, the DAP considered and approved Telstra's development application for the telecommunication facility for Kellett Reserve as it was not seriously at variance with the Council's Development Plan, and sufficiently complied with the relevant provisions of the Development Plan.

This report provides Council with the results of the community consultation undertaken for the proposed installation of a telecommunication facility on Kellett Reserve. This feedback is considered alongside the feedback received during the consultative processes undertaken for the Development Application lodged by Telstra for 142 Morphet Road, Glengowrie. Telstra's appeal for this original site is currently on hold. An assessment of the two sites is also provided in response to the Council resolution passed at the 9 June 2015 General Council meeting.

The report outlines alternative options for Council's consideration as result of the outcomes from the community consultation undertaken.

DISCUSSION:

The following groups of people have been identified as being the key stakeholders in identifying a potential site for the development:

- Residents surrounding 142 Morphet Road, Glengowrie
- Residents surrounding Kellett Reserve
- MPSC Committee Members
- Elected Members
- Telstra

The objectives of the consultation undertaken over the period of May to June were:

- To engage with the community and Telstra to identify an alternative site to 142 Morphet Road given the significant negative impact this development could have on the amenity of residential properties; and
- To explore the possibility of Kellett Reserve where the MPSC had expressed interest in leveraging positive outcomes for the Club in improved lighting and clubroom facilities.

The community feedback received during this period, coupled with the feedback received during the Development Application process for 142 Morphet Road, has highlighted the need for further assessment of potential sites and engagement with all stakeholders.

142 Morphett Road, Glengowrie – Community Feedback

The community consultation undertaken to date regarding this location has been in line with Development Assessment notification processes. The development was a Category 3/Consent form of development, whereby owners and occupiers of adjoining and nearby land were notified of the proposal.

Council received 19 representations against the development application, 0 in favour of the development application and a petition. The petition was presented to Council at the 22 April 2014 General Council meeting and contained 147 signatures opposing the development.

The key area of community concern for the development application was the negative impact on the amenity of residential properties.

Kellett Reserve – Community Feedback

Community consultation regarding Kellett Reserve involved two streams of consultation; development approval notification processes, and the other associated with Kellett Reserve being located Community Land and Council entering into a commercial lease with Telstra. Outcomes from the various engagement processes are detailed below.

The development application for Kellett Reserve received 9 representations, 8 being against and 1 in favour of the proposal.

A petition was presented to Council at the 9 June 2015 General Council meeting which contained 168 signatures opposing the development.

A public notice informing residents of the proposed lease with Telstra and requesting feedback was placed in *The Messenger* on 13 May 2015, and displayed in the Libraries and Council's Administration Centre for the period of 3 weeks. No feedback was received via the email address provided on this notice.

A Community forum was held on Monday 15 June at 7pm at the Morphettsville Sports Park Club rooms and was attended by 46 residents. This represented a 20% participation rate with 229 surrounding residents being invited via a letter box drop. The purpose of the community forum was to facilitate a process where community feedback could directly inform Council's decision regarding the potential commercial lease with Telstra on Kellett Reserve.

The key concerns raised at the forum included:

- Residents were not convinced about the health and safety information provided by the EPA and wanted some assurances regarding health impacts;
- Residents wanted some guarantee that the income from the telecommunication facility would be redirected to the Club;
- Residents wanted to see a visual artist impression of the exact tower proposed;
- There was concern about children being in close proximity to the facility; and
- Residents generally understood the need for the facility but would like a different location considered.

A full report of all feedback received at the forum is attached as appendix A of this report.

At the conclusion of the forum the 46 participants were provided evaluation forms which included asking participants to rate their overall support for the commercial lease and the future plans of the MPSC. 21 forms were returned with the following results:

Overall, what is your level of support for the Commercial Lease proposal?

Support	Undecided	Do not support
3	8	10

Overall, what is your level of support for the future plans of the Club?

Support	Undecided	Do not support
17	4	0

The above results indicate there is a high percentage of respondents who remain undecided which supports the recommendation for further consultation to occur. There was willingness from participants at the forum to work with Council to find an alternative location.

Assessment of the two locations

The potential tower locations of 142 Morphett Road and Kellett Reserve have impacts that can be compared. The table below is provided as a summary of the two location and their relative impacts. Appendix 3 provides an aerial map of the two sites.

Criteria	142 Morphett Road	Kellett Reserve
Residential amenity	Significant impact with no street or land buffer between the development and surrounding residential properties	Lesser impact due to the buffer the reserve and streets provide between the development and surrounding properties
Telecommunication benefit	Improved coverage and transmission	Improved coverage and transmission
Community benefit	Nil	Source of funds to improve sports infrastructure Improved lighting to Kellett Oval Improved change room and related facilities

Alternative Approach

Appendix 2 to this report outlines the area in which Telstra is seeking to install a facility. It is proposed that the community consultation is undertaken within this catchment area.

The following engagement methods would be applied;

- An information fact sheet will be letter boxed dropped outlining the reasons why Council is wishing to engage with residents to identify a potential site for a telecommunications facility. The fact sheet will invite residents to attend a forum on the matter;
- 2 x Community forums to be scheduled in August.
- Further engagement be undertaken with MPSC members to address the high number of undecided participants in the workshop

This approach will ensure all stakeholders are involved in the process and that the matter is considered within the context of the whole catchment area.

If Council resolves not to undertake any further community consultation, and Telstra do not agree to this approach, it is likely Telstra will pursue the appeal on the Development Application for 142 Morphet Road. In the event of the appeal being progressed Council will be obliged to defend its decision before the ERD Court. In the past 10 years all telecommunication facility applications refused by Councils and appealed have been approved by the ERD Court. Council could also undertake an representation role in opposing the development at 142 Morphet Road, Glengowrie (as a separate matter to the appeal).

Telstra have communicated with Administration they are not in favour of consulting further with the community about alternative sites. Telstra are of the view that Kellett Reserve delivers a better outcome than 142 Morphet Road given the development received fewer objections and has received development approval consent. They do not wish to commit any further resources to exploring alternative sites given they likely to receive similar objections to Kellett Reserve.

Social / Cultural Impact

There is a high level of risk that Telstra may be successful in the appeal against the DAP decision regarding 142 Morphet Road, Glengowrie. Similar appeals lodged by telecommunication companies have been successful. This would result in a very poor outcome for the community members residing adjacent the 142 Morphet Road site.

It is on this basis that it is recommended that Council work with all stakeholders within the catchment area for the telecommunications facility to collectively identify a site which has the least impact to residential amenity.

Approval Processes

Regardless of the DAP approval of the development application for the installation of telecommunications facility on Kellett Reserve this development cannot proceed without Council approval to enter into a commercial lease with Telstra.

Any alternative sites identified through further community consultation would be subject to Telstra's agreement, the required development assessment processes, community consultation and relevant Council approvals.

Financial Analysis

The resources required to undertake the consultation will be covered within existing operational budgets.

In the event that further consultation identifies a location which is on Council owned land the potential still exists for Council to enter into a commercial lease with Telstra resulting in additional income stream for Council which can be reinvested into the community.

The following draft lease terms have been negotiated with Telstra for the Kellett Reserve Location:

- Annual rent of \$18,000 plus 3% indexation.
- Lease Term: 10 years with 2 rights of renewal of 5 years.

This would result in providing Council with an income of \$483,667 over a 20 year period.

Telstra have indicated that they are open to investing funds to improve community infrastructure. This was evident in their agreement to invest funds in the MPSC to cover the costs for the relocation of the existing light tower, installing lights on the phone tower and upgrading the power distribution board to accommodate the additional lighting.

Telstra are also open to providing funds toward community art or landscaping if deemed appropriate and/or feasible.

CONCLUSION:

The installation of telecommunication facilities within residential areas is a significant public issue. This type of development has significant impacts on the amenity of surrounding residential properties. It is a complex issue because facilities are considered essential infrastructure and their installation is facilitated by the Federal Telecommunications Act. The approach outlined in this report to invite Telstra to work with Council seeks to provide a holistic approach that will identify a location which has the least impact to residential properties by involving all stakeholders in finding a solution.

Appendix 1: Community Engagement Report

Appendix 2: Catchment area for Telecommunications Facility

Appendix 3: Aerial view of Kellett Reserve & Morphett Road sites

Appendix 1



Kellett Reserve, Morphettville

FINAL CONSULTATION FINDINGS

June 2015

Contents

1. Introduction	Page
2. Consultation Methodology.....	Page
3. Consultation Findings.....	Page
3.1 Summary of comments - Community Lease.....	Page
3.2 Summary of comments - Vision for the Club.....	Page
3.3 Evaluation of community engagement process	Page
4. Appendices.....	Page

1. Introduction

This report summarises the community consultation undertaken on Telstra application to the City of Marion to lease part of Kellett Reserve, Morphettville, on which to build a telecommunications tower. Telstra is seeking a 20-year lease, which could generate an estimated \$15,000 to \$18,000 a year in income.

Should the lease be agreed, Council could invest some of the funds into Morphettville Park Sports Club. The club is seeking to upgrade its clubrooms and install lights.

The tower is proposed to be located in the north-west corner of the reserve and stand 31.94 metres tall. In making a decision, the City of Marion wants to achieve the best outcome for the community.

The purpose of community engagement was to work together with community and Telstra to find a location for a telecommunications facility that has a reduced impact and could potentially bring community benefit as well.

At the time of this engagement the Development Assessment Panel had a report due to be presented to the 1 July 2015 DAP meeting considering the planning application from Telstra. This was a separate process managed by the independent Panel relating only to the planning requirements of the telecommunications facility.

The outcomes of the Commercial Lease community engagement process will be presented to Council for decision making 14 July 2015.

2. Consultation Methodology

The community consultation information provided included:

- Website information
- Messenger article
- Direct invitation to a Listening Forum to 229 properties surrounding the site
- Facts sheets with Questions and Answer provided with invitation
- A facilitated session was held on Monday 15 June at 7pm at the Morphettville Sports Park Club rooms

Community were invited to hear more about:

- Background of proposal
- How the community lease process works
- Telstra's Application
- The Morphettville Park Sports Club's vision for Kellett Reserve
- The health implications of telephone towers from the EPA

The purpose of the engagement was to facilitate a process where community feedback could directly inform Council decision making. Our aim was to conduct an interactive session where people could directly provide feedback and Council staff could record comments verbatim. This was the preference over an information/presentation style during our engagement planning.

We invited people in close proximity to the proposed location to ensure those directly affected had the highest opportunity to participate.

We also aimed to make sure there were a number of ways people could make contact with council by providing a direct email, online RSVP option and a contact phone number included on the invite.

The Morphetville Park Sports Club was chosen to ensure that it was convenient and relevant for the people directly affected, however, some suggestions were made that the venue would have been better in a neutral place.

To help participants review the matters presented to Council we provided a copy of the report to be considered by Council as soon as it was publicly available. (10 July 2015)

The format of the Listening Forum was as follows:

7.00pm Welcome	
Presentation	<ul style="list-style-type: none"> • Council staff • Telstra • Morphetville Park Sports Club • EPA
Break out into tables of 8-10	Facilitated by council staff
Work as groups to capture and record all community feedback	Community members
Conclude group work and discuss next steps	Council staff
8.30pm Thank you and close	

3. Consultation Findings

As a summary, during the consultation period Council received:

- A petition was received with 168 signatures
- 46 attendees at workshop
- 2 emails received post the Listening Forum
- 229 surrounding residents were directly invited and 46 were in attendance giving us a participation rate of 20%

An evaluation form was provided to participants and of 46 people in attendance we received 21 forms back completed giving us a response rate from the people that participated in the workshop of 45.6%

Responses to questions asked were as follows:

1. Overall, what is your level of support for the Commercial Lease proposal?

Support	Undecided	Do not support
3	8	10

2. Overall, what is your level of support for the future plans of the Club?

Support	Undecided	Do not support
17	4	0

3.1. Summary of comments relating to the Commercial Lease

Common themes emerging from all the tables regarding the Commercial Lease was as follows:

- People were not convinced about the health and safety information provided by the EPA and wanted some assurances regarding health impacts
- People wanted some guarantee that the income the telecommunication tower would come to the Club
- People wanted to see a visual artist impression of the exact tower proposed
- There was concern about children being in close proximity to the tower
- People generally understood the need for the tower but would like a different location considered

3.2. Summary of comments relating to the vision of the Morphettsville Park Sports Club

Common themes emerging from all the tables regarding the vision for the Club was as follows:

- People generally supported the vision of the club and acknowledged the importance of an active and healthy lifestyle in their community
- People also commented Council should be supporting the funding of the Club irrespective of the tower being erected
- People acknowledged the need for the expansion the Club identified in its presentation

3.3. Summary of comments relating to the community engagement process

The evaluation form that was provided to participants also asked people what they thought of the process.

Responses to questions asked were as follows:

3. Overall, was the presentation of information clear?

Clear	Undecided	Unclear
16	4	1

4. How much opportunity were you given to participate and ensure your ideas were heard?

Enough	Undecided	Not enough
17	0	4

Common themes relating to the engagement process

- *The process should have happened before DPA*
- *More question and answer session style with experts*
- *More time with technical experts*
- *Could have been held in a neutral location*
- *I think it was conducted well*

Appendices

Appendix 1 – Community raw data provided table by table

Table A

Lease proposal comments

- *Letter – 9 submissions + petition – will the petition be considered as part || get back to residents re answer*
- *If Morphett St site is still in contention, this is more suitable than a sporting reserve*
- *Not convinced about information presented by EPA*
- *Not concerned about the height of the tower, but more about the lower structure and the fencing being placed around it – visual impact not good*
- *Whilst people saying no reduction in value of property, it will not add to the value of property*
- *Aesthetics = 'squished' on the edge of the oval. Could definitely be a reduction in property value*
- *Concerned about the health aspects of the tower*
- *Other land would be better e.g. alongside Sturt Creek or the area between the wetlands and the army camp barracks*
- *The Council has a duty of care to people, especially for our children and grandchildren. The council could be liable if this duty of care is not managed*
- *Consider army barracks or bus depot*
- *The safety aspects are most important and then visual amenity*
- *Is this the 'thin edge of the wedge' and will another tower be considered on another part of the land e.g. Optus*
- *Will any trees be cut down as a result of the tower.*
- *There is no guarantee the club will get the money from the lease*

Table A

Morphettville Sports Park Club vision comments

- *Would like to see the club prosper*
- *The vision of the Club doesn't seem too drastic*
- *If I was the president I would like to see the club have \$\$*
- *The club is fantastic, the things it provides for people, especially children would be a shame to have a Telstra Tower*
- *Its up to the membership of the Club, consider sponsorship of something like this*
- *No objections to the Club expanding but do not wish for this to occur through the \$\$ of commercial lease*
- *Are there other alternatives to the \$\$ needs than a tower*
- *This meeting should have been held in a neutral place*

Table B
Lease proposal comments

- *Is the location fixed?*
- *What effects on television coverage*
- *Queried 142 pros and cons*
- *Opposite Denham shops Reserve – why not there?*
- *Could Sturt Creek be considered?*
- *Council should be funding Club regardless of the tower*
- *What funding does club get from Council*
- *Need to be convinced about emissions from the tower*
- *Why is a tower needed? What would improve?*
- *Everyone wants better reception where do we put the infrastructure*
- *Who sets the \$\$ for the lease*
- *Is the pole protected at ground level to prevent kids running around*
- *Kellett Reserve tower location better than Morphet Road*

Table B
Morphettville Sports Park Club vision comments

- *How does the tower relate to the Club?*
- *Where would netball courts be located?*
- *Go for it*
- *Club needs to expand*
- *Expansion shouldn't be tied to the tower*
- *Agree with everything Justin said, bring the netball back*
- *Positive about the light*
- *Council should be funding regardless*
- *Club needs the facilities*

Table C**Lease proposal comments**

- *Want absolute guarantee that \$ comes to club*
- *\$15-18k too little*
- *Wrong place to begin with community sensitive location*
- *Lets council off the hook not giving club any money*
- *Seems dangerous to have near football club particularly with kids playing*
- *Perceived health risk even if not real*
- *Husband (1958) started club → would not be happy*
- *Furious when told about it*
- *Don't trust that govt/council will do what they say they are going to do*
- *What happens if club doesn't agree*
- *High use for children on playground and oval and barbeque*
- *Changing area – much younger families*
- *Would not live here if there was a phone tower*
- *More sensitive change of location on site – but that's near my house*
- *With more homes being built on site, more towers will be needed*
- *What will tower look like?*
- *What hazard signs?*
- *What about vandalism of the tower?*
- *Only weeks notice not enough*
- *Poor council meeting held on same night our councillors should be here representing us*
- *Impact on house prices*

Table C**Morphettville Sports Park Club vision comments**

- *Club should raise some of the money themselves given the number of members*
- *Problems already with parking*
- *Combine tennis/netball courts*
- *Good idea to upgrade definitely needs upgrading*
- *They need the facilities we all agree*
- *It has to look further than upgrading, needs more of a holistic approach*
- *With the upgrade they need parking*
- *More costly with \$ from Telstra can provide*
- *Will the Telstra \$ go to the Morphett St owner if Kellett does not go ahead?*
- *Will Council provide club money if the tower does not go on site?*
- *How will we be told outcome of this process?*
- *Replying to invitation only by internet (not good) need more options*

Table D
Lease proposal comments

- *For the sake of 18-20k there are other ways Council can find savings/additional funds for the community*
- *ROI if not viable*
- *If trees are good for hiding tower would it be better located on other side of tennis courts where there are more trees*
- *Lights will make more visible*
- *Trees only obscure to certain height*
- *When lights were erected had limit – imposed by council – why now only 32 metres allowed, is this changing rules?*
- *Why cant it be located on substation when DA for Morphett Rd location was identified in council response*
- *Could we have an artist impression*
- *Does it have to be on Kellett Reserve – can it be located elsewhere on council land and still receive funds?*
- *Can it be located near cricket nets?*
- *How do we know the \$ from lease will go to the club – how do we obtain transparency*
- *World health organisation has information on Tower*
- *This can be very emotive – what is the absolute on the health risk – mixed information*
- *Want to see visual impact – width, height*
- *There are views that contradict themselves re health*
- *How does it impact on values of houses/property*

Table D
Morphettville Sports Park Club vision comments

- *Regardless of facts – there is a perception which will negatively impact on Club – this could impact on the club*
- *How will extension of club room fit in with the tower infrastructure*
- *South Adelaide Club – has 2 junior club training wouldn't they worried on impact on children*
- *Can the club receive the funds to upgrade facilities of where the tower is located*
- *Can council consider other sources of funding which can support the club*
- *Object placing lights on mobile tower as it will illuminate the tower which will negatively impact on appearance/amenity of the reserve*
- *The light will obscure the tower when lights are on at night you will see the tower*
- *What vision will exist for the club if no kids are playing*
- *Not sure the tower will scare kids away*
- *Could the top of the tower be treated similar to the Parkholme shopping centre (Providing proof of health and safety)*
- *Why has community consultation occurred after DAP*
- *We would have valued this type of rum earlier and wit the sporting club – sporting club specific forum only would have been valuable*
- *The process with consultation for DAP and lease has been confusing and disengaged community members*

Table E**Lease proposal comments**

- *Health concerns 3 kids under 5*
- *Living very close to oval and not enough results to provide certainty regarding radiation levels*
- *Closest resident to tower worried about safety, just built house, detracts from property value and eyesore*
- *Trees blocking not view from one resident*
- *What about road reserve*
- *Denham St opposite shops or Sturt river catchment*
- *What about main road*
- *Not opposed but provide a new location*
- *New residents and serenity*
- *Purchased house due to outlook*
- *Reception increase is a benefit but not at a cost*
- *Why was the car yard rejected*
- *Majority of surrounding resident are housing trust – responses?*
- *Loom for better location that still allows council benefit*
- *Policy regulation – not within x metres of schools – what about houses with children or club with young participants*
- *Caryard had a high level of responses*
- *What is owner/occupier rate of Kellett vs Morphett Rd?*
- *Long term renters – not engaged as much as owners*
- *Its ugly*
- *Mortgage insurance – within x metres you cant get it*
- *Mitcham council rescheduled due to health concerns for existing/approved Telco tower*
- *Much better location could be found*
- *Oppose in that location but look to other location*
- *100% certainty with health concerns*
- *Kids playing in front yard approximately 10m in front of tower*
- *Less impact – visual reduction to amenity close to tree but impact on environment still exists*
- *Substation – could fence be altered to get in to this area*
- *Why not choose Telstra location 2 (more residential)*
- *How much \$ for the club*
- *Shed impact (ugly and tall)*
- *Demographic – skews DAP responses*

Table E**Morphettville Sports Park Club vision comments**

- *Important to increase amenity*
- *Moderation*
- *Not too big*
- *More community focus – e.g community drinking*
- *What \$ club get from lease if it goes ahead*
- *Active lifestyle very important*
- *Extension not a bad thing better than tower*
- *More parking and parking control*
- *Lights no issue*
- *Positive – light on the tower but still not wanted*
- *Median price – commercial lease increase Morphettville top 5 or 10*
- *Can council assist club without the Telco tower*
- *Fund club vision out of community funds*
- *Self-cleaning Exeloo – tennis courts to assist with club toilet pressure*
- *Healthy lifestyle promotion is positive*
- *What about club participation – membership decrease due to tower?*

Appendix 1 – Hard Copy invitation

Future of Kellett Reserve We want to hear from you



As you may be aware, Council is considering entering into a lease with Telstra to make part of Kellett Reserve, Morphettville, available on which to build a telecommunications tower. Council is holding a Listening Forum to discuss the tower and future opportunities for the reserve.

Please come along to a Listening Forum to hear more about what is proposed.

This Forum will be facilitated by Council staff to record the community's views about the future of Kellett Reserve, including entering into a lease with Telstra. Community feedback will be provided to Elected Members who will decide whether to enter the lease.

You will hear more about

- Background of proposal
- How the community lease process works
- What the role of Council is
- The Morphettville Park Sports Club's vision for Kellett Reserve

When: Monday, 15 June 2015

Where: Morphettville Park Sports Club, 29 Denham Avenue, Morphettville

Time: 6.45pm registration (7pm start to 8.30pm)

Registration is essential due to capacity of venue

Please register your interest by emailing patrice.pearson@marion.sa.gov.au

Alternatively you can RSVP online at Making Marion www.makingmarion.com.au

LISTENING FORUM FORMAT

7.00pm Welcome	
Presentation	Council staff, Telstra, morpe
Break out into tables of 8-10	Facilitated by council staff
Work as groups to capture and record all community feedback	Community members
Conclude group work and discuss next steps	Council staff
8.30pm Thank you and close	

Comments from this meeting will be presented to Council 14 July 2015.
Thank you for your interest in this process.

CONTACT DETAILS

Name: David Barrett
Title: Unit Manager Cultural Facilities
T (08) 8375 6600
E david.barrett@marion.sa.gov.au

Appendix 2 - Facts sheet

Future of Kellett Reserve

Fact Sheet



Kellett Reserve, Morphettville

Background

Telstra has applied to the City of Marion to lease part of Kellett Reserve, Morphettville, on which to build a telecommunications tower. Telstra is seeking a 20-year lease, which could generate an estimated \$15,000 to \$18,000 a year in income.

Should the lease be agreed, Council could invest some of the funds into Morphettville Park Sports Club. The club is seeking to upgrade its clubrooms and install lights.

The tower is proposed to be located in the north-west corner of the reserve and stand 31.94 metres tall. In making a decision, the City of Marion wants to achieve the best outcome for the community.

What is the purpose of this Listening Forum?

The Listening Forum will be used to hear the community's views about the future of Kellett Reserve. It will discuss the proposed lease with Telstra and whether funds could be invested back into Kellett Reserve. The Morphettville Park Sports Club will outline their plans for the reserve.

How will my feedback from the Listening Forum be used?

All information gathered at the forum will be reported back to Elected Members who will decide whether to enter into a lease at the General Council Meeting on July 14.

5 June 2015



If Council supports the lease does that mean the tower is approved?

No. Separate to Elected Members voting on the lease, the independent Development Assessment Panel will meet to consider the planning application. The DAP will assess the application solely on its planning merits. The DAP is scheduled to consider the matter on July 1.

Why has Telstra chosen Kellett Reserve, Morphettville, to build the tower?

Telstra has chosen the site in consultation with the City of Marion. In their application, Telstra says the proposed tower aims to improve services in the local area and meet growing demand for data from smartphones, tablets and dongles.

Are there any other sites in the area that Telstra is considering?

Telstra applied last year to build the tower at a car sales yard at 142 Morphett Rd, Glengowrie. The Development Assessment Panel refused the application on the grounds that it would impact on the amenity of the area. Telstra has appealed to the Environment, Resources and Development Court against the decision. The court appeal is on hold pending the outcome of consideration of their new application for Kellett Reserve.

Are there any health effects of living near a telecommunications tower?

The level of electromagnetic energy from all radio communications facilities is strictly regulated by the Federal Government. The government has produced fact sheets which can be assessed at:

www.communications.gov.au/mobile_services/towers_radiocommunications_facilities_and_eme

CONTACT DETAILS

Name: David Barrett
Title: Unit Manager, Cultural Facilities
T (08) 8375 6600
E david.barrett@marion.sa.gov.au


5 June 2015

Appendix 3 - Evaluation form

Future of Kellett Reserve

Listening Forum evaluation

15 June 2015



1. **Overall, what is your level of support for the Commercial Lease proposal?**

☐ I support
 ☐ Undecided
 ☐ I do not support

Comment:

.....

.....
2. **Overall, what is your level of support for the future plans of the Club?**

☐ I support
 ☐ Undecided
 ☐ I do not support

Comment:

.....

.....
3. **Overall, was the presentation of information clear?**

☐ Clear
 ☐ Undecided
 ☐ Unclear

Comment:

.....

.....
4. **How much opportunity were you given to participate and ensure your ideas were heard?**

☐ Enough opportunity
 ☐ Undecided
 ☐ Not enough

Comment:

.....

.....
5. **Would you like to have changed any part of the session(s)?**

Comment:

.....

.....

Please provide your details

Name

Contact no

Email

Thank you for your participation

Appendix 2: Catchment area for the telecommunications facility



Appendix 3: Kellett Reserve site & Morphett Road site



**CITY OF MARION
GENERAL COUNCIL MEETING
14 July 2015**

Originating Officer: Ann Gibbons, Manager Environmental Sustainability
Director: Kathy Jarrett
Subject: Murray Darling Association Membership
Ref No: GC140715R04

REPORT OBJECTIVE:

The purpose of this report is to confirm Council's position in relation to membership of the Murray Darling Association.

EXECUTIVE SUMMARY:

At the 12 August 2014 General Council Meeting (GC120814R03) Council resolved that:

"The City of Marion writes to the Murray Darling Association's Chief Executive Officer requesting a presentation to Council in early 2015 to highlight the value of future membership and representation with the Murray Darling Association".

Mr Peter Jamieson, Region 7 Chair, attended the 16 June 2015 Elected Members' Forum to update Council on the current activities and future direction of the Murray Darling Association (MDA). The value to the City of Marion of ongoing membership and benefits to community, Elected Members and staff of participation were highlighted.

RECOMMENDATIONS (1)

DUE DATES

That:

- | | |
|--|---------------------|
| 1. The City of Marion continues membership of the Murray Darling Association for the current term of Council and <ul style="list-style-type: none">a. allocates \$5,500 (ex GST) per annum plus the Annualised All Groups CPI for membership fees for 2015/16, 2016/17, 2017/18 and 2018/19 financial years, to be funded from the existing approved budget;b. nominates Councillor(s) _____ to represent the City of Marion on the Murray Darling Association during this term. | 14 July 2015 |
|--|---------------------|

BACKGROUND:

The Murray Darling Association (MDA) is an association of around 127 Local Government municipalities (including 13 Councils in metropolitan Adelaide), along with community groups, businesses and individuals with an interest in ensuring that the Murray-Darling Basin continues as a viable and valuable asset for all Australians. The Association identifies itself as non-political and representative of the views and concerns of all people living in the Murray-Darling Basin as well as communities relying on the Basin.

Whilst the Adelaide region is not located within the Murray-Darling Basin, much of metropolitan Adelaide is dependent on the River Murray for supply of mains water. Agriculture and other water dependent activities within the South Australian Murray-Darling Basin also contribute significantly to South Australia's economy.

The City of Marion has been an active member of the MDA for more than 15 years for the purpose of ensuring that Council is aware of issues relating to the Murray-Darling Basin along with being able to advocate through the Association that certain actions are taken.

City of Marion is entitled to three representatives who attend MDA Region 7 meetings on a regular basis (Region 7 represents metropolitan Adelaide). Members are entitled to:

- attend and vote at regional meetings and participate in region and Basin-wide activities;
- stand for election to regional and Board positions;
- help develop resolutions and policy;
- receive invitations to Association seminars, workshops and conferences;
- have access to Association networks and expertise;
- represent the Association on committees and working groups.

During the last term of Council Marion was represented by former Councillor, Mr Frank Verrall, Mrs Raelene Telfer as a community representative, and Mr Glynn Ricketts, Water Resources Coordinator. In previous Council terms the City of Marion has been represented by Elected Members and all three positions have not always been filled. Staff from member Councils can attend meetings for information sharing purposes without being formally appointed by Council.

Meetings are held bi-monthly and are hosted by Councils within the metropolitan Adelaide area. Minutes of the most recent Region 7 meeting held on 21 May 2015 and hosted by the City of Campbelltown are attached for reference (Appendix 1).

Over the past year a number of changes in the governance and operation of the MDA have seen the head office move from Adelaide to Echuca in Victoria. Reviews of the MDA Constitution and Board formation are also currently underway.

ANALYSIS:

Mr Peter Jamieson Chair of MDA Region 7, attended the 16 June 2015 Elected Members' Forum to update Council on the current activities and future direction of the MDA. Key points raised during the presentation and discussion included:

- The MDA enables and facilitates a regional and catchment level focus on an issue that cuts across Council and State boundaries;
- Water and availability of water is important for the South Australian economy and has many economic, social, environmental and wellbeing benefits;
- The MDA is a highly respected and valued organisation and participation enables local issues to be brought to the table for consideration at regional and national level.

Additional information in response to questions from the Forum was provided by Mr Jamieson following the meeting and is included in Appendix 2 for reference.

Legal / Legislative and Risk Management: Membership of the MDA is voluntary.

Resource Implications: Staff resources required to support for the City of Marion's participation in the MDA are minimal and within existing resources in the Environmental Sustainability and Infrastructure Departments.

Financial Implications: Annual membership fees are \$5,500 (ex GST) and are funded in the approved 2015/16 Annual Budget.

CONCLUSION:

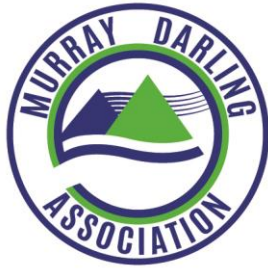
The City of Marion has a strong commitment to responsible water resource management and has been a supporter of the MDA over many years through active participation in Region 7 meetings.

Recent changes to the governance and operation of the MDA present an opportunity to review the value of Marion's on-going membership and representation on the MDA.

Following a presentation and discussion at the 16 June 2015 Elected Members' Forum by Mr Peter Jamieson, Chair of MDA Region 7, that highlighted the benefits of membership to Council and the Marion community, the City of Marion's future representation on the MDA can now be considered.

APPENDICES:

1. **Minutes of the Murray Darling Association Region 7 meeting, 21 May 2015**
2. **Information relating to questions at Marion Council Forum, 18 June 2015 (provided by Mr Jamieson, Chair, MDA Region 7)**



Murray Darling Association Inc.

admin@mda.asn.au
www.mda.asn.au
T (03) 5480 3805
ABN: 64 636 490 493

463 High Street
P.O. Box 1268
Echuca, Vic 3564

3rd Floor, 553 Kiewa Street
P.O. Box 359
Albury, NSW 2640

Minutes of Meeting No. 93 of REGION 7 (GREATER ADELAIDE) On Thursday 21st May 2015 at Campbelltown Council Chambers, Montecute Rd, Rostrevor

1. ATTENDANCE

1.2 Present

Mayor Simon Brewer	Campbelltown Council
Cr Peter Jamieson	Region 7 Chair
Pauline Frost	Deputy Region 7 Chair
Cr Lynda Yates	Acting Secretary, Holdfast Bay
Emma Bradbury	MDA CEO
Greg Toll	MDA President
Cr Arthur Mangos	Deputy Chair, West Torrens
Rex Adams	Walkerville
Cr Robin Coleman	Tea Tree Gully
Cr Shirley Halls	Playford
Cr Andrew Tilley	Mitcham
Glynn Ricketts	Marion Water Resources Coordinator
Gary Goland	Individual MDA Member
Frank Verrall	Individual MDA Member

1.3 Apologies

Mayor Lorraine Rosenberg	Onkaparinga
Cr Carol Musyk	Playford
Cr Denis Davey	Playford
The Hon John Dawkins MLC	Playford
Hon Robert Brokenshire MLC	
Lord Mayor Martin Haese	Adelaide City Council
Adrian Pederick MP	Member for Hammond
Michelle Wooldridge	City of Onkaparinga
Ray Najar	

2. MINUTES

The short minutes of the informal meeting held at Holdfast Bay on 27th Nov 2014 (and sent out with these) were confirmed. Moved Pauline Frost, Seconded Gary Goland, carried.

3. INTRODUCTIONS

As there were 3 new council delegates present (welcome to Andrew, Robin and Shirley), Peter Jamieson suggested we introduced ourselves briefly to each other.

4. WELCOME

Mayor Simon Brewer welcomed the MDA members and introduced Mr Geoff Manuel, Manager Technical Services from Campbelltown City Council. Geoff will make a presentation about water initiatives in Campbelltown. "Waterproofing the East", an effort by a group of councils called the Eastern Alliance, had problems with the modelling so did not get off the ground but Campbelltown is continuing to improve its water management using its own resources and expertise.

President Greg Toll introduced himself and explained his background as a sheep farmer. He is concerned that water is a finite resource and that not enough initiatives are being taken by councils to harvest stormwater. He thinks that in his area the Darling River and Menindie Lakes would both benefit from such harvesting as they are suffering from reduced water flows.

5. BUSINESS ARISING

CEO Emma Bradbury mentioned the responses that were tabled after requests by the MDA regarding 2 SA issues, namely increasing fur seals numbers in the Coorong and the possibility of a Lake Albert connector. The responses were from the Hon Ian Hunter, Minister for Sustainability, Environment and Conservation in the SA Government and from the Hon Michelle Lensink, Shadow Minister for Sustainability, Environment and Conservation (see attachments).

Emma also mentioned the other motions raised nationally which were sent out with the agenda and Rex Adams moved that these be taken on notice. Seconded by Arthur Mangos. Carried.

6. REPORTS

6.1 Presentation on the MDA

Emma Bradbury went on to discuss future options for the MDA, emphasising that it is up to members to provide guidance on what they want. There have been recent large changes in the MDA organisation with the departure of Ray Najar and now Adrian Wells will probably not return after illness so that means 25 years of corporate memory is lost. Emma praised Ray's passionate advocacy for the MDA and his focus on engineering.

Emma gave a quick history of the MDA which began in 1944 as the Murray Valley Development League with the aim of providing sufficient water supplies and hydro-electricity to support sustainable production in agriculture, business and local communities. It helped to instigate the Snowy Mountains Scheme. It is still the peak body and provides a focus for local government and community participation in basin-related matters. There are 12 regional groups representing communities of interest. Altogether, the MDA represents 127 municipalities over 14% of the Australian Continent and including 4 states and the ACT so it has a powerful voice if united.

There have been organisational changes in the last year. Offices in 5 places was unsustainable for a small staff so there is now a central office in Echuca, Vic and an office shared with local government at Albury, NSW. This year the staff have reviewed the constitution, assessed the governance model, restructured the organisation to the 2 locations, continued with the ongoing compliance audit, set up a new website

and social media system (trialled and ready to go), done benchmarking against best practice and maintained engagement with members.

Current advocacy issues are :

- Legislation to cap buybacks in irrigation areas
- Greater flexibility in environmental water trading
- Balanced weighting for social, economic and environmental outcomes under the Act
- Constraints management review

Projects/Partnerships :

- VOICA (Water Industry Competition Act 2006 , NSW) – transitioning to a new future with the water and wastewater industries
- National Conference 2015 at Tumut
- A united position on the Murray mouth
- Fruit fly
- Coal seam gas extraction

As the Basin Plan is being implemented now and impacts the whole area, the MDA is especially relevant. It requires informed and active participation of member communities. Elected members and officers must stand together to ensure local government speaks with a united and informed voice and be heard.

6.2 Geoff Manuel-“Local Water-Saving Initiatives in Campbelltown”

Geoff Manuel, Manager Technical Services, Campbelltown City Council

Geoff intends to cover :

- Local geography
- Treatment of reserves
- Lochiel Park
- Max Amber Sportsfield MAR scheme

Local Geography

The City of Campbelltown is bounded by 11km of the River Torrens and Linear Park separating it from the City of Tea Tree Gully in the north, the foothills and the District of Adelaide Hills in the east, Magill Rd and City of Burnside in the south, City of Norwood Payneham and St Peters in the west and City of Port Adelaide Enfield in the north-west.

Campbelltown covers 22 sq km with a population of just over 51,000. It has 3 creeks running from east to west across it with a catchment area of 27 sq km in the Adelaide Hills and a rainfall there of 550 mm per year. Third Creek (the southernmost) travels from the region of Old Norton Summit Road, Fourth Creek comes from Morialta Conservation Park and Marble Hill, Fifth Creek originates in Montacute. The creeks flow on gravel surfaces in their own stream beds but do not flow all year.

Reserves

Water is saved by mulching some areas of reserves and having less grass. Reserve Road, Campbelltown has a water garden with the water running into the reserve and overflowing into the drainage system. Soakage trenches have been installed between the rows of cars in the Council carpark to clean stormwater before it enters the drainage system.

Lochiel Park

This is an award-winning high-density “Green Village” committed to sustainable living. There are 125 2-storey 7.5 star-rated dwellings on one third of a 15 ha site, the remainder of the site is set aside for an urban forest with a southern wetlands for stormwater recycling and a northern wetlands with a natural feature that filters stormwater into the adjacent River Torrens. There has been extensive revegetation.

Stormwater that previously went into the river is now captured from 260 ha above Lochiel Park for treatment and provides the houses with non-potable water. It passes through a gross pollutant trap and then settles in 3 ponds (looked after by SA Water) and the wetlands for 2-3 weeks before going to the treatment station and being pumped into the aquifer via a bore. It is pumped out for laundry and hot water usage in a purple pipe. All dwellings also have a 5KL water tank buried in their backyard and connected to the plumbing. Street and public place water drainage goes into 25 – 30 bio-pits (rather than the normal side-entry pits) which the local community have beautified. Bio-swales in roadway median strips use native grasses to filter stormwater.

Max Amber Sportsfield MAR (Managed Aquifer Recharge) scheme

Fifth Creek has an offtake and a small permeable dam to trap some water. Water is pumped to the other side of the reserve to a treatment shed which holds pumps for aquifer storage and recovery. Campbelltown has a licence to put 50ML into the aquifer. When the land was bought in 1976 there was a bore already there which was initially used for sportsground irrigation. A 5000 gallon tank was later used to mix the bore water with tap water as it had become rather salty. Now aquifer discharge and recovery (ADR) treats the water. When Campbelltown was a part of the Eastern Alliance for stormwater, it was given a new bore for the sportsfield as the site was identified as suitable for a biofilter site. It puts 75-90ML from the creek into a fractured rock aquifer that is quite deep. The sportsfield uses 13ML a year. It is hoped eventually to trickle water through bio-swales for initial cleaning and then run it through ultraviolet light to kill E.coli etc. (E.coli will die after 3 days underground with no light anyway but this ensures water safety).

7 GENERAL BUSINESS

7.1 Governance Model Discussion (EB008)

Currently the chair for each region automatically gets a seat on the Board of the MDA. Therefore, they represent their council and their regional community on the Board. There has been a suggestion that the Board should be changed to consist of 4 regional chairs, 1 from each state plus 3 skills-based representatives for Social; Economic and Irrigation; Environmental aspects. The Chair of the Foundation would have an eighth seat. There is broad support for this from the current Board and comments have been sought from the councils of the regional chairs. The membership will be consulted soon.

7.2 General Discussion of Local Issues

After the talk, local issues were discussed. Glynn Ricketts of Marion City Council has experience of working on water issues in the Coorong and suggested that water could be diverted from the south-east where it runs into Robe and Kingston (140km south) so as to reduce water salinity. There are two other options – Lake Alexandrina could have the level dropped ½ a metre, fish be provided with fish passes, and then the water pulsed up and down to reduce salinity. There are issues with riparian edge management for this option plus farming occurs right up to the edge of the lake. The other option is the Lake Albert connector which would make the water more salty – hypersaline.

The use of floating solar panels by Infratech was considered. Solar panels lose efficiency as they heat so can be 57% more efficient if cooled in water. This also saves evaporation from the body of water so is a win-win solution. Floating solar can give 3 times the yield of traditional fixed base solar.

The MDA water bank has not bought any more water recently but has sold a small amount.

Murray Darling Foundation - Tax deductible donations are being received from members to purchase water licences for future investment for the Foundation. Other projects include the Save the Murray and Save the Darling Websites that can be freely accessed by students for projects related to the Murray Darling Association.

NEXT MEETINGS 2015

Thursday 23rd July 6pm for 6.30pm at West Torrens, AGM

Minute Secretary Lynda Yates lyates@holdfast.sa.gov.au ; Mob 0417 484 717

Information relating to questions at Marion Council Forum

Date : 18/6/15

(provided by Mr Peter Jamieson, Chair, MDA Region 7)

1. Membership of a Council in the MDA

(a) The benefit to the Council ratepayer

- The MDA Adelaide Metropolitan Region 7 Group has been a strong advocate for the surety of the water supply to Adelaide. This includes the availability of a direct supply of water from the Murray River and also the obtaining of federal and state funding for water-saving projects, in the metropolitan area, which reduce the need for water from the Murray. The maintenance of the water flows in the Murray and the Goolwa barrages are important issues for the surety of the water supply to Adelaide from the Murray River.
- This means more water available for Council reserves, used for both passive and sporting activities, for domestic use including gardens and lawns, and maybe less flooding within the Council area.
- The Murray Darling basin is a big food producer in Australia. The MDA advocates strongly, on many issues and fronts, for a sustainable supply of water to the agriculture reliant on water from the basin to produce both the quantity and quality (fresh, clean) food, at low cost, needed by the Australian population.
- Through the MDA Adelaide Metropolitan Region 7 Group and the MDA we advocate for water-related businesses in SA, in industry and in agriculture. Many of the jobs in these businesses are in the metropolitan area.
- A strong MDA means a strong local government voice as issues arise eg coal seam gas extraction in the South East of SA is currently being considered. It must not be detrimental to food production.

(b) Other benefits to the elected member and Council staff

- The ability to voice water issues at a national and state level.
- Obtaining informed information rather than media hype.
- Contacts, working relationships and the sharing of thoughts with other elected members, staff, politicians, experts and business people.
- Information sharing at Adelaide region meetings about other Adelaide Council water-saving initiatives.
- Informed decision-making at Council meetings.
- Development of strategic thinking about the best allocation of money for water initiatives locally and nationally.
- Demonstration of leadership on water issues.

**CITY OF MARION
GENERAL COUNCIL MEETING
14 JULY 2015**

Originating Officer: David Melhuish, Senior Policy Planner
Corporate Manager: Steve Hooper, Manager Development Services
Director: Kathy Jarrett
Subject: Privately Funded Development Plan Amendments Policy
Report Reference: GC140715R05

REPORT OBJECTIVES:

The objective of this report is to seek Council's consideration and approval for a Privately Funded Development Plan Amendments (DPA) Policy.

EXECUTIVE SUMMARY:

Privately funded DPAs are a legitimate approach that may be used to expedite and resource the preparation of a DPA, particularly where its preparation has not been budgeted for or identified as a priority.

The proposed policy provides a guide for Council in the assessment and processing of privately funded DPAs in a clear and transparent manner which ensures probity is maintained.

RECOMMENDATIONS (1)

DUE DATES

That Council:

1. Endorses the 'Privately Funded Development Plan Amendments Policy'

July 2015

BACKGROUND

The Development Plan is a document that contains the planning controls that guide what can and cannot be developed in a council area. Planning authorities use these planning controls to assess new development proposals.

A Development Plan Amendment (DPA) is a document that describes proposed changes to a Development Plan and includes a statutory process required to be undertaken when either the Council or the Minister for Planning seeks to amend land use zoning and/or the policies contained within the Development Plan.

Privately funded DPAs are a legitimate approach that may be used to expedite and resource the preparation of a DPA, particularly where its preparation has not been budgeted for or identified as a high priority by the Minister or Council through the Development Plan Review process under Section 30 of the Development Act 1993.

A number of other Councils, including the Cities of Port Adelaide Enfield, Charles Sturt and Holdfast Bay have previously adopted Privately Funded DPA Policies. The City of Marion version is based on these existing documents.

ANALYSIS:

The purpose of this policy is to guide Council in the assessment and processing of privately funded DPAs in a clear and transparent manner and clarify Council's requirements and relationships with the potential private funder.

(Privately Funded DPA Policy is attached as Appendix 1)

This policy applies when a private funder seeks to fund a Council initiated DPA through an agreement with Council based on one of the following models.

Model 1 The private funder provides financial resources but the entire DPA process, including the procurement and management of consultants is undertaken by Council.

Model 2 The private funder funds, procures and manages as much of the DPA process as possible but provides funds for Council to procure and engage its own consultants to undertake an independent peer review of the DPA.

It is Council's decision which of the two models of privately funded DPAs is appropriate based on its consideration of the proposal and the needs of the area in which it is located.

The policy outlines the process to be undertaken when undertaking a privately funded DPA.

The process starts with the private funder submitting a 'Statement of Justification' which outlines the level of consistency with specific criteria and the policy outcome being sought.

If the proposal is considered appropriate by Council a legal instrument in the form of a 'Deed of Agreement' would be entered into between Council and the private funder. This Agreement, amongst other things, outlines the scope of the DPA, the roles of the parties, legal requirements and procedures and project and financial management.

Following acceptance of the Agreement a 'Statement of Intent' seeking the agreement of the Minister to begin the DPA process would be prepared. The DPA would then follow the normal process using one of the models mentioned above.

If Model 2 is used Council will engage its own consultants to undertake an independent peer review of the DPA at key points of the DPA process to ensure probity is maintained.

Legal / Legislative and Risk Management

A privately funded DPA would follow the same legislative process as a Council funded DPA. An independent peer review of a privately managed DPA will ensure probity is maintained.

Financial Implications

It is anticipated that a privately funded DPA would be cost neutral to Council.

Resource (capacity) Impact

It is anticipated that a privately funded DPA would require minimal internal resourcing other than project management and the writing of reports to Council at the relevant stages.

Policy Implications

Council has full control over privately funded DPAs. If Council does not agree with the policy outcome being sort, at the inception and/or any other time during the process, Council can decide not to proceed further with the process.

CONCLUSION:

Privately funded DPAs are a legitimate approach that may be used to expedite and resource the preparation of a DPA. The proposed policy provides a guide for Council in the assessment and processing of privately funded DPAs in a clear and transparent manner which ensures probity is maintained.

Appendix 1: *Privately Funded Development Plan Amendment Policy*

Privately Funded Development Plan Amendments Policy



1. RATIONALE

The Development Plan is a document that contains the planning controls that guide what can and cannot be developed in a council area. Planning authorities use these planning controls to assess new development proposals.

A Development Plan Amendment (DPA) is a document that describes proposed changes to a Development Plan and includes a statutory process required to be undertaken when either the Council or the Minister for Planning seeks to amend land use zoning and/or the policies contained within the Development Plan.

Privately funded DPAs are a legitimate approach that may be used to expedite and resource the preparation of a DPA, particularly where its preparation has not been budgeted for or identified as a priority by the Minister or Council through the Development Plan Review process under Section 30 of the *Development Act 1993*.

Council is under no obligation to agree to a privately funded DPA.

2. PURPOSE

The purpose of this policy is to guide Council in the assessment and processing of privately funded DPAs in a clear and transparent manner and clarify Council's requirements and relationships with the potential private funder.

3. SCOPE

This policy applies when a private funder seeks to fund a Council initiated DPA through an agreement with Council based on one of the following models.

Model 1

The private funder provides financial resources but the entire DPA process, including the procurement and management of consultants is undertaken by Council with the private funder given no additional opportunity to input into the DPA process beyond that available to any other person.

Model 2

The private funder funds, procures and manages as much of the DPA process as possible but provides funds for Council to procure and engage its own consultants to undertake an independent peer review of the DPA.

It is Council's decision which of the two models of privately funded DPAs is appropriate based on its consideration of the proposal and the needs of the area in which it is located.

4. PROCESS / IMPLEMENTATION (Summarised in the Flow Chart in the Appendix)

Statement of Justification

In requesting Council's endorsement to proceed with a Privately Funded DPA a 'Statement of Justification' should be submitted by the private funder which outlines the level of consistency with the criteria below, and clearly outlines the policy outcome that is being sought.

Council will make an assessment of the 'Statement of Justification', consider point (e) below, make necessary preliminary investigations and consultations with Government Agencies to understand

policy positions of the Agencies and determine whether to proceed with the preparation and lodgement of the Statement of Intent which is required for the agreement of the Minister for Planning to begin the DPA.

Council has the right to reject a proposed DPA.

Criteria to consider Privately Funded DPAs

In order to determine whether or not Council should proceed with a privately funded DPA, the DPA proposal should be assessed against the following criteria:

- a) The proposed policy change is consistent with the State Government's Planning Strategy for Metropolitan Adelaide (30 Year Plan for Greater Adelaide).
- b) The proposed policy change is consistent with Council's Strategic Vision for the City.
- c) The existing zoning is outdated and not in alignment with the other policy directions of the Government and Council resulting in appropriate development being restricted on the land.
- d) Appropriate consideration has been given to likely social, environmental, economic and physical benefits and costs arising from the proposal.
- e) Whether the proposed DPA can be appropriately managed, taking into consideration the timing of other priorities and projects within Council's policy program and the resources available.

Deed of Agreement

A legal instrument in the form of a Deed of Agreement will be required to be entered into between Council and any private funder. As a minimum the Deed of Agreement will:

- state that a private funder is funding an open and transparent process which provides no guarantee that any Development Plan outcome sought by the private funder will be provided;
- outline the heads of agreement and legal procedures, including the roles of the parties, legal requirements and procedures, and project and financial management;
- define in detail the nature of the DPA including the area to be covered, the purpose of the DPA and what the DPA investigations will encompass;
- acknowledge that Council maintains ultimate control of the DPA, in that key stages are presented to Council for consideration prior to being submitted to the Minister for agreement or endorsement. The key stages that are considered by Council include: Statement of Intent, draft investigations and policy for Public and Agency Consultation, hearing public submissions and Approval;
- acknowledge that the capacity for Council to process the privately funded DPA will be influenced by Council's other policy priorities, and projected timing will be estimated accordingly;

- acknowledge that some parts of the DPA process cannot be outsourced and management, policy oversight and processing will be required to be undertaken by Council staff, therefore the DPA will be managed according to Council priorities and subsequent timeframes;
- acknowledge that while the Council may initiate a DPA, ultimately the decision on its authorisation is a decision of the Minister for Planning, and not the Council, and that the Council has no control over this decision;
- detail what happens if the DPA is either not authorised by the Minister or authorised with amendments that do not suit the interest of the private funder (essentially it should be agreed that the private funder must accept that scenario and still be responsible for the cost of the DPAs preparation and that there will be no refund of any funds expended by the private funder);
- be prepared at the expense of the private funder and acknowledge that the private funder will fund any additional investigations that are required by Council following public and agency consultation;
- acknowledge that the private funder will fund any legal costs associated with preparation of the DPA, including legal review, legal proceedings or judicial review proceedings in relation to the DPA process; and
- acknowledge that the Deed shall not in any way affect Council's standing as the relevant authority to assess applications for development approval in respect of land affected by a privately funded DPA.

Council will indicate within the Statement of Intent, at the time of public consultation, and as part of the explanatory statement and statement of investigations that it has received payment for preparation of the DPA but has sought independent advice.

Preparation of the DPA will not commence until such time as notice of agreement has been received from the Minister for Planning to the Statement of Intent.

Project Management and Procurement

Model 1

The cost of the DPA investigations, document preparation, consultation and other costs as per the Deed of Agreement will be borne by the private funder and paid to Council accordingly.

Council will manage the selection and procurement process for engaging a consultant(s) to undertake the DPA. The consultant(s) undertaking the privately funded DPA will report directly to Council staff and project management of the DPA process will be undertaken by Council staff.

In selecting a consultant(s) to undertake the Privately Funded DPA the procurement process will be undertaken in accordance with Council's Procurement Policy.

Model 2

A Privately Funded DPA under this model will require Peer Review.

The cost of the Peer Review will be borne by the private funder, and paid to Council accordingly.

If Council agrees to proceed with a privately funded DPA under this model, the private funder will engage suitably qualified consultants, including one who meets the requirements of the Development Act and Regulations to prepare the relevant DPA documents.

Council will engage a suitably qualified and independent consultant or consultants, including a consultant who meets the requirements of the Development Act and Regulations, to undertake a Peer Review of the relevant investigations and DPA documents.

The Peer Review will review:

- the DPA documents prior to consultation occurring. This will include a review of the investigations and an assessment against the Statement of Intent agreed by the Minister for Planning;
- the Government Agency consultation responses to the draft DPA and policy changes as a result of the consultation;
- the Public consultation responses to the draft DPA and policy changes as a result of the consultation; and
- the approval version of the DPA.

In selecting a consultant(s) to undertake the Peer Review, the procurement process will be undertaken in accordance with Council's Procurement Policy.

The consultant undertaking the peer review will report directly to Council staff.

5. DEFINITIONS

Development Plan is a document that contains the planning controls that guide what can and cannot be developed in a council area. Planning authorities use these planning controls to assess new development proposals.

Development Plan Amendment (DPA) is a document that describes proposed changes to a Development Plan. The DPA process involves a series of stages and approvals, and includes undertaking investigations to inform the proposed zoning or policy changes.

Development Plan Review is a process required under Section 30 of the Development 1993, whereby all councils must periodically review their Development Plan at least every five years to ensure it remains up to date and aligns with the State's Planning Strategy. This process results in preparation of a Strategic Directions Report and program of Development Plan Amendments for agreement with the Minister for Planning.

Planning Strategy is a document empowered under Section 22 of the Development Act 1993 that outlines the State Government's direction for land use change and development in South Australia. The relevant volume applying to the City of Marion is currently 'The 30-Year Plan for Greater Adelaide'.

Private Funder means one or more private persons or organisations proposing to fund the undertaking of a Development Plan Amendment where they may benefit from any changes to zoning or development policies resulting from the Amendment.

Statement of Intent (SOI) is a document that outlines the scope, timing, consultation requirements and nature of investigations to be carried out in preparing a Development Plan Amendment. Council is required to prepare a SOI under Section 25(1) of the Development Act 1993 to reach agreement with the Minister for Planning to initiate a Development Plan Amendment.

Statement of Justification is a document to be submitted to Council under this Procedure and its overarching Policy to justify a request for Council to consider initiating a privately funded Development Plan Amendment. This Statement will be assessed and considered against the criteria outlined in this Procedure.

6. DELEGATION

The decision whether or not to initiate a privately funded Development Plan Amendment is delegated to Council.

7. REFERENCES

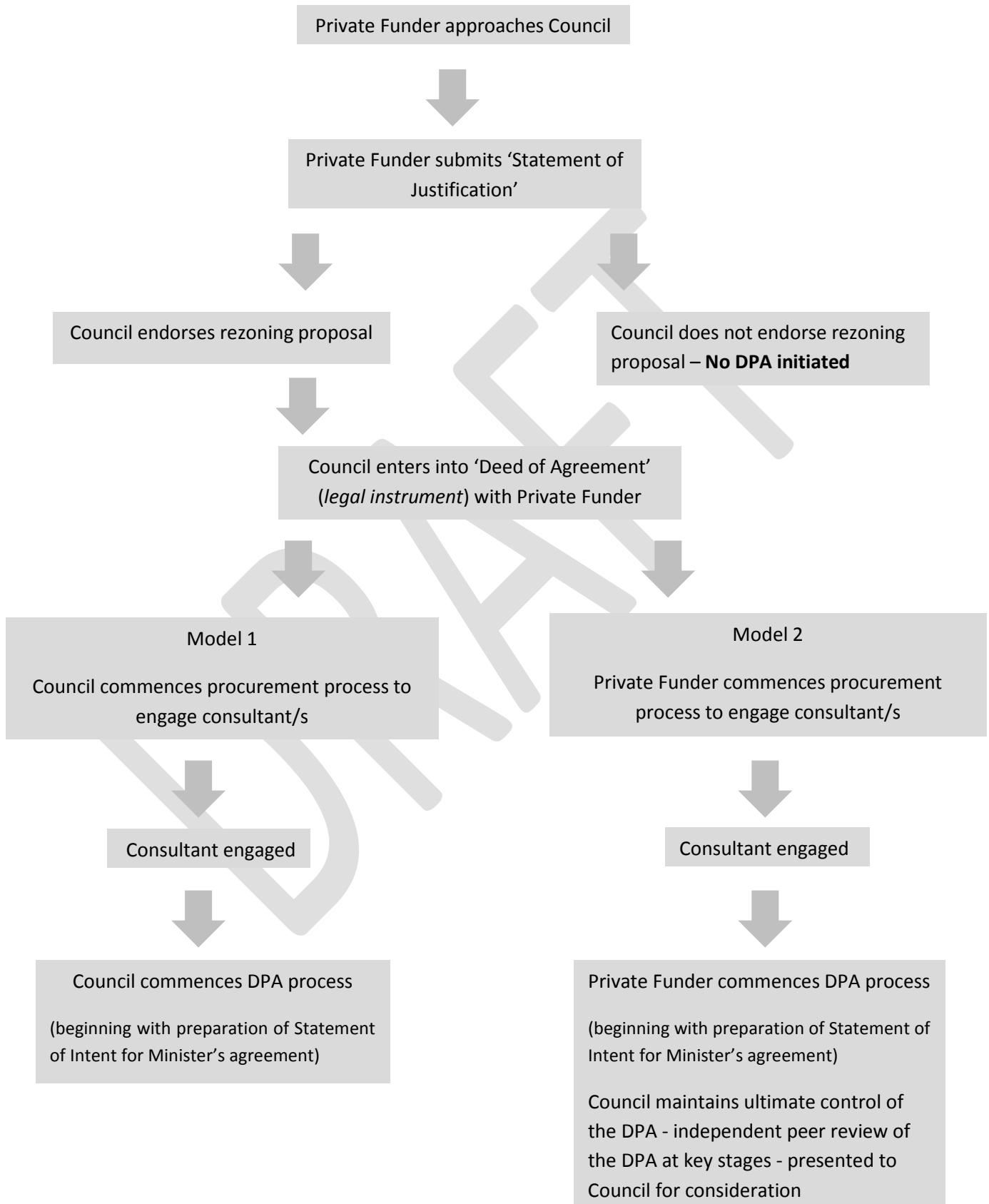
- Development Act 1993
- Development Regulations 2008
- Local Government Act 1999

8. REVIEW AND EVALUATION

Revision Ref. No.	Approved/ Amended/ Rescinded	Ratified Date	Evaluation Date	Council Committee EMG	Resolution Number	Document Reference
		ddmmyy	ddmmyy			
Policy Manager and Department responsible				Manager Development Services/Development Services		

Electronic versions are maintained within the Corporate Information Management System as the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, ensure you are using the current version.

Privately Funded Development Plan Amendments Flow Chart



**CITY OF MARION
GENERAL COUNCIL MEETING
14 July 2015**

Originating Officer: Renee Pitcher, Landscape & Open Space Planner
Corporate Manager: Peter Patterson, Manager Open Space & Recreation
Director: Abby Dickson, Acting Director
Subject: Jervois Street Reserve – Final Concept Design
Report Reference: GC140715R06

REPORT OBJECTIVES:

To provide a report on the Jervois Street Reserve project in order to seek endorsement of the final concept plan for the purpose of undertaking detailed design, development approval, procurement and construction associated with the reserve development in 2015/16.

EXECUTIVE SUMMARY:

At the General Council meeting held on 24 March 2015 (GC240315R02), Council resolved to:

1. *Provide in principle endorsement of the Jervois Street Reserve draft concept design for consultation.*
2. *Receive a further report following consultation detailing a final concept plan for endorsement.*
3. *Endorse the use of up to \$650,000 from the Open Space Reserve in order to enable the completion of Stages 2 and 3.*

The final round of community consultation occurred over a 4 week period from 26 March to 24 April 2015. A detailed consultation report providing a summary of the consultation findings is available on Council's Making Marion website.

A final concept plan has been developed for this precinct level reserve situated between Waterhouse Road and Jervois Street, South Plympton. The design has been formed through the extensive feedback received during the two phases of community engagement.

The final concept design has been developed (Refer Appendix 1) and provides activities nodes and open space and recreation facilities that were considered in response to feedback received through consultation.

Additional ongoing maintenance and operational costs require consideration for inclusion in Councils Long Term Financial Plan from the 2016/17 financial year onwards, with whole of life costs for assets within this new reserve outlined (Refer Appendix 2).

RECOMMENDATIONS (3)**DUE DATES****That Council:**

- | | |
|---|--------------|
| 1. Provide endorsement of the final concept design for the Jervois Street Reserve development. | 14 July 2015 |
| 2. Provide endorsement to proceed to detailed design, development approval, procurement and construction. | 14 July 2015 |
| 3. Note the additional \$35,934 annual operating and maintenance costs to be incorporated into the Long Term Financial Plan from 2016/17. | 14 July 2015 |

BACKGROUND:

At the General Council Meeting on 25 June 2013 (CG250613F01) Council approved the acquisition of land at Jervois Street, South Plympton comprising 6 allotments (approximately 6000m²) which has street frontages on Jervois and Waterhouse Road, South Plympton. This land was previously owned by Housing SA.

Council applied for, and was successful in being awarded a grant from the Department of Planning, Transport and Infrastructure (DPTI) for the amount of \$1,380,000 within their Open Space Grant Funding Program for the purchase of this land and utilised \$1,560,000 from Council's Open Space Reserve to fund the acquisition.

On 26 November 2013 (GC261113R03) Council considered future opportunities for the Jervois Street, South Plympton land. It was resolved that further investigation into funding sources and opportunities be undertaken and a report be brought back to Council based on the outcome of community engagement and the subsequent concept design.

Initial community engagement occurred between July and August 2014. Community members were invited through various workshops to help shape the design of the new park. Ideas generated through these workshops were used to inform the development of the draft concept design for the site. This draft concept design was presented to the community for their final feedback through the latest round of consultation.

Council further considered and endorsed the draft Concept Plan on 24 March 2015 (GC240315R02) providing in principle endorsement of the concept plan for the purposes of final consultation, endorsing the use of up to \$650,000 from Council's Open Space Reserve to enable construction of the reserve development at one time and in conjunction with the use of the State Government's \$300,000 open space grant.

DISCUSSION:

In order to develop this land, endorsement of the final concept design and whole of life costs is required. Following endorsement, the next phase of the project includes detailed design, development approval, procurement, construction, project completion and evaluation. Indicative timings of these works are shown in the table below:

Task	Description	Estimated Dates
Detailed Design	Technical drawings and specifications	July – Oct 2015
Development Approval	Development approval process	Nov 2015
Tender of Works	Tender documentation / procurement process	Nov – Jan 2016
Construction	On site works	Feb – Jun 2016
Project Completion	Reserve open for community use and funding acquittal	July 2016
Evaluation	Project evaluation	June 2017

Table 1: Reserve Development Phase

ANALYSIS:

Communication / Consultation

Community engagement has been an integral part of the concept development during the planning and design phase of this project with good engagement across an array of mediums with the community. Understanding the current and projected demographics and needs of the local community has assisted in planning for the needs of the local community.

Consultation was undertaken in March and April 2015 and sought feedback on the draft concept plan, endorsed by Council in March 2015 (GC240315R02). Feedback provided allowed administration to make some minor adjustments to the concept design including:

- Removal of the suggested Driveway Link, traffic control device from the design
- Altered fencing heights to the adjacent residential properties
- Additional fencing internally around junior playspace and along Waterhouse Road
- Removal of suggested trees from the boundary fence lines that would over hang adjoining properties.

Consultation included site meetings and an electronic survey on the Making Marion web site. Results from the survey indicated the majority of respondents either support or strongly support (94%) the concept plan for the site.

Resource Implications

Should Council endorse the final concept plan, this project will be considered a 'new' project within Council's Strategic Asset Management Decision Making Matrix within the Asset Management Policy and will need to be incorporated into the 2015/16 capital works program.

There are operating resources required to implement the reserve development phase of this project. This project has been incorporated in the program of work for 2015/16 given Council endorsed the use of up to \$650,000 from the open space reserve fund (GC240315R02) in conjunction with the state government funding received.

Preparation of the detailed design and documentation, procurement, project management and contract administration, is to be undertaken internally by Council's landscape architect.

Financial Implications

In December 2014, Council considered a report (GC091214R02) regarding Department of Planning Transport and Infrastructure Open Space Grant Funding. At this meeting Council resolved to:

1. *Enter into a funding agreement with the Department of Planning Transport and Infrastructure to utilise the \$300,000 grant funding for Stage 1 Implementation of Jervois Street reserve development.*

Council has entered into a funding agreement with the Department of Planning Transport and Infrastructure which includes acquitting the grant money for Stage 1 of the reserve development by 30 June 2016.

In March 2015, Council further considered a report (GC240315R02) regarding consultation for the draft concept. At this meeting Council resolved to:

3. *Endorse the use of up to \$650,000 from the Open Space Reserve in order to enable the completion of Stages 2 and 3.*

With state government funding of \$300,000 and Council's commitment of open space reserve funding of up to \$650,000, \$950,000 is now available for the reserve development not including resource allocations for delivery.

The reserve development will increase annual maintenance and operating costs requiring consideration for the Long Term Financial Plan. Whole of life costs for the project are provided (Refer Appendix 2). The changes to the Long Term Financial Plan will need to be considered for the 2016/17 financial year onwards including an annual amount of \$35,934 for ongoing operational, maintenance and depreciation/renewal costs per annum which includes replacement costs for like for like assets.

The total capital budget required for the reserve development is estimated at \$940,000 including contingency.

CONCLUSION

The provision of a final Concept Plan for Jervois Street Reserve follows a twelve month process of consultation and draft concept design development.

In order to proceed with the next stage of reserve development, the final concept plan for Jervois Street Reserve requires endorsement by Council. The final concept design and whole of life costs are attached (Appendices 1 & 2).

It is also recommended that Council provide endorsement to proceed to detail design and documentation, development approval, procurement and construction in 2015/16 for Jervois Street Reserve.

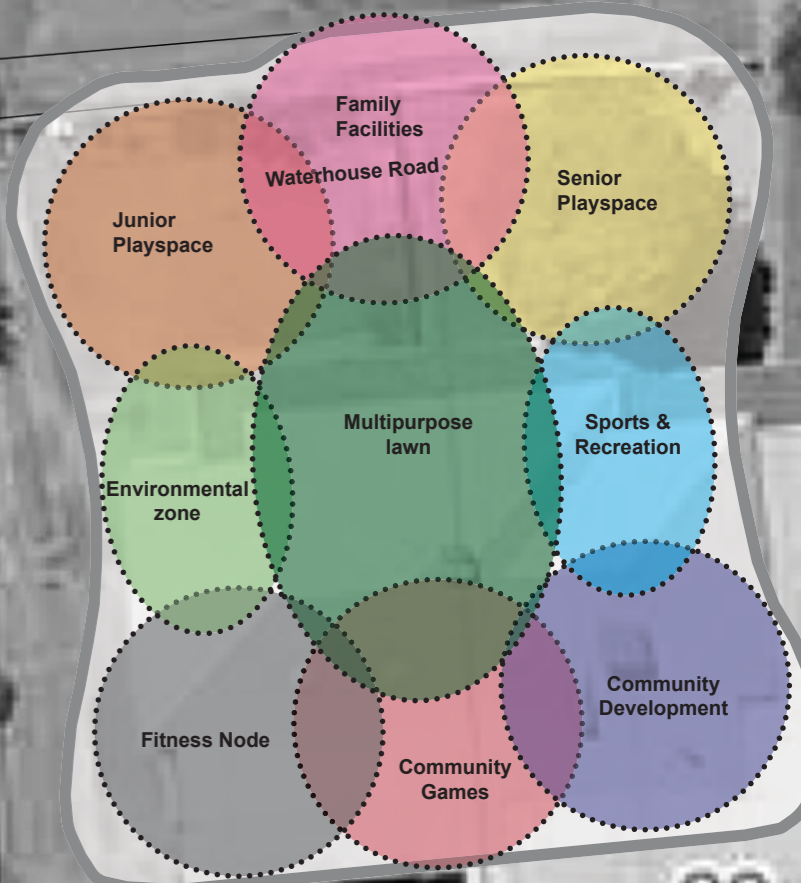
Appendix 1: Final Concept Design – Jervois Street Reserve

Appendix 2: Whole of Life Costs – Jervois Street Reserve

Final Concept Plan

The final concept plan responds to consultation feedback on the draft concept plan that occurred during April 2015

Refer to below image identifying the activity nodes within the design.



General scope

- Loop path 2m width
- Junior nature based playspace (0-5yrs)
- Senior playspace (6-12yrs)
- Shelter & picnic table
- Disabled parking bays
- Planting to eastern and western boundaries
- Public toilet
- Electric bbq
- Bike stands
- Environmental area (native planting and swale)
- Fitness node
- 3 On 3 recreational basketball / netball court
- Central oval
- Junior wheel sports training ground
- Recreational trike course
- Community games area
- Area set aside for community development opportunities

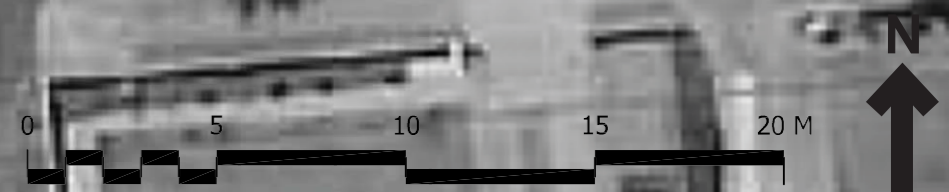
- LEGEND
- EXISTING TREE TO BE RETAINED AND PROTECTED
 - PROPOSED TREE
 - PROPOSED SHRUBS & GROUND COVER PLANTING
 - PROPOSED IRRIGATED GRASS
 - NON IRRIGATED GRASS
 - 75mm ORGANIC MULCH
 - 300mm PLAYGROUND MULCH
 - 300mm PLAYGROUND SAND
 - RUBBER SOFTFALL
 - STABILISED GRAVEL
 - BITUMEN PATH
 - ROCK PITCHING
 - ROCK LINED SWALE WITH SEMI AQUATIC PLANTING
 - ROUNDED ROCK BOULDERS
 - LOG ROUND STEPPERS
 - DIMENSIONED RETAINING ROCK
 - EMBANKMENT LOG STEPS
 - SPORTS FENCE
 - 1100mm HIGH FENCE
 - 1100mm TIMBER BARRIER
 - SHELTER
 - PICNIC TABLE
 - ELECTRIC BBQ
 - 120L BIN & DOG BAG DISPENSER
 - DRINKING FOUNTAIN & DOG BOWL
 - SEAT
 - FEATURE BOLLARDS
 - STANDARD BOLLARD
 - REMOVABLE BOLLARD
 - SHADE STRUCTURE
 - PUBLIC TOILET
 - 1800mm GOOD NEIGHBOUR FENCING
 - 1500mm GOOD NEIGHBOUR FENCING

The plan is a concept representation of a precinct level reserve and is subject to council approval and detailed design



JERVOIS STREET

WATERHOUSE ROAD



Whole of Life Cost Analysis – Jervois Street Reserve

Appendix 2

Description	Acquisition Cost	Projected Operating Costs pa	Projected Maint Costs pa	Total Projected O&M pa	Less Existing O&M pa	Net Increase O&M pa	Projected Depn/ Renewal pa	Existing Depn/ Renewal pa	Net Increase Depn/ Renewal pa	Whole of Life Cost of Proposal	Whole of Life Increase Cost of Proposal
* Includes items as listed below											
Total (whole of life cost based upon 50 years)	\$938,910	\$5,130	\$34,804	\$39,934	\$4,000	\$35,934	\$29,070	\$ -	\$29,070	\$4,389,106	\$4,189,106

Description of items:

**Site preparation earthworks, pavement concrete and bitumen, pavements rubble, timber decking, loose softfall, landscaping planting, cultivation and soils, play equipment, furniture, walls, fencing, bollards, stormwater, electrical., irrigation, toilet, insurance, contractor maintenance, design services and project contingency.*

***Whole of life costs include acquisition, operating & maintenance expenditure and depreciation/renewal using current values. This includes replacement costs for like for like assets.*

Maintenance 5% pa equation

**CITY OF MARION
GENERAL COUNCIL MEETING
14 July 2015**

Originating Officer: Mark Griffin, Unit Manager Engineering
Director: Kathy Jarrett
Subject: Oaklands Park/Marion 40 km/h Precinct Speed Limit
Reference No: GC140715R07

REPORT OBJECTIVES:

The purpose of this report is to provide Council with an update on the community engagement undertaken in relation to the implementation of the 40 km/h precinct speed limit in the area bounded by Marion Road, Sturt Road, Diagonal Road, the rail corridor and the Sturt River.

EXECUTIVE SUMMARY:

Council at its meeting dated 24 March 2015, resolved that:

“Council endorses making a submission to the Department of Planning, Transport and Infrastructure (including the community consultation) to obtain approval for implementation of a 40 km/h precinct speed limit subject to the minimum level of survey support being 66% of those responding.”

Subsequently, a survey was undertaken during May 2015 to ascertain if the community was supportive of the implementation of a 40km/h precinct speed limit. The results of the survey are as follows:

Yes	-	47.7%
No	-	51.1%
Undecided	-	1.2%

Accordingly, the requirements of making a submission to the Department of Planning, Transport and Infrastructure have not been met, namely, less than 66% of respondents supported the treatment.

RECOMMENDATIONS (4)

DUE DATES

That:

- | | |
|--|--------------|
| 1. The Report be noted. | 14 July 2015 |
| 2. Council does not proceed with a submission to the Department of Planning, Transport and Infrastructure to obtain approval for implementation of a 40 km/h precinct speed limit. | 14 July 2015 |
| 3. The petition organisers be advised accordingly. | July 2015 |
| 4. The community be advised of the outcome of the survey. | Aug 2015 |

DISCUSSION:

Within South Australia a 40 km/h speed limit can be implemented on an area or precinct basis and must be approved by the Department of Planning, Transport and Infrastructure. A significant requirement in obtaining the Departments' approval is achieving 66% support of those responding.

In this regard a survey was undertaken during May 2015, asking residents:

Do you support the installation of a 40 km/h Precinct Speed Limit within the Oaklands Park and Marion area, bounded by Marion Road, Sturt Road, Diagonal Road, the Adelaide to Seaford rail corridor and the Sturt River?

A copy of the survey form is attached as **Appendix 1**

The result is depicted below:

Yes	-	47.8%
No	-	51.0%
Undecided	-	1.2%

A summary of the survey results is attached as **Appendix 2**

Over a period of time there has been considerable community engagement within the area, as detailed below.

Date	Activity
March - July 2013	Local Area Traffic Management (LATM) study This consisted of: <ul style="list-style-type: none"> • Three letters to the community – two inviting them to attend meetings and one letter indicating the results of the study • Two public meetings to discuss the issues The result of the study was "Do Nothing".
November 2013	Petition to Council requesting the installation of: <ul style="list-style-type: none"> • Local Traffic Only signs • 40 km/h speed limit The signs were installed and Council resolved to revisit the traffic study.
	A series of meetings were held with the petition organisers to ascertain: <ul style="list-style-type: none"> • The type and extent of the study to be undertaken • The issues to be discussed • How to engage the community
August 2014	An invitation to a Workshop with an Information Sheet (relating to the traffic conditions along both George Street and Dwyer Road) forwarded to the entire community in the area.

September 2014	The Workshop was undertaken, with 84 residents attending.
November 2014	<p>The Workshop was summarised and a list of all suggestions/issues and priorities were placed on Council's website. The top priorities were:</p> <ol style="list-style-type: none"> 1. - Construct the rail overpass at Oaklands - Stop traffic entering the area 2. - 40 km/h speed limit 3. - Slow points/chicanes - Strategies to reduce through traffic - Reduce local traffic speeds
January 2015	<p>Following further investigation of the suggestions/issues:</p> <ul style="list-style-type: none"> • Technical comments were provided in relation to all suggestions/issues • Council's role or function in regard to the listed issues (eg Provider) <p>These, along with additional traffic data for the area, were also placed on Council website</p>
May 2015	A community survey to ascertain if there was support for the implementation of the 40 km/h precinct speed limit, as per Council's resolution dated 24 March 2015.

As indicated above, there has been significant community involvement and consultation in relation to traffic management within the area, with further consultation proposed in relation to the provision of the raised pavement sections (as per Council's resolution dated 26 May 2015).

Survey and design works are being planned over the coming months prior to the community consultation being undertaken. A report will be brought back to Council detailing the outcomes of the community consultation for the raised pavement sections.

CONCLUSION:

To ascertain if there was community support for the implementation of a 40 km/h precinct speed limit, a community survey was undertaken during May 2015. The results indicated that the survey did not achieve the 66% support required by the Department of Planning, Transport and Infrastructure. This lack of support means that the Department would not approve the proposed 40km/h precinct speed limit.

ATTACHMENTS:

Appendix 1: A copy of the community survey

Appendix 2: A summary of the survey results

Traffic Management Survey

40 km/h Precinct Speed Limit

**Proposed 40 km/h Precinct Speed Limit – Oaklands Park & Marion**

Please take 1-2 minutes to complete this survey to provide us with feedback **by 29 May 2015** via enclosed reply paid envelope.

Do you support the installation of a 40 km/h Precinct Speed Limit within the Oaklands Park and Marion area, bounded by Marion Road, Sturt Road, Diagonal Road, the Adelaide to Seaford rail corridor and the Sturt River?

(Please circle the appropriate answer)

- Yes
- No
- undecided

Please provide us with any comments you would like to make

Name and address (kept confidential)

Thank you for your feedback.

PLEASE RETURN TO

Mark Griffin
Engineering Services
Mark.griffin@marion.sa.gov.au
PO Box 21 Oaklands Park 5043
T (08) 7420 6422

Appendix 2

Oaklands Park / Marion - Proposed 40 km/h Precinct Speed Limit

Conclusions of the Community Survey – May 2015

Survey Details

Area	The survey area was bounded by Marion Road, Sturt Road, Diagonal Road, the Adelaide to Seaford rail corridor and the Sturt River
Question	Do you support the installation of a 40 km/h Precinct Speed Limit within the Oaklands Park and Marion area, bounded by Marion Road, Sturt Road, Diagonal Road, the Adelaide to Seaford rail corridor and the Sturt River?
Total Number of Survey	1920
Number of Surveys Returned	497 or 25.8%

Responds

Yes	237	47.7%
No	254	51.1%
Undecided	6	1.2%

Comments

Yes General comments	<ul style="list-style-type: none"> • Good idea • It should make the area safer • There is too much development in the area
No General comments	<ul style="list-style-type: none"> • It will not make a difference • It is not required • It will result in confusion, there will be too many changes in speed limits in the area • It is just revenue raising
Undecided General comments	<ul style="list-style-type: none"> • It will have no effect on my street

**CITY OF MARION
GENERAL COUNCIL MEETING
14 July 2015**

Originating Officer: Kathy Jarrett, Director
Subject: Code of Conduct Complaint
Ref No: GC140715R08

Consideration of Confidential Order

This report outlines options for a process to manage a complaint received regarding Councillor Nick Kerry under Council's Code of Conduct Policy.

Matters relating to code of conduct complaints would ordinarily be considered in confidence, and if a breach of the behavioural code is found, the matter must be the subject of a report to a public meeting of the Council. Given this matter has already been reported in the Messenger Press, this report can be made public. However, Council's further discussions on this matter may be held in confidence along with the minutes detailing the outcome of that discussion until such time as a final report is considered. Should Council wish to discuss this matter in confidence, the following resolution can be passed:

1. Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999 the Council orders that all persons present, with the exception of the following [Geoff Whitbread, Acting Chief Executive Officer; Vincent Mifsud Director; Kathy Jarrett, Director; Craig Clarke, Acting Manager Governance; Jaimie Thwaites, Unit Manager Council Support and Victoria Moritz, Governance Officer], be excluded from the meeting as the Council considers that the requirement for the meeting to be conducted in a place open to the public has been outweighed in circumstances where the Council will receive and consider information pertaining to Code of Conduct for Council Members issues.

DISCUSSION:

The purpose of this report is to seek Council's resolution on the next steps to be taken in addressing the complaints regarding the conduct of Councillor Nick Kerry.

On 30 June 2015, Council received a Code of Conduct complaint from a resident over the alleged conduct of Councillor Kerry at the General Council Meeting of 23 June 2015. The complainant has raised concerns that Councillor Kerry was allegedly intoxicated at the meeting.

On the same day, Council received a general complaint from a different resident over Councillor Kerry's behaviour. The resident cited the Local Government Act and the general duties of being an Elected Member.

In summary, Councillor Kerry attended the General Council Meeting on 23 June 2015, and left the meeting at 8.10pm. In response to subsequent media inquiries, Councillor Kerry made statements in which he indicated he had consumed alcohol prior to the meeting. He

apologised to the community and Elected Members for his conduct, and explained his divorce had been finalised several hours prior to the meeting.

Code of Conduct (**Appendix 1**)

The Code of Conduct for Council Members is in three parts:

- Behaviour which falls under Part 2 of the Code,
- Misconduct which triggers action under Part 3 of the Code, or
- Criminal or corrupt behaviour.

The complainant has not specified what section the alleged breach has occurred under.

Council Considerations

Pursuant to the Elected Member Code of Conduct Procedure for Investigating Complaints (The procedure) (**Appendix 2**), Council must determine if this complaint relates to:

- Behaviour which falls under Part 2 of the Code,
- Misconduct which triggers action under Part 3 of the Code, or
- Criminal or corrupt behaviour.

Section 3 of the Procedure provides Council with 4 options to consider a matter:

1. Internal response
2. Referral to the Local Government Governance Panel
3. Referral to independent person of Council's choice
4. Dismiss the allegation.

The question for Council to consider is "has Councillor Kerry breached the Code of Conduct by being intoxicated at a Council meeting"? In addressing this complaint, Council needs to consider which of the above four options it wishes to undertake. Should Council decide option 3, a list of suitable people to undertake this work will be presented at the meeting.

RECOMMENDATIONS:

That:

- 1. Council advises the approach it wishes to take regarding this matter.**

CODE OF CONDUCT FOR COUNCIL MEMBERS*Local Government Act 1999: Section 63 (1)*

NOTICE under Clause 3.10 of the Code of Conduct for Council Members published by the Minister for Planning for the purposes of Section 63 (1) of the Local Government Act 1999.

For the purposes of Clause 3.10 of the Code of Conduct for Council Members adopted for the purposes of Section 63 (1) of the Local Government Act 1999 and published in the *Gazette* on the day on which this Notice is made, the value of \$100 is specified.

Dated 18 August 2013.

JOHN RAU, Deputy Premier, Minister for Planning

Code of Conduct for Council Members

Published by the Minister for Planning for the purposes of Section 63 (1) of the Local Government Act 1999.

This Code of Conduct is to be observed by all Council members.

Council members must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of Council members to ensure that they are familiar with, and comply with, the standards in the Code at all times.

PART 1—PRINCIPLES**1. Higher principles—Overarching Statement**

This part does not constitute separate enforceable standards of conduct.

Council members in South Australia have a commitment to serve the best interests of the people within the community they represent and to discharge their duties conscientiously, to the best of their ability, and for public, not private, benefit at all times.

Council members will work together constructively as a Council and will uphold the values of honesty, integrity, accountability and transparency, and in turn, foster community confidence and trust in Local Government.

As representatives of open, responsive and accountable government, Council members are committed to considering all relevant information and opinions, giving each due weight, in line with the Council's community consultation obligations.

In the performance of their role, Council members will take account of the diverse current and future needs of the local community in decision-making, provide leadership and promote the interests of the Council.

Council members will make every endeavour to ensure that they have current knowledge of both statutory requirements and best practice relevant to their position. All Councils are expected to provide training and education opportunities that will assist members to meet their responsibilities under the Local Government Act 1999.

Council members will comply with all legislative requirements of their role and abide by this Code of Conduct.

PART 2—BEHAVIOURAL CODE**2. Behavioural Code**

In line with 'Part 1—Higher Principles' of this Code, the following behaviour is considered essential to upholding the principles of good governance in Councils.

This Part is for the management of the conduct of Council members that does not meet the reasonable community expectations of the conduct of Council members. It deals with conduct that does not, and is not likely to, constitute a breach of Part 3—Misconduct or criminal matters such as those contained in the Appendix to this document.

Robust debate within Councils that is conducted in a respectful manner is not a breach of this Part.

It is intended that each Council will adopt a process for the handling of alleged breaches of this Part. This process will be reviewed within 12 months of a general Local Government election.

Council members must:

General behaviour

- 2.1 Show commitment and discharge duties conscientiously.
- 2.2 Act in a way that generates community trust and confidence in the Council.
- 2.3 Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
- 2.4 Show respect for others if making comments publicly.
- 2.5 Ensure that personal comments to the media or other public comments, on Council decisions and other matters, clearly indicate that it is a private view, and not that of the Council.

Responsibilities as a member of Council

- 2.6 Comply with all Council policies, codes and resolutions.
- 2.7 Deal with information received in their capacity as Council members in a responsible manner.
- 2.8 Endeavour to provide accurate information to the Council and to the public at all times.

Relationship with fellow Council Members

- 2.9 Endeavour to establish and maintain a respectful relationship with all Council members, regardless of differences of views and opinions.
- 2.10 Not bully or harass other Council members.

Relationship with Council staff

- 2.11 Not bully or harass Council staff.
- 2.12 Direct all requests for information from the Council administration to the Council's Chief Executive Officer or nominated delegate/s.
- 2.13 Direct all requests for work or actions by Council staff to the Council's Chief Executive Officer or nominated delegate/s.
- 2.14 Refrain from directing or influencing Council staff with respect to the way in which these employees perform their duties.

Requirement to report breach of Part 3

- 2.15 A Council member who is of the opinion that a breach of Part 3 of this Code (Misconduct)— has occurred, or is currently occurring, must report the breach to the Principal Member of the Council or Chief Executive Officer, the Ombudsman or the Office for Public Integrity.
- 2.16 A failure to report an alleged or suspected breach of Part 3 of this Code is in itself a breach under this Part (Behavioural Code).

Complaints

- 2.17 Any person may make a complaint about a Council member under the Behavioural Code.
- 2.18 Complaints about behaviour alleged to have breached the Behavioural Code should be brought to the attention of the Principal Member or Chief Executive Officer of the Council, or nominated delegate/s.
- 2.19 A complaint may be investigated and resolved in any manner which that Council deems appropriate in its process for handling alleged breaches of this Part. This can include, but is not limited to: a mediator or conciliator, the Local Government Governance Panel, a regional governance panel or an independent investigator.
- 2.20 A complaint may be considered within this process to be trivial, vexatious or frivolous, and accordingly not investigated.
- 2.21 A failure of a Council member to cooperate with the Council's process for handling alleged breaches of this Part may be referred for investigation under Part 3.
- 2.22 A failure of a Council member to comply with a finding of an investigation under this Part, adopted by the Council, may be referred for investigation under Part 3.
- 2.23 Repeated or sustained breaches of this Part by the same Council member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.
- 2.24 A breach of the Behavioural Code must be the subject of a report to a public meeting of the Council.

Findings

- 2.25 If, following investigation under the Council's complaints handling process, a breach of the Behavioural Code by a Council member is found, the Council may, by resolution:
- 2.25.1 Take no action;
 - 2.25.2 Pass a censure motion in respect of the Council member;
 - 2.25.3 Request a public apology, whether written or verbal;
 - 2.25.4 Request the Council member to attend training on the specific topic found to have been breached;
 - 2.25.5 Resolve to remove or suspend the Council member from a position within the Council (not including the member's elected position on Council);
 - 2.25.6 Request the member to repay monies to the Council.

PART 3—MISCONDUCT

3. Misconduct

Failure by a Council member to comply with this Part constitutes misconduct. The provisions within this Part may refer to statutory matters under the Local Government Act 1999. Any breach of these provisions will be investigated under that legislation.

Any person may report an alleged breach of this Part to the Council, the Ombudsman, the Electoral Commissioner (for alleged breaches of Code 3.8) or the Office for Public Integrity. Alleged breaches of this Part made to a Council or to the Office for Public Integrity may be referred to the Ombudsman for investigation under Section 263 of the Local Government Act 1999, by the Council's Chief Executive Officer or by the Independent Commissioner Against Corruption, where he or she so determines.

A report from the Ombudsman that finds a Council member has breached this Part (Misconduct) of the Code of Conduct must be provided to a public meeting of the Council. The Council must pass resolutions, that give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

An investigation under Part 3 of this Code does not preclude an investigation being launched as a potential breach of the criminal matters listed in the Appendix to this document.

Member duties

Council members must:

- 3.1 Act honestly at all times in the performance and discharge of their official functions and duties;
- 3.2 Perform and discharge their official functions and duties with reasonable care and diligence at all times;
- 3.3 Not release or divulge information that the Council has ordered be kept confidential, or that the Council member should reasonably know is information that is confidential, including information that is considered by Council in confidence;
- 3.4 Not exercise or perform, or purport to exercise or perform, a power, duty or function that he or she is not authorised to exercise or perform;
- 3.5 Not attempt to improperly direct a member of Council staff to act in their capacity as a Local Government employee for an unauthorised purpose;
- 3.6 Ensure that relationships with external parties cannot amount to interference by improper influence, affecting judgement, decisions and/or actions.

Gifts and benefits

3.7 Council members must not:

- 3.7.1 Seek gifts or benefits of any kind;
 - 3.7.2 Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their public duty;
 - 3.7.3 Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the Council.
- 3.8 Notwithstanding Code 3.7, Council members may accept campaign donations as provided for in the Local Government (Elections) Act 1999.

- 3.9 Notwithstanding Code 3.7.3, Council members may accept hospitality provided in the context of performing their duties, including:
- 3.9.1 Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:
 - 3.9.1.2 Council work related events such as training, education sessions workshops and conferences;
 - 3.9.1.3 Council functions or events;
 - 3.9.1.4 Social functions organised by groups such as Council committees and community organisations.
 - 3.9.2 Invitations to, and attendance at, local social, cultural or sporting events.
- 3.10 Where Council members receive a gift or benefit of more than a value published in the *Government Gazette* by the Minister from time to time, details of each gift or benefit must be recorded within a gifts and benefits register maintained and updated quarterly by the Council's Chief Executive Officer. This register must be made available for inspection at the principal office of the Council and on the Council website.

Register of Interests

- 3.11 Council members must lodge with the Council a complete and accurate primary return of their interests, and subsequent ordinary returns, as required by legislation.

Campaign donation returns

- 3.12 Council members must ensure that following each election an accurate campaign donation return is provided to the Chief Executive Officer of the Council as required by legislation.

Conflict of interest

- 3.13 Council members must be committed to making decisions without bias and in the best interests of the whole community and comply with the relevant conflict of interest provisions of the Local Government Act 1999.

Misuse of Council resources

- 3.14 Council members using Council resources must do so effectively and prudently.
- 3.15 Council members must not use Council resources, including services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.
- 3.16 Council members must not use public funds or resources in a manner that is irregular or unauthorised.

Repeated or sustained breaches of Part 2

- 3.17 At the discretion of the Council to which the member is elected, repeated or sustained inappropriate behaviour, as listed in Part 2, may be escalated to an allegation of misconduct under this Part.
- 3.18 A failure to comply with a finding of inappropriate behaviour (by the Council, independent investigator or Ombudsman) under Part 2 is also grounds for a complaint under this Part.

APPENDIX—CRIMINAL MATTERS

The matters within this Appendix are matters for which a criminal penalty attaches. As separate legislation operates to cover such conduct, this part does not form part of the Code of Conduct for Council Members.

Allegations of conduct breaching these matters will be investigated in accordance with the legislation governing that conduct and they are included within this document only in order to provide a complete overview of the standards of conduct and behaviour expected of Council members.

Alleged breaches of matters outlined in this Appendix should be reported to the Office for Public Integrity in the first instance.

Breaches of the Local Government Act 1999

Member duties

A member of a Council must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (3)).

A member of a Council must not, whether within or outside the State, make improper use of his or her position as a member of the Council to gain, directly or indirectly, an advantage for himself or herself or for another person or to cause detriment to the Council (Section 62 (4)).

Provision of false information

A member of a Council who submits a return under Chapter 5 Part 4 (Register of interest) and Schedule 3 of the Local Government Act 1999, that is to the knowledge of the member, false or misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence (Section 69).

Restrictions on publication of information from Register of Interests

A Council member must not publish information, or authorise publication of information, derived from a Register unless the information constitutes a fair and accurate summary of the information contained in the Register, and is published in the public interest, or comment on the facts set forth in a Register, unless the comment is fair and published in the public interest and without malice (Section 71).

Breaches of other Acts

Acting in his or her capacity as a public officer, a Council member shall not engage in conduct, whether within or outside the state, that constitutes corruption in public administration as defined by Section 5 of the Independent Commissioner Against Corruption Act 2012, including:

An offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences:

- bribery or corruption of public officers;
- threats or reprisals against public officers;
- abuse of public office;
- demanding or requiring benefit on basis of public office;
- offences relating to appointment to public office.

Any other offence, including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935, committed by a public officer while acting in his or her capacity as a public officer, or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or to an attempt to commit such an offence.

Any of the following in relation to an offence referred to in a preceding paragraph:

- aiding, abetting, counselling or procuring the commission of the offence;
- inducing, whether by threats or promises or otherwise, the commission of the offence;
- being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
- conspiring with others to effect the commission of the offence.

Elected Member Code of Conduct

Procedure for Investigating Complaints



1. POLICY

- 1.1 The Code of Conduct for Council Members is set by regulation and applies to all Elected Members across local government in South Australia. Depending on the nature of an alleged breach of the Code, a matter may be subject to a Council investigation or an investigation by the Ombudsman or Office of Public Integrity (OPI). This procedure applies when the Council receives a complaint against an Elected Member under the Code of Conduct for Council Members as gazetted on 29 August 2013. A copy of the Code is available on the City of Marion's website www.marion.sa.gov.au

2. ALLEGED BREACH

- 2.1 Breaches of the Code of Conduct may relate to behaviour (in Part 2 of the Code) or misconduct (in Part 3 of the Code). Criminal or corruption matters, which are subject to separate legislation, do not form part of the Code of Conduct for Elected Members but are referred to in the Appendix of the Code of Conduct.
- 2.2 Where an alleged breach occurs the complainant should report the allegation, in writing to the Chief Executive Officer. The allegation should:
- 2.2.1 Be specific
 - 2.2.2 Provide as much supporting evidence as possible to assist an investigation
 - 2.2.3 Provide the name of the Elected Member who has allegedly breach the Code.
- 2.3 Complainants can, at any time, take the alternative option of lodging the complaint with the Ombudsman or Office of Public Integrity (OPI), which will direct the complaint in accordance with the ICAC Act.
- 2.4 On receipt of a complaint, the CEO will be responsible for advising the Mayor and referring the complaint to Council.
- 2.5 When no allegations have been substantiated, Council will consider the matter in confidence.
- 2.6 The Council will consider the matter, in conjunction with legal advice if required, and determine whether the complaint relates to:
- 2.6.1 Behavioural which falls under Part 2 of the Code
 - 2.6.2 Misconduct which triggers action under Part 3 of the Code, or
 - 2.6.3 Criminal or Corrupt behaviour.

Elected Member Code of Conduct

Procedure for Investigating Complaints



- 2.7 Complaints relating to misconduct or criminal behaviour must be referred to the appropriate authorities immediately.
- 2.8 Prior to the complaint being referred to Council, the Mayor will advise the Elected Member who is the subject of the complaint and its substance. If the complaint is about the Mayor, the Deputy Mayor will undertake this function.

3. ALLEGED BREACH UNDER PART 2

When considering how to investigate a complaint, Council may consider the following options:

3.1 Internal Response

- 3.1.1 Only matters which are determined to be of a minor nature will be dealt with internally and only with the agreement of the parties. Council may request that the Mayor facilitate a meeting with the complainant and the Elected Member and may seek mediation and conciliation between the parties in an attempt to resolve the matter to the satisfaction of all parties. This may be appropriate, for example, where the complainant is also an Elected Member.
- 3.1.2 The Mayor must ensure that the principles of natural justice and procedural fairness are observed.
- 3.1.3 Where the matter is resolved by the Mayor to the satisfaction of all the parties the matter will be closed and no further action will be taken. The Mayor will send written confirmation to all the parties confirming that the matter has been resolved and provide report the outcome to a public meeting of the Council.
- 3.1.4 Where the matter cannot be resolved in this manner, it will be referred back to Council for further consideration.

3.2 Referral to Local Government Governance Panel

- 3.2.1 A complaint may be referred by Council to the independent Local Government Governance Panel for investigation.
- 3.2.2 Complaints to the Governance Panel will specify:
 - The grounds of the complaint
 - Set out the circumstances of the complaint
 - Be accompanied by any other material that is available to support the complaint.

Elected Member Code of Conduct

Procedure for Investigating Complaints



A copy of the Governance Panel procedures is available on the Governance Panel webpage on the Local Government Association's website under Rules of Engagement.

- 3.2.3 If referred to the Governance Panel, the matter will be assessed initially by the Governance Panel Chairperson who will determine the process to be followed and the person who will deal with the matter. The matter may be dismissed if it is frivolous, vexatious, misconceived or lacking in substance. Where a complaint progresses to an investigation, a report will be prepared by the Governance Panel and provided to Council. The report may recommend to the Council appropriate action in relation to the matter including the imposition of any of the sanctions available to a Council under clause 2.25 of the Code of Conduct.

3.3 Referral to independent person of Council's choice

- 3.3.1 A complaint may be referred by Council to an independent person for investigation.
- 3.3.2 Council can appoint an independent person of their choice. This appointment should be established through a transparent process such as a tender or via a selection process.
- 3.3.3 Complaints to an independent person will specify:
- The grounds of the complaint
 - Set out the circumstances of the complaint
 - Be accompanied by any other material that is available to support the complaint.

3.4 Dismiss the allegation.

- 3.4.1 The Council may choose to dismiss a matter if it is frivolous, vexatious, misconceived or lacking in substance. The Council must provide reasoning for undertaking this action.

4. REPORTING TO COUNCIL

- 4.1 At the conclusion of an investigation, if a breach of part 2 of the Code is found, the breach must be the subject of a report to a public meeting of the Council. The Council may, by resolution, take any of the following actions:
- 4.1.1 Take no action

Elected Member Code of Conduct Procedure for Investigating Complaints



- 4.1.2 Pass a censure motion in respect of the Elected Member
- 4.1.3 Request a public apology, whether written or verbal
- 4.1.4 Request the Elected Member to attend training on the specific topic found to have been breached
- 4.1.5 Resolve to move or suspend the Elected Member from a position within the Council (not including the Members Elected position on Council)
- 4.1.6 Request the member to repay monies to the Council.

5. APPEALS

- 5.1 The Council will not enter into any process of appeal in relation to Part 2 of the Code. If an Elected Member is aggrieved by the process and or outcome, they may refer the matter to the Ombudsman for review.

6. PART 3 – MANDATORY CODE (MISCONDUCT)

- 6.1 Any person may report an alleged breach of Part 3 of the Code to the Council, the Ombudsman or Office of Public Integrity. Alleged breaches of this Part made to Council or to the Office of Public Integrity may be referred to the Ombudsman for investigation.
- 6.2 Under the Code of Conduct, an Elected Member who is of the opinion that a breach of Part 3 of the Code has occurred, or is currently occurring, must report the breach to the Mayor of the Council or Chief Executive Officer, the Ombudsman of the Office of Public Integrity.
- 6.3 A failure to report an alleged or suspected breach of Part 3 of the Code is in itself a breach under Part 2 of the Code.
- 6.4 A failure of an Elected Member to co-operate with the Council's process for handling alleged breaches of Part 2 of the Code may be referred for investigation under Part 3.
- 6.5 A failure of an Elected Member to comply with a finding of an investigation under this procedure may be referred for investigation under Part 3 of the Code.
- 6.6 Repeated or sustained breaches of Part 2 of the Code by the same Elected Member may be referred, by resolution of the Council, to the relevant authority as a breach of Part 3.

Elected Member Code of Conduct

Procedure for Investigating Complaints



- 6.7 A report from the Ombudsman that finds a Council Member has breached Part 3 of the Code of Conduct must be the subject of a report to a public meeting of the Council. The Council must pass a resolution to give effect to any recommendations received from the Ombudsman, within two ordinary meetings of the Council following the receipt of these recommendations.

7. CRIMINAL MATTERS – APPENDIX TO THE CODE OF CONDUCT

- 7.1 The matters within the Appendix to the Code of Conduct are matters for which a criminal penalty applies. These matters must be reported to the Office of Public Integrity. In addition, allegations of a breach of any of the offence provisions in the *Local Government Act 1999* must be reported to the Office of Public Integrity.
- 7.2 In compliance with the *Independent Commissioner against Corruption Act 2012*, referral of such complaints to the Office of Public Integrity will remain confidential.

8. Further Information

Adopted by Council:	24 June 2014 (GC240614R08)
Next Review:	November 2015 (within 12 months of general election)
Version:	1.0
Owner:	Manager Governance
Applicable Legislation:	Local Government Act 1999 (sections 59-63) Local Government (General) Variation Regulations 2013 Independent Commissioner against Corruption Act 2012
Related Documents:	Code of Conduct for Council Members Directions of Guidelines issued by ICAC
Related Policies:	Elected Caretaker Policy

**CITY OF MARION
GENERAL COUNCIL MEETING
14 July 2015**

Question Received from: Councillor Raelene Telfer

Subject: Emergency Services Levy Increases

Ref No: GC140715Q01

File No: 9.33.3.33

QUESTION: (Councillor Telfer)

The voluntary groups as tenants in Marion Council community halls and other facilities have had the State Emergency Services Levy increases to pay from their fundraising. Please give us a list of all tenants and hirers that pay a portion of the Marion Council Emergency Services Levy, what they paid in 2014, what they paid in 2015 and the amount of increase as a percentage of the 2014 figures.

COMMENTS: (Mark Gibson, Team Leader Land & Property)

The following table provides a response to the above question:

Lessee	2013/14 - \$	2014/15 - \$	% Increase
Abbeyfield Society	57.40	124.95	118%
Active Elders Association	57.40	129.75	126%
Belair Turf Management	246.20	592.20	141%
Clovelly Park Memorial Community Centre Committee of Management	98.60	240.70	144%
Community Centres SA Inc.	0.00	77.81	
Cosgrove Hall Committee of Management	287.25	1,138.60	296%
Cove Sports and Community Club	531.00	2,257.05	325%
DECS	595.75	1,656.95	178%
Dover Square Tennis Club	206.00	765.80	272%
Edwardstown Soldiers Memorial Recreation Ground Committee	1,302.50	5,617.60	331%
Glandore Recreation Centre Board of Management	225.05	82.95	-63%
Independent Church of Australia	69.10	68.82	0%
Lions Club of Hallett Cove and District Inc.	0.00	5.73	
Marino Hall Committee of Management	44.65	89.15	100%
Marion Park Golf Club Inc.	78.85	184.20	134%
Marion RSL	527.75	2,242.10	325%
Marion Sports Club	1,980.50	9,024.20	356%
Morphettville Netball Club	178.70	640.50	258%
Morphettville Park Sports Club	514.75	2,182.45	324%
Parkholme Community Hall Committee of Management	96.15	261.75	172%
Plympton Sports and Recreation Club	553.75	2,421.05	337%
Positive Life South Australia (SA) Inc.	0.00	77.81	
RAOB GLE Grand Lodge of South Australia Inc.	0.00	51.11	

Rotary Club of Edwardstown	118.90	83.20	-30%
South Park Holme Tennis Club	232.00	885.10	282%
Southbank Tennis Club	168.00	696.05	314%
Stanley Street Tennis Club Inc.	287.25	596.30	108%
The Boatshed Café	407.25	583.94	43%
Warradale Park Tennis Club Inc.	362.00	740.80	105%
YMCA SA Inc.	100.75	246.65	145%
Total	9,327.50	33,765.27	262%

Notes:

For the Lessee's that are highlighted, applications were submitted to Revenue SA in December 2014, for an exemption from Emergency Services Levy pursuant to Section 4 (1) and (2) of the Recreation Grounds Rates and Taxes Exemption Act 1981. Revenue SA is still in process of considering Council's applications.

Some Lessees were not charged in 2013-14 or have experienced a decrease in the Levy for the following reasons

- The levy was an immaterial amount with no invoice being issued.
- The lessee was not in occupation of the building in 2013-14.
- The premises were only leased for a proportion of the year.
- Minor changes in lease arrangements

**CITY OF MARION
GENERAL COUNCIL MEETING
14 July 2015**

Notice Received from: Councillor Tim Gard

Subject: Seacliff Park DPA Membership

Ref No: GC140715M01

File No: 9.24.1.4 & 9.33.3.31

MOTION:

That the resolution passed by Council at the 12 May 2015 meeting in relation to Seacliff Park Residential and Centre Development Plan Amendment (DPA) - Community Consultation (reference GC120515R01) be amended by removing Councillor Tim Gard as one of the members of the joint Committee with the City of Holdfast Bay. Such amendment will result in the following resolution being passed:

That Council:

1. Endorse the Draft Seacliff Park Residential and Centre Development Plan Amendment as being suitable for public consultation.
2. Seek the Minister's approval for the Draft Seacliff Park Residential and Centre Development Plan Amendment to be placed on public consultation.
3. Proceed to public consultation upon receipt of approval to do so from the Minister.
4. Appoint 3 Councillors, Raelene Telfer, Bruce Hull and Ian Crossland to be part of a joint Committee, with the City of Holdfast Bay, to hear submitters at a public hearing following the conclusion of the public consultation.

COMMENTS: Kathy Jarrett, Director

Section 12 (3) of the Local Government (Procedures of Meetings) Regulations 2013, outlines the process for Council to rescind or amend a resolution of Council passed since the last general election. This section states "A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last general election of the council must be brought by written notice of motion."

If a rescission motion is successful, Council would be able to pass another resolution if it desired.

Councillor Gard's motion fits within these parameters.

For Member's information, following information presented to Council regarding the potential for conflict of interest associated with development plan amendments, the matter of Councillor Gard's membership on the joint Committee was identified as a potential conflict given the proximity of his place of residence to the Seacliff redevelopment. Accordingly, Councillor Gard is seeking to withdraw from the Committee.

**CITY OF MARION
GENERAL COUNCIL MEETING
14 July 2015**

Notice Received from: Councillor Raelene Telfer

Subject: Emergency Services Levy Increase on Community Facilities

Ref No: GC140715M02

File No: 9.24.1.4 & 9.33.3.33

MOTION:

That Council writes to Revenue SA seeking a response to our December 2014 application for an exemption from the Emergency Services Levy under the Recreation Grounds Rates and Taxes Exemption Act for the groups listed below. Further, that Council writes to the Treasurer, Local Government Minister and relevant state MPs indicating the Emergency Services Levy cost is burdening the following groups who are working hard to deliver programs for our community: Belair Turf Management, Cosgrove Hall Committee, Cove Sports and Community Club, Dove Square Tennis Club, Edwardstown Soliders' Memorial Recreation Ground Committee, Marion Sports Club, Morphettville Netball Club, Morphettville Park Sports Club, Plympton Sports and Recreation Club, South Park Holme Tennis Club, Stanley St Tennis Club, Warradale Park Tennis Club.

COMMENTS: Councillor Telfer

Nil

COMMENTS: Mark Gibson (Team Leader, Land and Property)

Should Council adopt the above motion, a letter can be sent to Revenue SA requesting an update on Council's application for exemption from the 2014-15 Emergency Service Levy for all qualifying community and sporting facilities.

In addition, Council could also write a letter to the treasurer, Local Government Minister and relevant state MPs advising of the increase in the Levy for Council community and sporting facilities and provide a schedule of the facilities that have sustained an increase between 2013-14 and 2014-15.

**CITY OF MARION
GENERAL COUNCIL MEETING
14 July 2015**

Notice Received from: Councillor Jason Veliskou
Subject: Illegally Dumped Rubbish
Ref No: GC140715M03
File No: 9.24.1.4 & 9.33.3.17

MOTION:

That council changes its approach to waste management from a purely educational focus to include a focus on deterring and catching those illegally dumping rubbish within the city of Marion.

That a workshop be held before the end of the year with elected members and waste management staff (in area of illegal dumping and hard rubbish collection) to discuss approaches and options to prevent dumped rubbish along with measures to deter and detect offenders.

That a report is provided as a result of this workshop, for consideration by council before the end of the 2015 calendar year.

COMMENTS: Councillor Veliskou

Illegal rubbish dumping costs the ratepayers of Marion hundreds of thousands of dollars every year.

This money is better spent on providing services in our community instead of something that is a result of wilful action by an inconsiderate and possibly unaware few.

Currently the city of Marion focus appears to be one of purely educational and whilst this does work in preventing rubbish being dumped it should not be the only approach we take.

The "Don't Dump your Junk" poster campaign encourages people to call the city of Marion for dumped rubbish but does nothing to stop those who choose to dump rubbish in and around their streets and those who drive to dump rubbish in secluded locations.

I also think the campaign may not be encouraging people to take responsibility for the rubbish they create as we imply that council will fix the problem for them.

There are hot spots throughout the city where dumped rubbish is more frequent and I would like to see discussion about what steps could be taken to prevent/reduce these?

For example why should ratepayers have to foot the bill every time residents dump unwanted furniture in the street at their end of their lease, quite prevalent in units. What responsibility and control do housing providers and landlords have in preventing and dealing with illegally dumped rubbish associated with their tenants?

Do the messages we sent the community need to change to include "Dumped rubbish is Illegal" "Illegal Dumping fines of up to \$####" and do we need to look at what options are available to catch and deter illegal dumping?

Withstanding the limitations on how we can prove who dumped rubbish, we still have, in my opinion, a disappointingly low rate of expiation for dumped rubbish offences.

This motion is about resorting a sense of pride in our neighbourhoods and the civic responsibility we all have in ensuring our streets do not become unsightly and hazardous rubbish tips.

COMMENTS: Roger Belding, Unit Manager Operational Support

Illegal dumping is a constant and highly visible problem throughout metropolitan Adelaide, particularly in areas with high population density. Apart from possible ignorance, offenders illegally dump to avoid disposal fees or do not afford the time and effort required to dispose of waste responsibly.

Current approaches adopted by the City of Marion include maintaining a focus on community education and long lasting habit change.

The City of Marion 'Don't Dump Your Junk - Keep Marion Beautiful' campaign provides a level of community education and enforcement in regard to the issue of roadside dumping. This process includes roadside banners and posters, also application at the dump site of 'Under Investigation' bunting tape and a local area letter drop advising residents that *"It is an offence under Section 235 (1) of the Local Government Act for people to deposit rubbish on a public road or public place without Council's authorisation."* and that *"In these cases an expiation notice may be issued against the individual's responsible with a \$315.00 fine to apply"*. This letter also requests information to assist Council's investigation. A copy of the advisory letter is attached as Appendix 1.

The tape up and letter drop process is applied wherever practical. Data indicates that during the 2014/15 Financial Year this process resulted in 42% of dumped rubbish being recovered by offenders.

Should Council so resolve, staff can provide the opportunity for Elected Members to review and discuss options to prevent dumped rubbish along with measures to deter and detect offenders. It is suggested that a workshop forum be scheduled for October / November 2015, shortly followed by a Council report.

Appendix 1 Dumped Rubbish Advisory Letter.

Date

The Occupier

PO Box 21, Oaklands Park
South Australia 5046

245 Sturt Road, Sturt
South Australia 5047

T (08) 8375 6600

F (08) 8375 6699

E council@marion.sa.gov.au

Dear Resident

Illegally Dumped Rubbish Near Your Property

A Council officer has noted unauthorised 'rubbish' located near this property. It is Council practice to notify properties in the immediate area to seek information as to the offenders name and/or reason for placement.

There are various environmentally friendly and legal alternatives for disposing of rubbish including:

- Council offer two free at call hard rubbish collections each year. With the ability to place up to one (1) cubic metre of hard rubbish for each booked collection. Additional information for this service is available by contacting the Council Customer Service team on 8375 6600 or by accessing the City of Marion web site www.marion.sa.gov.au.
- Contact an authorised waste disposal company (check the Yellow Pages for details).

It is an offence under Section 235 (1) of the Local Government Act for people to deposit rubbish on a public road or public place without Council's authorisation. In these cases an expiation notice may be issued against the individual/s responsible, with a **\$315.00 fine** to apply.

Council is determined to reduce incidents of dumped rubbish. A Council officer will make a follow-up inspection within 2 working days. If the illegally dumped rubbish has not been removed, Council will initiate investigation.

If you have information that may provide assistance to Council in relation to placement of this or other dumped rubbish, please contact Councils Customer Service team on 8375 6600.

Yours faithfully



Roger Belding
Operational Support Manager

The City of Marion acknowledges it is part of Kaurna land and recognises the Kaurna people
as the traditional and continuing custodians of the land.



CONFIDENTIAL REPORT

REPORT RELATING TO: A leader in the delivery of the Community Vision

Originating Officer: John Valentine, Manager Strategic Projects
Director: Vincent Mifsud
Subject: Hallett Cove Library building
Reference No: GC140715F01
File No: 13.60.1.1

If the Council so determines, this matter may be considered in confidence under Section 90(3)(b), (d) and (g) of the *Local Government Act 1999* on the grounds that the report contains information relating to a matter that could confer a commercial advantage to a third party, is of a commercial nature and Council has an obligation, to maintain the confidentiality of its agreement with Etiria (the Makris Group).



Geoff Whitbread
Acting Chief Executive Officer

RECOMMENDATION:

1. That pursuant to Section 90(2) and (3)(b), (d) and (g) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Abby Dickson, Fiona Harvey, Kathy Jarrett, Victoria Moritz, John Valentine and Craig Clarke be excluded from the meeting as the Council receives and considers information relating to the potential disposal of the existing Hallett Cove Library (and Youth Services) building, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to a matter that could confer a commercial advantage to a third party, is of a commercial nature and Council has an obligation, to maintain the confidentiality of its agreement with Etiria (the Makris Group).

CONFIDENTIAL REPORT

REPORT RELATING TO: A leader in the delivery of the Community Vision

Corporate Manager: John Valentine, Manager Strategic Projects
Director: Vincent Mifsud
Subject: City Services Surplus land
Reference No: GC140715F02
File No: 16.30.1.1

If the Council so determines, this matter may be considered in confidence under Section 90(3)(b) and (d) of the *Local Government Act 1999* on the grounds that the report contains information relating to a matter that could confer a commercial advantage to a third party and prejudice the commercial position of Council.



Geoff Whitbread
Acting Chief Executive Officer

RECOMMENDATION:

1. That pursuant to Section 90(2) and (3)(b) and (d) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Fiona Harvey, Abby Dickson, Kathy Jarrett, Victoria Moritz, John Valentine and Craig Clarke be excluded from the meeting as the Council receives and considers information relating to surplus land at City Services, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to a matter that could confer a commercial advantage to a third party and prejudice the commercial position of Council.