

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 22 November 2016

Commencing at 6.30 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 dark ink, appearing to read "Adrian Skull", is written over a faint, circular official stamp.

Adrian Skull
CHIEF EXECUTIVE OFFICER

17 November 2016

**CITY OF MARION
GENERAL COUNCIL AGENDA
FOR MEETING TO BE HELD ON
TUESDAY 22 NOVEMBER 2016
COMMENCING AT 6.30PM**



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 25 October 2016.....6

Confirmation of the Minutes for the Special General Council meeting held on
1 November 2016 19

6. CONFIDENTIAL ITEMS

CEO Annual Performance Review 2015/16
Report Reference: GC221116F01.....25

7. DEPUTATIONS

Nil

8. PETITIONS

Petition – Irrigation of Parsons Grove Reserve
Report Reference: GC221116P01 85

9. COMMITTEE RECOMMENDATIONS

Confirmation of the Minutes for the People and Culture Committee Meeting held on
1 November 2016
Report Reference: GC221116R01..... JF

Confirmation of the Minutes for the Infrastructure Committee Meeting held on
1 November 2016

Report Reference: GC221116R02..... JÎ

10. WORKSHOP / PRESENTATION ITEMS

Nil

11. ADJOURNED ITEMS

Nil

12. CORPORATE REPORTS FOR DECISION

Woodend Primary School – Proposed Car Park

Report Reference: GC221116R03..... Á€G

Community Grants Round One 2016/17

Report Reference: GC221116R04..... Á€J

Transition to LED Street Lighting

Report Reference: GC221116R05..... FG€

Glenthorne Farm Community Engagement

Report Reference: GC221116R06..... FÎ Í

Draft Animal Management Plan

Report Reference: GC221116R07..... FÎ Ì

Hallett Cove Masterplan Revised Concept

Report Reference: GC221116R08..... FJH

Swim Centre Residence

Report Reference: GC221116R09..... GĜ

Tonsley Greenway Shared Use Path & Streetscape Project

Report Reference: GC221116R10..... GHU

Edwardstown Oval Redevelopment

Report Reference: GC221116R11..... G F

Rescission Motion – Round House at Oaklands Wetland (GC220316R09)

Report Reference: GC221116R12..... HFG

Appointment of Date, Time and Place of Council Meetings 2017

Report Reference: GC221116R13..... HFH

Deputy Mayor, DAP Elected Member Representative and Committee Elected Member
Representatives for 2017

Report Reference: GC221116R14..... HFÎ

Election of Board & Deputy Board Members representing the MLGG to the LGA Board

Report Reference: GC221116R15..... HFJ

Conflict of Interest and Informal Gatherings Report Reference: GC221116R16.....	H €
Premier's Climate Change Council Nomination Report Reference: GC221116R17.....	H î
City of Marion Christmas Trading Hours 2016 Report Reference: GC221116R18.....	H €
Review of the How We Work Together Policy Report Reference: GC221116R19.....	H F
Review of Elected Member Records Management Policy Report Reference: GC221116R20.....	H €
Code of Practice, Procedures at Meeting 2016 Report Reference: GC221116R21.....	I €G
Enforcement Policy Report Reference: GC221116R22.....	I G

13. CORPORATE REPORTS FOR INFORMATION/NOTING

Finance Report – September 2016 Report Reference: GC221116R23.....	I H
Finance Report – October 2016 Report Reference: GC221116R24.....	I î
WHS Report – September and October 2016 Report Reference: GC221116R25.....	I J
Energy Efficient Buildings Project Report Reference: GC221116R26.....	Â G
Corporate Performance Report 2016-17 – 1 st Quarter July – September 2016 Report Reference: GC221116R27.....	I I

14. COMMUNICATIONS

Mayoral Report.....	Â H
Deputy Mayor Report	
Elected Member Report	
CEO and Executive Report.....	Â I

MATTERS RAISED BY MEMBERS

15. Questions with Notice

Pre-school sites owned by Marion Council Report Reference: GC221116Q01.....	Â I
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16. Motions with Notice

Written Communications Report Reference: GC221116M01	I Î Î
Glenthorne National Park Report Reference: GC221116M02	I Î Î
Political Sponsorship Signage Policy Report Reference: GC221116M03	I Î Î
Safety of Pedestrians – Cove Civic Centre Report Reference: GC221116M04	I Î J

17. Questions without Notice

18. Motions without Notice

19. LATE ITEMS

20. MEETING CLOSURE

Council shall conclude on or before 9.30pm 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 25 OCTOBER 2016**



PRESENT

His Worship the Mayor Kris Hanna

Councillors

Coastal Ward

Ian Crossland
Tim Gard

Mullawirra Ward

Jason Veliskou (from 6.35pm)
Jerome Appleby

Southern Hills

Janet Byram
Nick Westwood (from 6.34pm)

Warracowie Ward

Bruce Hull
Nathan Prior

Warriparinga Ward

Luke Hutchinson
Raelene Telfer

Woodlands Ward

Tim Pfeiffer

In Attendance

Mr Adrian Skull
Mr Vincent Mifsud
Ms Abby Dickson
Mr Tony Lines
Ms Kate McKenzie
Ms Jaimie Thwaites

CEO

General Manager Corporate Services
General Manager City Development
General Manager Operations
Manager Corporate Governance
Unit Manager Governance & Records

COMMENCEMENT

The meeting commenced at 6.30pm.

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.

ELECTED MEMBER'S 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 made

6.34pm Councillor Westwood entered the meeting

CONFIRMATION OF MINUTES

6.34pm Moved Councillor Telfer, Seconded Councillor Hutchinson that the minutes of the General Council Meeting held on 11 October 2016 taken as read and confirmed.

Carried Unanimously

6.35pm Councillor Veliskou re-entered the meeting

COMMUNICATION REPORTS

6.34pm Report on Mayoral Activities for September and October 2016

Date	Event	Comment
23 September 2016	South Adelaide Basketball Club Presentation Night	Attended, gave speech
24 September 2016	Meeting Dover Square Tennis Club	Attended
24 September 2016	Muslim Women's Association of SA - Eid Al-Adha Morning Tea	Mayor & Mayoress attended
25 September 2016	Proposed Vodaphone Tower, Community Meeting	Attended, gave speech
26 September 2016	'Code Club' Certificate Presentation to young participants	Attended, gave speech
28 September 2016	Meet with Directors of Leartek a Waste Recycling Company	Attended
30 September 2016	Conference Opening - Federation of Association of Teachers of French in Australia (FATFA)	Attended
30 September 2016	Islamic Society of SA Meeting with President Mr Ahmed Zreika Re: Parkholme Mosque	Attended
30 September 2016	Edwardstown Bowling Club	Attended
5 October 2016	Morphettville Ladies Probus Club	Attended, gave speech
8 October 2016	Sheidow Park School Quiz Night	Attended
9 October 2016	Cove Football Club Meeting with President	Attended
10 October 2016	Brighton Meals on Wheels AGM	Attended, gave speech

10 October 2016	Met with Lions Club of Edwardstown	Attended
13 October 2016	LGA Governance Review Consultation	Attended (part)
13 October 2016	Hosted Civic Reception to present the keys to the City for Olympic Gold Medalist Kyle Chalmers. Also acknowledged Paralympic and Olympic athletes training in the City of Marion.	Hosted, gave speech
14 October 2016	Friends of Parks Conference Opening	Attended briefly
14 October 2016	Cove Footy Presentation Night	Attended
15 October 2016	Citizenship Ceremony <ul style="list-style-type: none"> 9.30am and 12.30pm 	Conducted Ceremonies
15 October 2016	Edward Said Memorial Lecture	Attended
16 October 2016	Hindu Society - Community Cultural Centre Foundation Laying Ceremony	Attended
16 October 2016	Cove Footy AGM	Attended, acted as Returning Officer
17 October 2016	Hallett Cove Foreshore Master Plan - Community Information session	Attended
17 October 2016	Oaklands Estate Resident Association AGM	Attended and gave speech, acted as Returning Officer
In addition, the Mayor has met with residents, MP's and also with the CEO and Council staff regarding various issues.		

Report on Deputy Mayor Activities for September and October 2016

Date	Event	Comment
5 October 2016	Glengowrie Neighbourhood Watch	General Meeting attended
12 October 2016	Meeting with Mayor	Meeting between Mayor and Deputy Mayor
13 October 2016	Olympian Reception in Council Chambers	Mayor hosted civic reception for all Olympians and Paralympians who either live or train in the city of Marion. Mayor Hanna presented the Key to the City to 2016 Olympic Gold Medallist Kyle Chalmers.
In addition, the Deputy Mayor has met with residents, various groups and Council staff regarding various issues.		

Report on CEO and General Managers Activities for September and October 2016

Date	Activity	Attended by
26 September 2016	Glenthorne Farm meeting with DPTI	Adrian Skull
27 September 2016	Meeting with General Manager Westfield	Adrian Skull Abby Dickson
27 September 2016	Meeting with South Australian Aquatic and Leisure Centre re Marion Cultural Centre Plaza / Playspace	Abby Dickson
28 September 2016	Met with Marion Croquet Club re Croquet Club SA Proposal	Abby Dickson
29 September 2016	Meeting with Renewal SA	Adrian Skull
06 October 2016	Met with Statewide Super re Sponsorship	Adrian Skull
11 October 2016	Attended SRC (Southern Recycling Centre) Committee Meeting	Vincent Mifsud
13 October 2016	Met with Corey Wingard MP re Operation Flinders	Adrian Skull
13 October 2016	Teleconference with ACCC and Council Solutions re Waste	Adrian Skull
13 October 2016	Attended Olympic Reception at City of Marion	Adrian Skull
13 October 2016	Attended Local Governance Review meeting at the Local Government Association (LGA)	Vincent Mifsud on behalf of Adrian Skull
15 October 2016	MC at Citizenship Ceremony	Adrian Skull Vincent Mifsud
19 October 2016	Teleconference – Council Solutions Board of Management Meeting	Adrian Skull
19 October 2016	Attended Icebreaker 16- Networking event at Tonsley	Adrian Skull Tony Lines Abby Dickson
20 October 2016	Attended LGA Conference and AGM – morning session	Adrian Skull
21 October 2016	Attended (LGFA) Local Government Finance Authority Board AGM Meeting	Vincent Mifsud on behalf of Adrian Skull
24 October 2016	Attended Community Afternoon Tea with Premier Weatherill and Cabinet Ministers at Ascot Park Bowling Club	Adrian Skull

Report on Elected Member Activities for September and October 2016

Councillor Raelene Telfer
File No.9.33.3.33

Date	Events Attended	Active Participation
4 October 2016	Finance and Audit Committee	Member participation
4 October 2016	Warriparinga Ward Briefing	Seacombe Hts tennis court discussion
4 October 2016	Don Smith Vicinity Presentation	Re Edwardstown Castle Plaza
9 October 2016	Dover Obedience & Kennel Club	Presented Awards as Patron
11 October 2016	Marion Sports Precinct	Ward Councillors with Mayor and staff
12 October 2016	2016 Adelaide Bikeways Summit	Represented Mayor at Mayors' forum on Free Bike Extension
13 October 2016	Civic reception for Rio 2016 teams	Olympic and Paralympic Winners recognised
14 October 2016	Friends of Parks	Forum member
15 October 2016	Friends of Parks	Forum and Field trip member
16 October 2016	Friends of Parks	Forum and Field trip member
17 October 2016	Mitchell Pk Residents Junction Survey	Interviewer
17 October 2016	Cosgrove Hall Management	Liaison
18 October 2016	Junction survey results	Analysis at Junction Community
18 October 2016	Kaurna Tour and training	EM forum
19 October 2016	Icebreaker 2016	Business networking for City
21 October 2016	Suneden 50 th Birthday	Guest
22 October 2016	Edwardstown Honour Board Descendants	Presenter, MC and organiser
22 October 2016	Day on the Khaki Green	Attended

Moved Councillor Prior, Seconded Councillor Pfeiffer that the Mayoral, Deputy Mayor, Chief Executive Officer, General Manager and Elected Member communication reports be received.

Carried Unanimously

DEPUTATIONS

Nil

PETITIONS

6.43pm Petition – Development Application No: 100/2016/1025 – Telecommunications Tower at Hallett Cove Report Reference: GC251016P01

6.43pm Councillors Hutchinson and Gard left the meeting

Moved Councillor Crossland, Seconded Councillor Veliskou that:

1. Council note the petition and comments provided by Administration.
2. The head petitioner be advised that Council has noted the petition and that in the event the application is reactivated, the application will be reported to the Development Assessment Panel for consideration and decision, and, all valid representors will be invited to present to the Panel at the relevant meeting.

Carried Unanimously

6.44pm Councillor Hutchinson re-entered the meeting

COMMITTEE RECOMMENDATIONS

Nil

WORKSHOP / PRESENTATION ITEMS

Nil

ADJOURNED ITEMS

6.45pm Destination Playspace – Motion with Notice Report Reference: GC251016M01

6.46pm Councillor Gard re-entered the meeting

Moved Councillor Hull, Seconded Councillor Pfeiffer that Council:

1. Defer this item until the 13 December 2016 General Council meeting.

Carried Unanimously

6.48pm Oaklands Round House– Motion with Notice Report Reference: GC251016M02

Moved Councillor Crossland, Seconded Councillor Appleby that Council:

1. Supports the demolition of the building known as the 'Round House' at Oakland's Reserve.

2. Notes the previous advice to Council of 22 March 2016 that demolition costs in 2015 were estimated at \$91,000.
3. Request administration seek updated quotations regarding the demolition works of the Round House.
4. Refers this matter to the next review of the unfunded initiatives for prioritisation.

Carried

Councillor Hull called for a division:

Those For: Councillors Telfer, Hutchinson, Byram, Veliskou, Appleby, Gard and Crossland

Those Against: Councillors Pfeiffer, Prior, Hull and Westwood

Carried

7.23pm Illegal Dumped Rubbish– Motion with Notice

Report Reference: GC251016M03

7.24pm Councillor Crossland left the meeting

7.26pm Councillor Crossland re-entered the meeting

Moved Councillor Veliskou, Seconded Councillor Pfeiffer that:

Council recognise present arrangement with EPA-SA and endorse the use of cameras within City of Marion, to catch and deter people illegally dumping rubbish in our community.

Resident privacy is paramount in the set up and placement of any cameras and that they only are set up to capture activity on public land.

Further that council take other steps within its power to catch people wilfully dumping rubbish. Council support enhanced focus of its waste service awareness to include messages about our community not tolerating illegal dumping and that council is out to catch, identify and prosecute offenders.

Whilst recognising that the overwhelming majority of tenants (and homeowners) do the right thing; in locations of concern, council will continue to work with private, public and organisational landlords to get them to take responsibility for illegal dumping by their tenants.

Council continue to work with other councils and agencies in carrying out these listed objectives.

7.31pm Councillor Hutchinson left the meeting

7.33pm Councillor Hutchinson re-entered the meeting

Carried

7.35pm Confidential - Administration Building and Surplus Land at City Services

Report Reference: GC251016F01

Moved Councillor Telfer, Seconded Councillor Crossland that:

1. Pursuant to Section 90(2)(i)(ii) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Tony Lines, Abby

Dickson, Vincent Mifsud, Kate McKenzie, John Valentine and Jaimie Thwaites, be excluded from the meeting as the Council receives and considers information relating to Council land, 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 could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, (d)(ii) would, on balance, be contrary to the public interest.

Carried

7.36pm The meeting went into confidence.

Moved Councillor Byram, Seconded Councillor Gard that Council:

1. Refers to the Infrastructure Committee the question of optimum long term accommodation of administrative operations and customer service operations.

Councillor Byram with the consent of Councillor Gard sought and was granted leave of the meeting to vary the motion as follows:

1. Refers to the Infrastructure and Strategy Committees the question of optimum long term accommodation of administrative operations and customer service operations.

The motion as varied was **Carried**

Moved Councillor Veliskou, Seconded Councillor Crossland that Council:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders this report and Appendix 1 arising from this report having been considered in confidence under Section 90(2), 90(3)(b) and 90(3)(e) of the Act be kept confidential 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 2016.
2. Notwithstanding the confidentiality of the Council as resolved in recommendation 1, the Council authorises the Mayor and/or Chief Executive Officer to provide information and/or make statements in the public realm in reliance upon the content of the confidential documentation where it is considered necessary to implement or respond to any aspects of this matter including those that are made public including by media reporting.

Councillor Veliskou with the consent of Councillor Crossland sought and was granted leave of the meeting to vary the motion as follows:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the commercial information (dollar figures), floor plans and other security matters contained in the report and appendices having been considered in confidence under Section 90(2), 90(3)(b) and 90(3)(e) of the Act be kept confidential 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 2016.
2. Notwithstanding the confidentiality of the Council as resolved in recommendation 1, the Council authorises the Mayor and/or Chief Executive Officer to provide information and/or make statements in the public realm in reliance upon the content of the confidential

documentation where it is considered necessary to implement or respond to any aspects of this matter including those that are made public including by media reporting.

The motion as varied was **Carried**

8.09pm The meeting came out of confidence.

CORPORATE REPORTS FOR DECISION

8.09pm 1st Budget Review 2016-17 Report Reference: GC251016R01

8.10pm Councillor Hutchinson left the meeting and did not return

8.21pm Councillor Pfeiffer left the meeting

8.25pm Councillor Pfeiffer re-entered the meeting

Moved Councillor Crossland, Seconded Councillor Veliskou that Council:

1. Adopt, as presented in Appendix 1, the revised budgeted statements including the Income Statement, Balance Sheet, Statement of Changes in Equity and Statement of Cash Flows.
2. Approves the identified once-off cash savings following the completion of the 2015/16 audited Annual Financial Statements of \$1.769m be transferred to the Asset Sustainability Reserve and quarantined to assist Council fund its long term Asset Management objectives.

Carried

8.42pm Utilisation of Vacant Commercial Properties Report Reference: GC251016R02

Moved Councillor Veliskou, Seconded Councillor Telfer that Council:

1. Notes the progress over the past six months.
2. Notes that a 12-month project report will be presented to Council in April 2017.

Carried

8.53pm Concert at the Cove Report Reference: GC251016R03

8.55pm Councillor Telfer left the meeting

Moved Councillor Crossland, Seconded Councillor Byram that Council:

1. Receives full costings and an event management plan for the Concert in the Cove based on Options A3 (Combination of Professional and Local community performers), B1 (Family oriented), C2 (Early evening), D1 (free) and E1 (Biennial) , for further consideration.

2. Refers the ongoing allocation of up to \$50,000 for the Concert at the Cove, to the 2017/18 Annual Business Plan and Budget Process for further consideration and prioritisation.

Carried

8.58pm Toc H Hall – Community Land Revocation
Report Reference: GC251016R04

Moved Councillor Pfeiffer, Seconded Councillor Crossland that Council:

1. Acknowledges the Ministerial approval to revoke the community land classification dated 5 October 2016 for the Toc H Hall at 30A De Laine Avenue Edwardstown being the whole of the land in Certificate of Title Volume 6022 Folio 144.
2. Revokes the community land classification in respect of the Toc H Hall at 30A De Laine Edwardstown being the whole of the land in Certificate of Title Volume 6022 Folio 144. The Registrar General is to be notified of the revocation of classification of community land in accordance with Section 195 of the Local Government Act 1999.
3. Authorises the disposal of the Toc H Hall at 30A De Laine Avenue being the whole of the land in Certificate of Title Volume 6022 Folio 144 in accordance with Council's Disposal of Land and Assets Policy.
4. Authorises the revenue from the sale of the Toc H Hall to be transferred to the Asset Sustainability Reserve for the purpose of assisting Council to fund its long term asset management objectives.
5. Pursuant to Section 37(b) of the Local Government Act 1999 authorises the Chief Executive Officer to enter into and sign all contracts and documentation necessary to effect a sale and settlement of the Toc H Hall.

Carried Unanimously

8.59pm Councillor Telfer re-entered the meeting

8.59pm Oaklands Estate Kindergarten - Landlords Approval for Centre Facility and Grounds Upgrade Works
Report Reference: GC251016R05

8.59pm Councillor Byram left the meeting

Moved Councillor Crossland, Seconded Councillor Prior that Council:

1. Grants Landlord's consent for the Centre Facility and Grounds Upgrade Works at Oaklands Estate Kindergarten, Park Terrace, Plympton Park, Certificate of Title Volume 5836 Folio 050.
2. Delegates to the Manager City Property approval to authorise any relevant documents necessary to facilitate the construction and management of the Centre Facility and Grounds Upgrade.

3. Advises that the Oaklands Estate Kindergarten that they will be responsible for any project related cost overruns and will be responsible for all future maintenance and repairs to the Centre Facility and Grounds Upgrade Works.
4. Notes Landlord Approval will be subject to Development Approval and Building Rules Consent.

Carried Unanimously

9.00pm 2016-19 City of Marion Marketing and Communications Plan
Report Reference: GC251016R06

Moved Councillor Gard, Seconded Councillor Westwood that Council:

1. Adopt the 2016-19 City of Marion Marketing and Communications Plan subject to the following changes:

Action	Description	Budget	2016-17	2017-18	2018-19
4.1 Investor Prospectus	Remove this item				
4.4 Grow Your Business Expo	In partnership with the State and Federal Governments and private sector providers, host an annual business services expo at Tonsley showcasing support services and technologies available to small business to assist with their growth – first event to be held on 24 November 2016	Existing business engagement budget	X	X	X
4.5 Red Tape Reduction	In line with the City of Marion Business Plan, reduce red-tape to support and facilitate business growth and employment opportunities and promote these initiatives to the business community	Nil	X	X	X
4.6 Buy Local Campaign	Review the current Hallett Cove Business Association buy local campaign, 'Local is the New Black' established with the support of Council with a view to a potential extension to the rest of Marion in 2017-2018	Subject to future budgets		X	
4.7 Business Awards	Remove this item				

9.02pm Councillor Byram re-entered the meeting

Moved Councillor Veliskou, Seconded Councillor Telfer that formal meeting proceedings be suspended to enable discussion on the item.

Carried Unanimously

9.09pm formal meeting proceedings were suspended

9.18pm Councillor Prior left the meeting

9.22pm formal meeting proceedings resumed

9.23pm Councillor prior re-entered the meeting

The motion was **Carried**

MEETING EXTENSION

Moved Councillor Veliskou, Seconded Councillor Telfer that the meeting be extended until the conclusion of the remaining items on the agenda.

Lost

Moved Councillor Veliskou, Seconded Councillor Telfer that the meeting be extended until the conclusion of the following items:

- Recruitment of an Independent Audit Committee Member (Report Reference: GC251016R08)
- Section 41 Committee's Terms of Reference and Appointment of Expert Members (Report Reference: GC251016R09)
- Hard Waste Fee for Service Models (Report Reference: GC251016R07)
- Draft Open Space Policy (Report Reference: GC251016R10)
- Liquor Licence Applications - Amendments to Governance Policy (Report Reference: GC251016R11)

The vote was **Tied**

The Mayor gave his casting vote and voted against the motion
Lost

The following agenda items were not considered at the meeting:

- Hard Waste Fee for Service Models (Report Reference: GC251016R07)
- Recruitment of an Independent Audit Committee Member (Report Reference: GC251016R08)
- Section 41 Committee's Terms of Reference and Appointment of Expert Members (Report Reference: GC251016R09)
- Draft Open Space Policy (Report Reference: GC251016R10)
- Liquor Licence Applications - Amendments to Governance Policy (Report Reference: GC251016R11)
- Review of the How We Work Together Policy (Report Reference: GC251016R12)
- Review of Elected Member Records Management Policy (Report Reference: GC251016R13)
- Code of Practice, Procedures at Meeting 2016 (Report Reference: GC251016R14)

- Finance Report – September 2016 (Report Reference: GC251016R15)
- WHS Report – September 2016 (Report Reference: GC251016R16)
- Pre-school sites owned by Marion Council (Report Reference: GC251016Q01)
- Glenthorne National Park (Report Reference: GC251016M04)

CLOSURE - Meeting Declared Closed at 9.31pm.

CONFIRMED THIS 22 NOVEMEBR 2016

.....
CHAIRPERSON

**MINUTES OF THE SPECIAL GENERAL COUNCIL MEETING
HELD AT THE ADMINISTRATION CENTRE
COUNCIL CHAMBER
245 STURT ROAD, STURT
ON TUESDAY 1 NOVEMBER 2016**



PRESENT

His Worship the Mayor Kris Hanna

Councillors

Coastal Ward

Ian Crossland

Mullawirra Ward

Jason Veliskou

Southern Hills

Nick Westwood

Janet Byram

Warracowie Ward

Nathan Prior

Bruce Hull

Warriparinga Ward

Luke Hutchinson

Raelene Telfer

Woodlands Ward

Nick Kerry

In Attendance

Mr Adrian Skull

Mr Vincent Mifsud

Mr Tony Lines

Ms Kate McKenzie

Ms Jaimie Thwaites

Chief Executive Officer

General Manager Corporate Services

General Manager Operations

Manager Corporate Governance

Unit Manager Governance and Records

OPEN MEETING

The meeting commenced at 6.30pm.

KAURNA ACKNOWLEDGEMENT

We would like to begin by acknowledging the Kaurna 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 Special General Council meeting will be recorded and will be made available on the City of Marion website.

ELECTED MEMBER'S 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 made.

CORPORATE REPORT FOR DECISION

6.32pm Hard Waste Fee for Service Models Report Reference: SGC011116R01

Moved Councillor Veliskou, Seconded Councillor Hutchinson that Council:

1. Notes this Report.
2. Authorises the implementation, as outlined within Appendix 3 to this report, of:
 - Option 1 – No change to the current service standard;
3. Notes that appropriate management discretion will be applied to provide additional Hard Waste services where extenuating circumstances exist.

Amendment:

Moved Councillor Byram that Council:

1. Notes this Report.
2. Authorises the implementation, as outlined within Appendix 3 to this report, of:
 - Option 1 – No change to the current service standard;
3. Additional services will be included for a fee for service only. This will be limited to 1 extra curb side collection and unlimited tip tickets.

The amendment was not accepted by the Chair

The original motion was **Carried**

Councillor Crossland called for a division:

Those For: Councillors Telfer, Hutchinson, Prior, Hull, Westwood and Veliskou

Those against: Councillors Kerry, Byram and Crossland

Carried

6.46pm Draft Open Space Policy
Report Reference: SGC011116R02

Moved Councillor Telfer, Seconded Councillor Westwood that Council:

1. Endorses the draft Open Space Policy as provided in Appendix 1;
2. Endorses community consultation on the draft Open Space Policy;
3. Notes a final Open Space Policy will be presented for consideration by Council in January 2017.

Carried Unanimously

6.53pm Recruitment of an Independent Audit Committee Member
Report Reference: SGC011116R03

Moved Councillor Hull, Seconded Councillor Hutchinson that Council:

1. Thanks Mr Owens for his 7 years of service on the Finance and Audit Committee and his valuable contributions.
2. Notes the process to be undertaken by the People and Culture Committee for recruitment of a third independent Member to the Finance and Audit Committee.

Carried Unanimously

MATTERS RAISED BY MEMBERS

Motions with Notice

6.54pm Elected Member Positions and Committee Structures – Rescission Motion
Report Reference: SGC011116M01

Moved Councillor Westwood, Seconded Councillor Veliskou that formal meeting procedures be suspended to enable discussion on the Committee structures.

Carried

7.02pm formal meeting procedures suspended

Meeting Extension

Moved Councillor Westwood, Seconded Councillor Veliskou that the meeting be extended until the conclusion of the items on the agenda.

Carried

7.30pm meeting extended

8.00pm formal meeting procedures resumed

Moved Councillor Westwood, Seconded Councillor Telfer that:

The following motion passed at the 9 August 2016 Council Meeting (GC090816M02) be rescinded:

1. That Committee positions and Deputy Mayor position be decided at our November Council meetings and that we endorse our current committee structure.

Carried Unanimously

CORPORATE REPORT FOR DECISION

8.01pm Section 41 Committee

Report Reference: SGC011116R04

Moved Councillor Byram, Seconded Councillor Hutchinson that Council:

1. Endorses the following Committee Structure:
 - Finance and Audit Committee
 - Urban Planning Committee
 - Review and Selection Committee
 - Infrastructure and Strategy Committee
2. Adopts the Terms of Reference for the Finance and Audit Committee provided in Appendix 1 effective from 1 January 2017.
3. Adopts the Terms of Reference for the Urban Planning Committee Provided in Appendix 5 from 1 January 2017 with the amendment to membership to be 4 Elected Members instead of 3.
4. Adopts the Terms of Reference for the Review and Selection Committee provided in Appendix 6 from 1 January 2017 with the following amendments:
 - deletion of point 3.1(ii) Deputy Mayor,
 - point 3.1(iii) changed to three Elected Members.
 - The Membership for the three Elected Members of the Committee continues for the term as resolved by Council.
5. Adopts the Terms of Reference for the Infrastructure and Strategy Committee provided in Appendix 7 from 1 January 2017 with the following amendments:
 - Membership to be 5 Elected Members instead of 6,
 - the quorum of the Committee be changed to 4 Elected Members (remove the reference to the Mayor) (item 4.4).
 - Item 3.4 to be replaced with an item that an Elected Member will be the presiding member of the Committee.
6. Disbands the following Committees that have been established pursuant to section 41 of the Local Government Act 1999, effective from 31 December 2016:
 - People and Culture Committee
 - Infrastructure Committee
 - Strategy Committee
7. Reviews all the Committees Terms of Reference within 12 months of the next general election (by November 2019), unless required earlier.

8. Places each of the adopted Committee's Terms of Reference on the Council website.
9. Notes a further report will be brought to the 22 November General Council Meeting to resolve the Committee Memberships, Presiding Members and the Deputy Mayor.
10. Adopts the meeting schedule for the Infrastructure and Strategy Committee meeting on a monthly basis on the first Tuesday of the month from February to November inclusive (10 meetings per year) and a sitting fee for the Independent Member will be \$1000 per meeting.
11. Adopts the meeting schedule for the Urban Planning Committee meeting on a bi-monthly basis on the first Tuesday of the month from February to November inclusive (5 meetings per year).

Carried Unanimously

CLOSURE - Meeting Declared Closed at 8.02pm

CONFIRMED THIS 22 NOVEMBER 2016

.....
CHAIRPERSON
/ /

**CITY OF MARION
GENERAL COUNCIL COMMITTEE
22 NOVEMBER 2016**

CONFIDENTIAL REPORT

Corporate Manager: **Steph Roberts, Manager Human Resources
Kate McKenzie, Manager Corporate Governance**

Subject: **CEO Annual Performance Review 2015/16**

Report Reference: **GC221116F01**

If Council so determines, this matter may be considered in confidence under Section 90(2) and (3)(a) - information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

**Kris Hanna
Mayor**

RECOMMENDATIONS:

That pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Committee orders that all persons present, with the exception of the following persons: _____, be excluded from the meeting as Council receives and considers information relating to the Chief Executive Officer (CEO) 2015/2016 Performance Review, 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 the performance of the CEO.

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**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Brett Jaggard, Unit Manager Open Space Operations
Corporate Manager: Mat Allen, Manager Engineering and Field Services
General Manager: Tony Lines, General Manager Operations
Subject: Petition – Irrigation of Parsons Grove Reserve
Reference No: GC221116P01

PETITION FROM: Brian Batty

NO OF SIGNATORIES: 46

DATE PETITION RECEIVED: 27 October 2016

CORRESPONDENCE:

RE: NOTICE OF CHANGE TO WATERING REGIME OF PARSONS GROVE RESERVE

We, the undersigned, request that Marion Council reconsider this proposed change to the preservation of Parsons Grove Reserve. The reserve is a small but significant recreation area and green space for the neighbourhood residents, in particular all new housing development which has been established recently. Over several years there has been development and maintenance of garden space adjacent to the grassed area and playground and our wish is to have the green space maintained and preserved.

A copy of the petition is attached as **Appendix 1**.

COMMENTS: Brett Jaggard, Unit Manager, Open Space Operations

On 14th June 2016 Council resolved that only reserves with a total irrigation score of 13 and above be irrigated, with additional budget allocations of \$350,000 for capital, \$62,306 saving for annual water costs, and an additional \$6,206 for annual maintenance costs. Council also resolved that sites with a public value score of 4 and above should be irrigated, noting additional water costs of \$6,011 and additional annual maintenance costs of \$678 with the 2016/17 annual budget being amended accordingly to reflect this.

Parsons Grove Reserve is currently scored with a public value of 3, and a total score of 11. There does not appear to be any reason to alter these scores.

In the event that Council mandates additional sites are irrigated then the public value score of these sites should be increased to 4 and the water budget increased to cover the cost of the additional water. The additional water cost to irrigate Parsons Grove Reserve would be \$2,796 per annum.

Council also resolved that in 12 months' staff conduct a review after receiving a report on the success and efficiency of the 2016/17 reserve irrigation program. Staff are currently collating data and feedback from several sources in order to inform this report.

Parsons Grove Reserve History

Parsons Grove reserve is a local level reserve in the reserve hierarchy, but it has received an increased level of service based upon the involvement of the local community in caring for the area. Over the last 8 years the local community has been active in maintaining the garden beds, undertaking weeding, mulching and planting with support from the City of Marion.

The City of Marion has facilitated this community involvement and ownership by installing a tap in the reserve to allow watering of plantings over summer, and giving the ageing play space a minor makeover which included repainting the equipment to help to extend its life and enhance its visual appeal.

The involvement that local residents have had in this reserve over a long period demonstrates the community value it contains and the interest and ownership that they have over this area.

RECOMMENDATIONS

	DUE DATE
That Council:	
1. Notes the petition and comments provided by Administration.	22 Nov 2016
2. Maintains the current irrigation scoring for Parsons Grove Reserve of a public value of 3 and a total score of 11.	22 Nov 2016
3. Advises the head petitioner that Council has noted the petition.	1 Dec 2016

Appendix 1: Petition

SCANNED

APPENDIX 1

20 October 2016

Brian Batty

12 Parsons Grove

PARK HOLME, SA 5043

Mr David Sheldrick

Acting Unit Manager Open Space Operations

Re: Irrigation of Parsons Grove Reserve

RECEIVED	
CITY OF MARION	
INFORMATION MANAGEMENT	
27 OCT 2016	
Original	<input type="checkbox"/>
Fwd:	<input type="checkbox"/>
File No:	
2	5 6 7 8 10 P

Dear David,

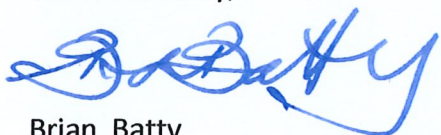
Thank you for your reply dated 11 October, to my letter regarding the above matter.

I must say that the local community is disappointed with the response confirming the decision. Many have expressed their concern to me, and consequently they have encouraged me to undertake a petition to confirm and express their concern regarding the maintenance of this reserve. I have attached the same to this letter.

I say again that several neighbours have contributed to the establishment and maintenance of the garden and new trees in this reserve over several years, and we do not wish to see that undermined. The initial arrangement and encouragement came from Council some years ago. Many in the community have also expressed concern about the longevity of mature and newly planted eucalypts in the reserve if the watering regime is changed. While you indicate a review next year is planned, I am concerned it may be too late to save this green space.

I hope that there is a way forward to maintain this reserve as has been in the past.

Yours Sincerely,

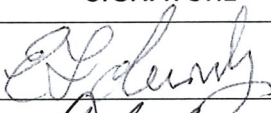
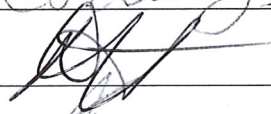


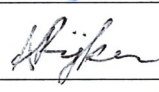
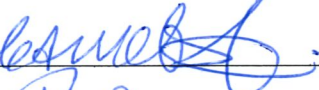
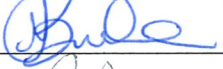

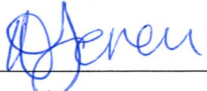

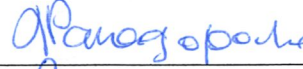



Brian Batty

SCANNED

Re: NOTICE OF CHANGE TO WATERING REGIME OF PARSONS GROVE RESERVE

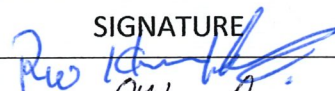
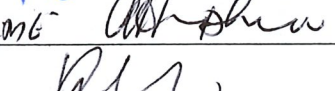
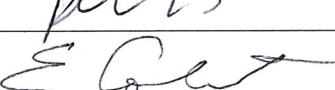
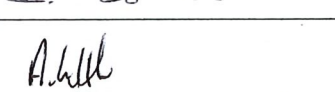

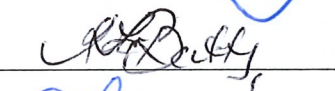
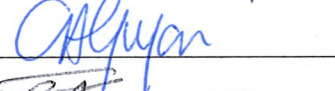
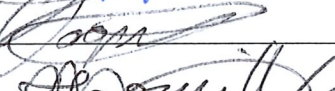



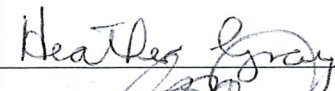

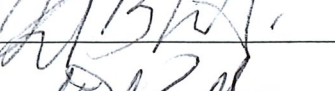


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NAME	ADDRESS	SIGNATURE
E.F MURPHY	2 Copley STREET Parkholme	
D. HACKETT	6 Copley ST, Park Holme	
T Allen	6a Copley St Park Holme	
STEVEN HALL	10 COPLEY ST PARK HOLME	DR HALL
JAMES RIJKEN	11 SUTHERLAND ST PARK HOLME	
Anna Rijken	11 Sutherland St Park Holme	
Carmen Webster	21 Burton Ave Park Holme	
Nobre Bowke	23 Burton Ave Parkholme	
Rhys Ledgard	14 Parsons Grove Park Holme	
Andreia Serem	14 Parsons Grove Park Holme	
Rashmikalia	16, Parsons Grove Park Holme	Rkalis
Jaime O'Donnell	20 Parsons Grove Park Holme	J.O.D
Salim Mansour	9 Parsons Grove Parkholme	
Joanne Panagopoulou	15 Sutherland St. Park Holme	
Philip Panagopoulou	15 Sutherland Park Holme	

SCANNED

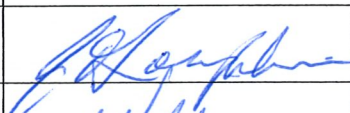

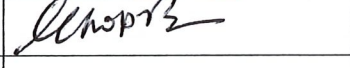

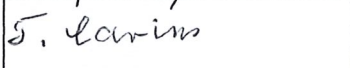
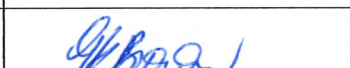
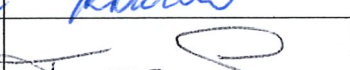

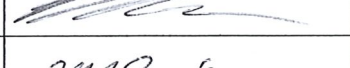
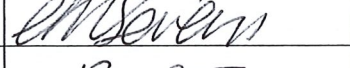
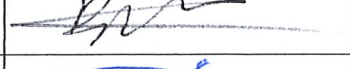


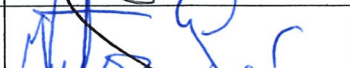

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NAME	ADDRESS	SIGNATURE
ALISON HUMPHREY	4 COPLEY ST PARKHOLME	
Kieran Menadue	9 Sutherland St Parkholme	
Elia Colbert	12a Parsons Cuv	
Alan Colbert	12a Parsons Cuv	
BRAIN BATEY	12 PARSONS GROVE	
KATHRIN BATEY	12 PARSONS GROVE	
Carole Guyon	4A Parsons Grove	
Casper Jaquillard	8a Copley street	
Robyn Jaquillard	" " "	
KURT THOMSON	18 Parsons Grove	
Brett Dowsett	13 Parsons Grove	
TRACY	15 PARSONS	
Heather	15A Parsons Grove	
Muhammad	17 PARSONS GROVE	
D.B. HALL	17 PARSONS AVE	
Glenn	17A Parsons grove	

Re: NOTICE OF CHANGE TO WATERING REGIME OF PARSONS GROVE RESERVE

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NAME	ADDRESS	SIGNATURE
JOHN O'LOUGHNIN	10 PARSONS GROVE ^{PARK HOLME} 5043	
VAL NOBLE	" " " "	
RIPPAN CHOPRA	8A PARSONS GROVE, PARK HOLME	
POOJA CHOPRA	8A Parsons Grove, Park Holme	
Judy Lamin	8 Parsons Grove Parkholme	
G.K. Brown.	ex. 8 Parsons Grove Park Holme	
Teresa Serem	14 Parsons Grove P.H.	
Sam Bechara	14 Parsons Grove P.H.	
Catarina Serem	14 Parsons Grove Park Holme	
BEN COOPER	9 JERSEY COURT REYNELLA	
Emad Oudh	22 BROOKLYN DR	
Tanya Rafone	11, 5 ROSS ST Plympton	
Vitor Serem	14, PARSONS GR Parkholme	
MARISA SEREM	14 Parsons Grove, Park Holme	
Chris Lehmann	7 LAGER CT Trott Park.	

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: People and Culture Committee - Confirmation of Draft Minutes of Meeting held on 1 November 2016

Report Reference: GC221116R01

DISCUSSION:

The purpose of this report is to facilitate the receiving and noting of the minutes from the 1 November 2016 People and Culture Committee meeting. The followings items were considered.

- F6.1 CEO Annual Performance Rating 2015/16 - Confidential
- 8.1 Finance and Audit Committee – Independent Member
- 8.2 Organisational Culture and Values
- 8.3 People and Culture Monitoring Report
- 8.4 Enterprise Agreement (EA) Negotiations Administrative Staff

The Committee noted the resignation of Dr Panter and thanked him for his service on the Committee. The committee requested that the CEO formally acknowledged Dr Panter's resignation and thank him for his service on the Committee.

RECOMMENDATIONS

DUE DATES

That Council:

- | | |
|--|--------------------|
| 1. Receives and notes the minutes of the People and Culture Committee meeting of 1 November 2016 (Appendix 1). | 22 Nov 2016 |
| 2. Notes that separate reports will be brought to Council for consideration of any recommendations from the People and Culture Committee. | 22 Nov 2016 |

**MINUTES OF THE PEOPLE & CULTURE COMMITTEE MEETING
HELD AT ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 1 NOVEMBER 2016**



PRESENT

Elected Members

Councillor Raelene Telfer (Presiding Member), Councillor Hutchinson & Councillor Hull
His Worship the Mayor Kris Hanna

In Attendance

Adrian Skull	Chief Executive Officer
Kate McKenzie	Manager Corporate Governance
Steph Roberts	Manager Human Resources
Vincent Mifsud	General Manager Corporate Services

1. OPEN MEETING

The meeting commenced at 8.09 pm.

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. MEMBERS DECLARATION OF INTEREST

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

4. CONFIRMATION OF MINUTES

Moved Mayor Hanna, Seconded Hutchinson that the minutes of the People and Culture Committee meeting held on 6 September 2016 is confirmed as a true and correct record of proceedings.

Carried Unanimously

5. BUSINESS ARISING

The statement identifying business arising from the previous meetings of the Committee was reviewed and progress achieved against identified actions noted.

6. CONFIDENTIAL ITEMS

8.10pm CEO Annual Performance Rating 2015/16 Report Reference: PCC011116F6.1

Moved Mayor Hanna, Seconded Councillor Hutchinson:

That pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Committee orders that all persons present, with the exception of the following persons: Vincent Mifsud, General Manager Corporate Services, Steph Roberts Manager Human Resources, Adrian Skull Chief Executive Officer and Councillor Ian Crossland, be excluded from the meeting as the Committee receives and considers information relating to the Chief Executive Officer (CEO) 2015/2016 Performance Review, 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 the performance of the CEO.

Carried Unanimously

8.12pm The meeting went into confidence.
8.12 pm Manager Corporate Governance left the meeting.
8.17pm General Manager Corporate Services left the meeting.
8.40pm CEO and Manager Human Resources left the meeting.

Moved Councillor Hutchinson, Seconded Mayor Hanna

In accordance with 90(2) and (3)(a) of the *Local Government Act 1999* the Committees orders that this report, all appendices 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 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 2016.

Carried

**Councillor Hull called for a division
Those for: Mayor Hanna, Councillor Hutchinson
Those against: Councillor Hull**

9.18 pm The meeting came out of confidence.

9.18 pm CEO Key Performance Indicators for Quarter 1 2016/17 Report Reference: PCC011116F6.2

This report was not considered by the Committee.

9.22pm The CEO, General Manager Corporate Services, Manager Corporate Governance and Manager Human Resources returned to the meeting.

7. PRESENTATION

Nil

8. REPORTS

9.24pm Finance and Audit Committee – Independent Member Report Reference: PCC011116R8.1

Moved Councillor Hutchinson, Mayor Hanna that the People and Culture Committee recommends to Council that:

1. That Pursuant to Section 90(2) and (3)(a) of the Local Government Act, 1999 the Committee orders that all persons present, with the exception of Kate McKenzie, Manager Corporate Governance, Steph Roberts, Manager Human Resources, Vincent Mifsud, General Manager Corporate Services and Adrian Skull, Chief Executive Officer be excluded from the meeting as the Committee considers that the requirement for the meeting to be conducted in a place open to the public has been outweighed in circumstances where the Committee will receive and consider a report dealing with potential candidate for the People and Culture Committee.

Carried Unanimously

9.24 pm The meeting moved into confidence.

9.34 pm The meeting came out of confidence.

EXTENSION OF TIME

Moved Councillor Hutchinson, Seconded Councillor Hull that the meeting be extended to 10.00pm.

Carried

9.34 pm Organisational Culture and Values Report Reference: PCC011116R8.2

The Manager Human Resources provided an overview of the report noting that a Leadership Forum was held in October 2016 with the focus of embedding the values at a leadership level. The Committee noted that the organisational values were now linked to staff performance reviews.

The Committee queried if staff were calling behaviour aligned to the values and it was noted that this was occurring but there was still more work to be achieved.

9.42 pm People and Culture Monitoring Report Report Reference: PCC011116R8.3

The Committee reviewed the report noting that further work was continuing on the contractor management and excessive leave.

Moved Mayor Hanna , Seconded Councillor Hull that the People and Culture Committee:

1. Notes the metrics outlined in this report.

Carried Unanimously

This meeting was the last meeting held before the Committee was disbanded on 31 December 2016. These Minutes have not been formally adopted by the Committee but were noted by Council at its Meeting of 22 November 2016

**9.46 pm Enterprise Agreement (EA) Negotiations Administrative Staff
Report Reference: PCC011116R8.4**

The Manager Human Resources provided a verbal report to the Committee advising that the second vote on the Enterprise Agreement closed on Monday, 31 October 2016. The vote was 60% no and 40% yes. This indicated no movement from the first vote. The Manager Human Resources advised that from verbal feedback from staff, it seems that backpay has been an issue. Further work is progressing regarding the strategy to move forward. The Committee noted that the AWU Enterprise Agreement is also scheduled to commence at the end of 2016 in preparation for its conclusion on 30 June 2017.

Moved Councillor Hutchinson, Seconded Mayor Hanna that the People and Culture Committee:

1. Note the verbal update provided regarding the Enterprise Agreement Negotiations for Administrative Staff.

Carried Unanimously

9. ANY OTHER BUSINESS

The Committee noted the resignation of Dr Panter and thanked him for his service on the Committee. The Committee requested that the CEO formally acknowledged Dr Panter's resignation and thank him for his service on the Committee.

10. MEETING CLOSURE

The meeting was declared closed at 10.00 pm

11. NEXT MEETING

Nil

CONFIRMED

.....

CHAIRPERSON

/ /

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Georgie Johnson, Economic Development & Strategic Projects Administration Assistant

Manager: John Valentine, Manager Strategic Projects

General Manager: Abby Dickson, General Manager City Development

Subject: Infrastructure Committee - Confirmation of Draft Minutes of Meeting held on 1 November 2016

Report Reference: GC221116R02

DISCUSSION

The purpose of this report is to facilitate the receiving and noting of the minutes from the 1 November 2016 Infrastructure Committee meeting. A summary of the items considered are noted below.

7.1 Infrastructure Projects Progress Updates

The Committee discussed key milestones for each project.

7.2 Smart Cities Update

The Economic Development Manager gave the Committee a Smart Cities update and the Committee noted the report.

7.3 Administration Building

The Committee recommended the Infrastructure and Strategy Committee carry out a workshop to investigate the commercial and service models (including community benefit) linked to the asset.

Review of Infrastructure Committee 2016 – Verbal Update - Cr Janet Byram

The Committee members liaise with the Manager Innovation and Strategy to produce an information report for the Infrastructure and Strategy Committee.

RECOMMENDATION

DUE DATE

That Council:

- | | |
|---|--------------------|
| 1. Receives and notes the minutes of the Infrastructure Committee meeting of 1 November 2016 (Appendix 1). | 22 Nov 2016 |
|---|--------------------|

**MINUTES OF INFRASTRUCTURE COMMITTEE MEETING
HELD AT ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 1 NOVEMBER 2016**



PRESENT

Elected Members

Councillors Byram (Chair), Kerry,

Independent Member

Mr Christian Reynolds

In Attendance

Cr Nathan Prior	Elected Member
Cr Nick Westwood	Elected Member
Mr Tony Lines	General Manager Operations
Mr John Valentine	Manager Strategic Projects
Mr Neil McNish	Economic Development Manager
Ms Fiona Harvey	Manager Innovation & Strategy
Ms Liz Byrne	Manager Community & Cultural Services
Ms Jaimie Thwaites	Unit Manager Governance & Records

1. OPEN MEETING

The meeting commenced at 8.11pm.

2. KAURNA ACKNOWLEDGEMENT

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

3. 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 made.

4. CONFIRMATION OF MINUTES

Moved Mr Reynolds, Seconded Councillor Kerry that the minutes of the Infrastructure Committee meeting held on 6 September 2016 is confirmed as a true and correct record of proceedings.

This meeting was the last meeting held before the Committee was disbanded on 31 December 2016. These Minutes have not been formally adopted by the Committee but were noted by Council at its Meeting of 22 November 2016

Carried Unanimously

5. BUSINESS ARISING

The statement identifying business arising from the previous meetings of the Committee was reviewed and progress achieved against identified actions noted.

The following points were noted in relation to the business arising:

- The Westfield and City of Marion meeting for the General Manager City Development & CEO to meet with Malcolm Creswell should still be pursued if it hasn't already occurred
- A future workshop should still be organised for a future Infrastructure and Strategy Committee meeting with Ben Yates - Property Advisory, divestment opportunities.
- State Liberal Party announced Glenthorne National Park proposal if elected in 2018
- Public Lighting Information Forum should still be pursued for all of Council

6. PRESENTATION

Nil

7. REPORTS

8.18pm Infrastructure Projects Progress Updates Report Reference: IC011116R7.1

The Committee discussed key milestones for each project and highlighted the following points:

- Edwardstown Oval Redevelopment – Funding deed has been received. Currently working through the timing requirements. The deed will be on the agenda for the 22 November 2016 General Council meeting
- Mitchell Park – National Stronger Regions Fund has changed to a strictly rural / non metro focus. A new Fund is expected to be released in December. A business case is being developed with the Office of Recreation and Sport to seek state funding.
- BMX – Initial Geo-tech report has been received. First design workshop is scheduled for 12 November 2016 at the Cove Civic Centre. Following his major training accident, Sam Willoughby is still hoping to be part of the consultation workshop but it is still to be confirmed what form this will take.
- Soccer – Still looking at different site options. Two options for consideration are Glenthorne Farm or DEWNR land adjacent to the proposed BMX site.
- Asset Optimisation - would like confirmation of the timings for Toc H Hall
- Glenthorne Farm – Council is advocating for the State Government to adopt a vision for the use of land. Council's position is to advocate for public access to the land. Council is not supportive of residential development on the site.
- Hallett Cove Foreshore – noted the 25 October 2016 Council resolution regarding a 'Concert at the Cove' (GC251016R03) in 2018. The amphitheatre development stage to be completed before the concert. A report is scheduled for the 22 November 2016 General Council meeting on the Hallett Cove re-development.
- LED Lighting – A report will be presented to Council on a business proposal regarding the transition to LED street lighting

- Streetscapes – Following on from the Bio blitz at Warriparinga, recommend that the UniSA Discovery Circle team be consulted for ideas as part of the Streetscape Project

Moved Mr Reynolds, Seconded Councillor Kerry that the Infrastructure Committee:

1. Notes the progress report on key infrastructure projects.
2. Thanks staff for the detail and transparency provided in the Projects Progress Updates report.

Carried Unanimously

The Chair sought and was granted leave of the meeting to bring the item 'Administration Building' (IC011116R7.3) forward on the agenda.

8.41pm Administration Building **Report Reference: IC011116R7.3**

The Committee raised and discussed the following points in relation to the Administration Building item:

- The item will need to be listed on the agenda for the Infrastructure and Strategy Committee in 2017.
- Clarification needs to be sought on the reason to modify (for example is it a service provision or a capacity requirement)
- Essentially this was raised as a question 'should we be investigating this item?' Council has resolved that it should be and now it needs to be worked out how it will be investigated.
- It will be the first major asset looked at as part of the asset optimisation.

Moved Mr Reynolds, Seconded Councillor Kerry that the Infrastructure Committee:

1. Recommends the Infrastructure and Strategy Committee carries out a workshop to investigate the commercial and service models (including community benefit) linked to the asset.

Carried Unanimously

8.50pm Smart Cities Update **Report Reference: IC011116R7.2**

The Economic Development Manager gave the Committee a Smart Cities update as noted in the report.

The Committee raised and discussed the following points in addition to the information contained in the report:

- The linkage with Southern Economic Board, Smart Cities and City of Marion Infrastructure
- Desire for a collaborative approach, encouraging people to work together
- Discussion about how Council would like to position itself to support a 'Smart City' agenda and giving consideration to developing a Smart City Strategy

- How can the profile be raised to bring businesses to the region?
- An overarching Smart City Strategy is still to be developed by State Government and this work will commence early in 2017. It was agreed that Administration should continue to liaise with the Department of State Development regarding progress in developing the strategy
- Smart Cities needs to be a topic that is discussed by the Infrastructure and Strategy Committee in 2017.

Moved Councillor Kerry, Seconded Mr Reynolds that the Infrastructure Committee:

1. Notes the report.

Carried Unanimously

8. WORKSHOP

9.11pm Review of Infrastructure Committee 2016 – Verbal Update - Cr Janet Byram

The Committee raised and discussed the following points in relation to the Review of Infrastructure Committee 2016 item:

- Noted the resolution of the Special General Council meeting held prior to the current meeting regarding the Council committee structure for 2017. The Infrastructure Committee and Strategy committee will be disbanded and a Infrastructure and Strategy Committee will be established. The Infrastructure and Strategy Committee will meet 10 times next year and will include an independent member in its membership.
- Consider whether the independent member should be a continuous one or vary them to bring in specialised expertise as required
- Topics to be considered by the Infrastructure and Strategy Committee in 2017 could include:
 - The infrastructure operating plan for the year (including review at 6 months)
 - How can major projects be funded, options regarding sources of funds etc.
 - Strategy milestones
 - Project updates (including milestones)
 - Infrastructure commitments as outlined in the 3 year Business Plan and consideration of longer term vision and strategy to progress the vision

Extension of Time

Moved Councillor Kerry, Seconded Mr Reynolds that the meeting be extended until the conclusion of the item.

Carried Unanimously

9.30pm the meeting was extended

Action:

The Committee members liaise with the Manager Innovation and Strategy to produce an information report for the Infrastructure and Strategy Committee.

Moved Councillor Kerry, Seconded Mr Reynolds that the Infrastructure Committee:

1. Provides an information report to the Infrastructure and Strategy Committee which includes:
 - A summary of the Infrastructure Committee in 2016
 - Key infrastructure priorities as set out in the 3 year business plan
 - Suggested potential new focus areas
 - Advice regarding the role of the independent member and
 - The communication between the Committee, Council, staff and the independent member.

Carried Unanimously

9. CONFIDENTIAL ITEMS

Nil

10. ANY OTHER BUSINESS

Nil

11. MEETING CLOSURE

The meeting was declared closed at 9.42pm

CONFIRMED

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CHAIRPERSON

/ /

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Mark Griffin, Unit Manager Engineering

Manager: Mathew Allen, Manager Engineering & Field Services

General Manager: Tony Lines, General Manager Operations

Subject: Woodend Primary School – Proposed Car Park

Reference No: GC221116R03

REPORT OBJECTIVE AND EXECUTIVE SUMMARY:

As a result of traffic and parking concerns on both Edward Beck Drive and Young Street, the Woodend Primary School approached Council to resolve the situation. Council developed a car parking option to reduce congestion and provide a safe environment for dropping and picking up children, utilising part of the Hughes Court Reserve adjacent to Young Street.

Although community consultation has not been undertaken, residents of Hughes Court have raised concerns, particularly in regards to loss of amenity and possible anti-social behaviour.

The purpose of this report is to provide Council with information in regards to the School, the various issues and possible treatment options, and seek direction in relation to the options.

RECOMMENDATIONS:

That Council:	DUE DATES
1. Notes the report.	November 2016
2. Endorses Option X (include brief summary).	November 2016

BACKGROUND:

The Woodend Primary School is situated on the south-western corner of Young Street and Edward Beck Drive, Sheidow Park. At present there are 655 students enrolled at the School. Within the City of Marion's Road Hierarchy Plan, Young Street is classified as a distributor road while Edward Beck Drive is a collector road.

Traffic congestion and parking concerns occurring at the drop-off and pick-up times associated with Woodend Primary School have been raised previously. In summary this has involved the following (refer also to the attached History of Events - **Appendix 1**):

2009 - Previous Car Park Design on Edward Beck Drive

Council in-conjunction with the School developed a design to provide additional car parking on Edward Beck Drive, consisting of:

- A partially indented 60 degree parking bay (utilising the road corridor and a small portion of school land), accommodating 11 vehicles.
- A new footpath between the car parks and the school to assist pedestrians.

However, as the land accommodating the western portion of the School is privately owned, the School did not wish to continue with this proposal.

2014 - Way2Go Program

DPTI and Council engaged the School to participate in the 'Way2Go' program (a State Government initiative replacing the Safe Routes to School Program). A number of treatments were proposed, as follows:

- DPTI installed way finding signs in early 2016 to direct children safely to school. Further discussions are continuing concerning possible installation of bike storage facilities.
- The City of Marion has:
 - Installed wide footpaths on Young Street and Edward Beck Drive in the vicinity of the existing crossing to provide for the safe movement of pedestrians.
 - Proposed to upgrade the crossing on Edward Beck Drive, from the existing Emu Crossing (flags – 25 km/hr when children are present) to a Koala Crossing (25 km/hr when lights are flashing).

DISCUSSION:

Car Park Design – Hughes Court Reserve

During 2015/2016 Council developed a concept plan (**Appendix 2**) to provide a car park on the Hughes Court Reserve, this plan involved:

- The provision for 34 parking spaces (to address the parking demand)
- A footpath through the reserve to align with the school crossing
- Vegetation to partially obstruct the view of the car park
- A rock-lined swale to collect stormwater runoff from the car park.

Community consultation in relation to the proposed Hughes Court car park was scheduled for late 2016. However, during August 2016 the School advised the local community of Council's proposal to construct a car park within the Hughes Court Reserve.

Hughes Court Reserve

All City of Marion land is managed under Community Land Management Plans (CLMPs). The Hughes Court Reserve is covered under CLMP 9 which does not specifically provide for carpark use. However, as an objective of the land management plan is to provide for the welfare, wellbeing and interest of the community, it could be possible. Legal advice was therefore sought on the circumstances under which a carpark could be constructed on this reserve. This advice suggests that the carpark could be contemplated:

- Under CLMP9 if it is minor in nature (say 10% of the reserve area). The current design is 21% of the reserve area; or
- By amending the Community Land Management Plans to include the Hughes Court Reserve into CLMP10. This would require community consultation.

The provision of a car parking area utilising 10% of the reserve was also considered but thought to be inappropriate as it would not cater for the parking demand.

School Traffic (general)

There are 23 schools (Government and Private) within the City of Marion and concerns relating to school traffic and congestion during drop-off and pick-up times are not uncommon. The construction of the proposed car park within the Hughes Court Reserve would set a precedent.

At the 21 October 2016 LGA Annual General Meeting the following resolution was carried:
Item 8.14 – DECD to provide adequate school parking. This motion requested that the LGA lobby DECD to provide adequate parking and kiss and drop zones within local schools.

Possible Solutions

There are a number of possible options available to Council. Regardless of the adopted solution, Administration will continue to work with the Woodend Primary School as per the 'Way2Go' initiatives (signing and safe pedestrian movements), and to upgrade the crossing on Edward Beck Drive.

Option 1 – Construction of the car park within the Hughes Court Reserve
Possible Resolutions, Council:
<ol style="list-style-type: none"> 1. Endorses the Hughes Court Reserve car park concept plan. 2. Endorses community consultation to amend the Community Land Management Plans to include the Hughes Court Reserve within CLMP 10. 3. Receives a report summarising the results of the community consultation and detailing the project including an estimated cost.
Option 1A – Construction of the car park within the Hughes Court Reserve - to be funded by the Department of Education & Child Development (DECD)
Possible Resolutions, Council:
<ol style="list-style-type: none"> 1. Endorses the Hughes Court Reserve car park concept plan. 2. Endorses community consultation to amend the Community Land Management Plans to include the Hughes Court Reserve within CLMP 10. 3. Approaches the Department of Education & Child Development (DECD) to fund the construction of the car park within the Hughes Court Reserve. 4. Receives a report on the discussions and the estimated cost of the project.
Option 2 – Develop the 60 degree car park on Edward Beck Drive (as proposed in 2009)
Possible Resolutions, Council:
<ol style="list-style-type: none"> 1. Endorses the design of the car park on Edward Beck Drive adjacent to the school oval. 2. Requests Administration to commence discussions with the Woodend Primary School to ascertain if they are supportive of the design and willing to obtain land from the owner to accommodate the car park. 3. Receives a report on the discussions and the estimated cost of the project.
Option 2A – Develop the 60 degree car park on Edward Beck Drive (as proposed in 2009) – to be funded by the Department of Education & Child Development (DECD)
Possible Resolutions, Council:
<ol style="list-style-type: none"> 1. Endorses the design of the car park on Edward Beck Drive adjacent to the school oval. 2. Requests Administration to commence discussions with the Woodend Primary School to ascertain if they are supportive of the design and willing to obtain land from the owner to accommodate the car park. 3. Approaches the Department of Education & Child Development (DECD) to fund the construction of the car parking on Edward Beck Drive. 4. Receives a report on the discussions and the estimated cost of the project.
Option 3 – Advise the School that Council will not undertake works to solve school parking problems considered to be a Department of Education & Child Development issue.
Possible Resolutions, Council:
<ol style="list-style-type: none"> 1. Advises the Woodend Primary School that it will not be undertaking works in relation to school parking problems and considers that it is an issue for the Department of Education & Child Development.

FUNDING ARRANGEMENTS

The funding arrangements are as follows:

- The car park within the Hughes Court Reserve has been listed for consideration as part of the 2017/18 Traffic Capital Works Budget, subject to approval.
- The provision of the wide footpaths has been completed this financial year as part of the Footpath Capital Works Budget.
- The proposed upgrade of the school crossing on Edward Beck Drive will be listed for consideration within the 2017/18 Traffic Capital Works Budget.

CONCLUSION:

To resolve the traffic problems being experienced at the Woodend Primary School, a concept plan has been developed to provide a car park on the Hughes Court Reserve adjacent to the School. While this proposal is supported by the School, residents of Hughes Court have raised concerns about the loss of amenity and the potential increase in anti-social behaviour.

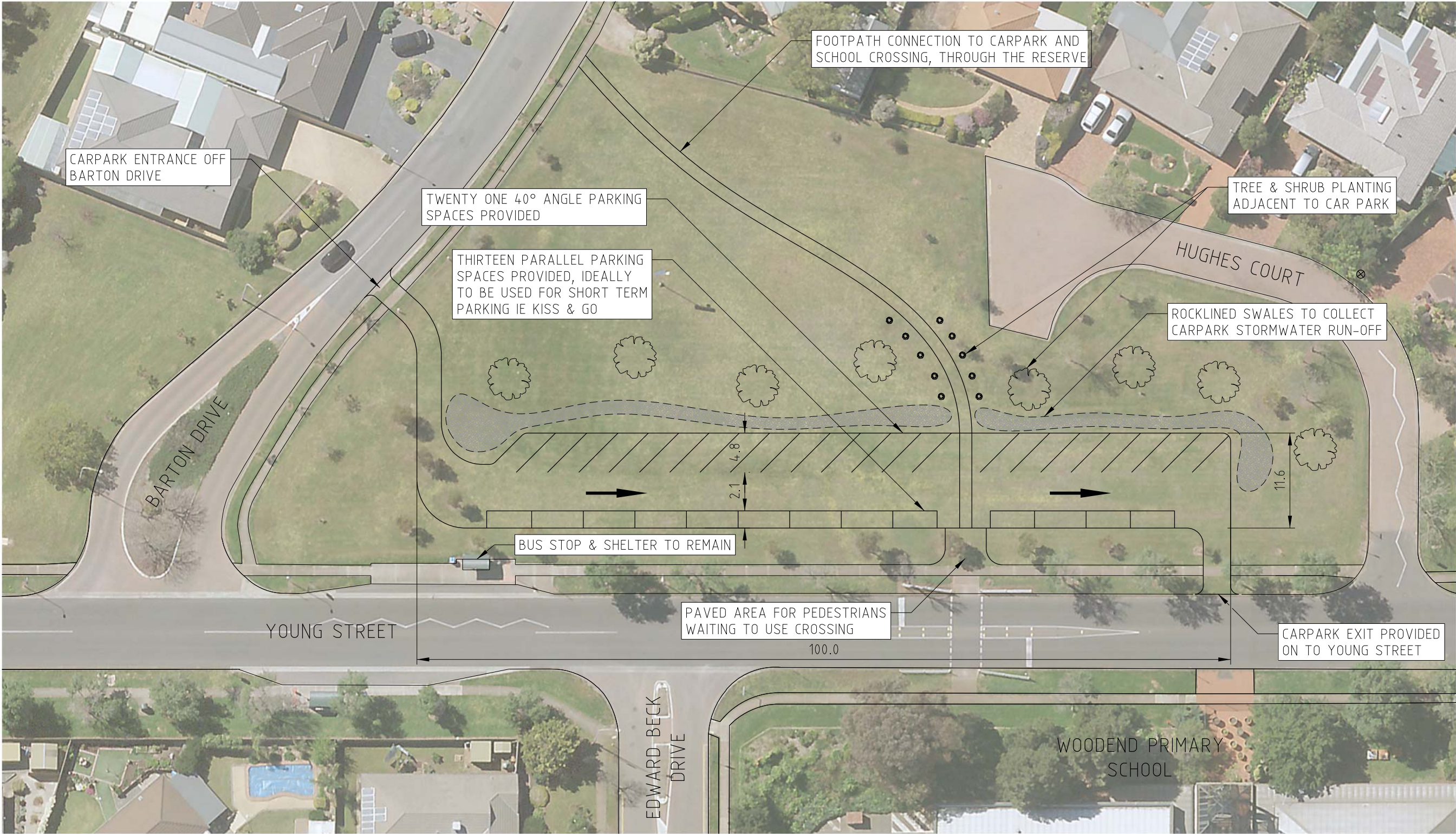
Woodend Primary School History of Events

Appendix 1

Date	Details	Outcome
2009	<p>Woodend PS approached Council concerning traffic congestion around the school, mainly due the size and operation of the drop-off and pick-up zone</p> <p>The school suggested that the drop-off and pick-up zone be extended or an indented parking bay be installed along Edward Beck Drive, adjacent to the school oval.</p>	<p>The situation was investigated in consultation with the School and it was considered that:</p> <ul style="list-style-type: none"> • Extending drop-off/pick-up zone would not improve the situation due to parents using it as a parking area. • The installation of an indented parking bay would not increase the available amount of parking as parallel parking was allowed along the road. <p>To increase the amount of parking on Edward Beck Drive, Council proposed the construction of a partially indented 60degree parking bay (utilizing the road corridor and a small portion of <i>school land</i>).</p> <p>However, as the land accommodating the school oval is privately owned the School did not wish to continue with this proposal.</p>
2010	The school suggested that additional signing be installed within the drop-off/pick-up zone to prevent parents parking in the zone.	<p>Accordingly, Council installed the following signs:</p> <ul style="list-style-type: none"> • 5-minute parking restriction • signs depicting drop-off/pick-up zone
Nov 2011	A representative of the School raised traffic movements around school as part of a LATM study being undertaken by Council, in the area.	At the time it was agreed that this should be treated as a separate issue and the School was asked to contact Council (when they were ready) to discuss the situation further.
March 2012	LATM Report to Council – detailing the outcomes on the study	It was stated that the School issues were not included
Nov 2014	Council was approached by DPTI to work with them and the Woodend Primary on a Government initiative 'Way2Go'.	<p>As a result, DPTI installed way find signs (early 2016) and are looking into bike storage. Council has:</p> <ul style="list-style-type: none"> • Completed the installation of wide footpaths on Edward Beck Drive and Young Street (2016/17). • Following an investigation listed the upgrade of the School crossing on Young Street for consideration in 2017/18.

1 April 2015	The Woodend PS requested a meeting (involving the School, the School Council & Council staff) to discuss the traffic/parking issues associated with the school.	As a result of discussions Council staff agreed to investigate and develop a solution to the traffic congestion and parking issues.
April 2015	The issue was listed on the Coastal & Southern Hills Ward Briefing Issues Log.	Updated each month
5 Aug 2015	Council presented a concept plan to establish a car park within the Hughes Court Reserve. Present – Cr Byram, Mat Allen, Nathan Saxty	Copies of the carpark proposal were left with the school for their feedback/comment.
14 Aug 2015	The School requested a further meeting to progress the carpark proposal.	Council staff indicated that: <ul style="list-style-type: none"> • This project was not budgeted for, nor was it included in the current or following financial years' capital works programme; • Land use investigation would be conducted (as it is a reserve); and • Consultation with adjacent residents will also need to be undertaken.
30 Aug 2015	Property Section and Open Space Planning were requested to provide comments on the proposed carpark concept.	Property Section - indicated that although a "carpark" was not included in the purpose for which the land is held, it may be possible for the benefit of the community. Legal Advice may be needed to clarify the situation. Open Space Planning - indicated that there were no immediate plans for the reserve.
28 Oct 2015	Woodend Primary School supplied written confirmation confirming support for the carpark proposal (this was as a result of Council's request)	
Early 2016		Council staff further examined the status of the Reserve and components of the design.
May 2016	It came to Councils attention that Mr Corey Wingard MP had undertaken a letter drop to local residents in relation to the carpark proposal. Council were not involved in the letter drop nor had even seen a copy of the letter.	Council subsequently requested a copy of this correspondence for our records from Corey Wingard MP. No copy has been received.

3 Aug 2016	Councillor Nick Westwood requested an update.	<p>The following comments provided:</p> <ul style="list-style-type: none"> • Council's position Summarising (i.e. a cost estimate for the project - \$185,000); • That the school had provided their 'in principle' agreement to the project; • That the project was unfunded and sits in the traffic matrix for prioritisation (consideration for funding in the 17/18 annual business plan); and <p>Next steps were explained (confirm if there are any implications in regards to the land use, consult with adjoining residents and to undertake survey and detailed design).</p>
7 Aug 2016	The School contacted Council requesting permission in writing to show the parent representatives the plan for the car park proposal at their next meeting on 8/08/16.	<p>Permission provided.</p> <p>Subsequently the School indicated that were advising the community.</p>
17 Aug 2016	A local resident of Hughes Court, approached the Mayor and Ward Councillors, expressing her concern at the proposal, particularly removing green space for a car park.	<p>A subsequent reply indicated that:</p> <ul style="list-style-type: none"> • It was only a proposal at this stage; • The concept was developed as a result of the Woodend Primary School approaching Council to address the traffic and parking issues; • It was subject to further investigation and community consultation (not undertaken).
Sept 2016	Legal Advice was sought to ascertain the circumstances under which a carpark could be constructed on this reserve.	<p>This advice suggests that the carpark could be contemplated:</p> <ul style="list-style-type: none"> • Under CLMP9 if it was minor in nature - 10% of the reserve area. The current design is 21% of the reserve area; or • By amending the Community Land Management Plan (transferring the Hughes Court Reserve into CLMP10 (which would require consultation).



RESERVE SURFACE AREA = 6,420m²
PROPOSED CARPARK SURFACE AREA = 1,335m² (21% OF RESERVE SURFACE AREA)



THE CORPORATION OF THE CITY OF MARION				
WOODEND PRIMARY SCHOOL CARPARK CONCEPT DESIGN		Drawn	N.A.S.	Date 05/08/2015
		Designed	N.A.S.	Drawing No.
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**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Rachel McCaskill, Community Development Officer

Corporate Manager: Liz Byrne, Manager Community & Cultural Services

General Manager: Tony Lines, General Manager Operations

Subject: Community Grants Round One, 2016/2017

Ref No: GC221116R04

REPORT OBJECTIVES AND EXECUTIVE SUMMARY:

The City of Marion Community Grants Program provides funding support to clubs and organisations for activities which provide a community benefit. This report provides Council with a summary of the applications received for the 2016/17 Round One Community Grants Program and makes recommendations for Council approval.

In this round twenty-four applications were received, requesting funding to the value of \$85,715. Following assessment of the applications against the grant guidelines, sixteen grants are recommended for Council approval to the value of \$45,035.

Whilst the sixteen grants recommended for approval total \$45,035, the projects they support will generate community projects to the value of \$147,697, consisting of Council's \$45,035 contribution plus the community's \$102,662 contribution. The community contribution consists of financial contributions, in-kind support and 1,370 hours of volunteered hours which is costed at the Australian Bureau of Statistics' recommended rate of \$27.45 per hour.

RECOMMENDATIONS:

DUE DATES

That Council:

- | | |
|---|------------------|
| 1. Approves the Community Grant applications, totalling \$45,035 as recommended in Appendix 1. | 22 November 2016 |
| 2. Notes the grants will generate community projects to the value of \$147,697 (consisting of Council's \$45,035 contribution plus \$102,662 of community contribution). | 22 November 2016 |
| 3. Notes that with this round of funding and since 2005, the City of Marion's Community Grants Program will have: <ul style="list-style-type: none"> • supported 514 projects • assisted generating community projects to the value of \$2,670,956. | 22 November 2016 |

BACKGROUND:

The Community Grants program continues to target the provision of funding to clubs and organisations for activities that maximise community benefit. Framed around the City of Marion's Community Vision - Towards 2040, the Community Grants program plays an important role in community development and building community capacity. This approach allows the community, through local organisations, to identify issues that are important to them and to develop their own solutions by utilising the skills, experience and resources within their ranks.

This round includes funds available for:

- One grant of \$10,000
- Three grants of \$5,000
- Multiple grants of up to \$2,000

Following a service review, Council endorsed an increase of the annual funding allocation from \$75,000 to \$100,000 which commenced in the 2016/2017 round. The grants are administered across two rounds with each round offering \$50,000. The grant program includes two grants of \$10,000 for larger projects.

Organisations can apply for a Community Grant in four categories:

- Community Development
- Arts & Culture
- Environment
- Sports and Recreation

The selection panel assesses each of the applications against the Council's approved guidelines. The selection panel is comprised of four Council staff, each with experience in the four grant categories, and makes its recommendations to Council.

When the grant round is over-subscribed, those clubs who have received funding in the previous two financial years receive a lower priority in favour of clubs who have not received recent funding. Clubs who have indicated they can proceed with reduced funding are recommended for the reduced amount. Where the grant amount being offered by Council is less than the amount requested, staff have ensured that the reduced offer will still allow the project to continue.

DISCUSSION:

The Community Grants Program was advertised in The Messenger newspaper on 17th August 2016. The grants were also promoted through ClubLink, community newsletters and networks, social media, libraries and neighbourhood centres, while the City of Marion website provided full details of the grants including online access to the guidelines and application form.

An optional information session was held on the evening of 22nd August 2016 to provide support and information to groups requiring assistance in applying for the grants. One organisation utilised this opportunity and participated in the information session.

Table One below identifies the sixteen organisations that have been recommended to receive a Community Grant, seven of which have not received funding through the Community Grants program before.

Details of the grants in Table One, together with the unsuccessful applicants are provided in Appendix 1.

Table One – Recommended Applications

Project Number	Organisation	Amount Recommend
1.	Plympton Glenelg RSL Sub-Branch Incorporated	\$700
2.	Lions Club of Hallett Cove & Districts Anzac Committee	\$2,000
3.	Second Chances SA Incorporated	\$2,000
4.	Hallett Cove Business Association (HCBA)	\$2,000
5.	Adelaide Bangladeshi Cultural Club (ABACC)	\$5,000
6.	Carer Support	\$2,000
7.	South Australian School for Vision Impaired	\$2,000
9.	Edwardstown Photography Club Incorporated	\$2,000
11.	The Friends of the O'Halloran Hill Recreation Park	\$2,000
12.	Friends of Marino Conservation Park	\$1,335
13.	Clovelly Park Community Garden	\$5,000
14.	Marino Community Garden	\$2,000
16.	Trott Park Community Garden Incorporated	\$2,000
17.	Warradale Park Tennis Club	\$5,000
22.	Marion Bowling Club Incorporated	\$5,000
24.	Hallett Cove Little Athletics Centre Incorporated	\$5,000
		\$45,035

While one grant to the value of \$10,000 can be awarded in this round, only one application in this category was received and it was ineligible. The unallocated \$10,000 amount has been added to the \$5,000 category. After allocation of the eligible projects in the \$2,000 category, there is an unspent amount of \$4,965. This amount will be reallocated to the second round of the 2016/2017 Community Grants Program which will commence advertising in February 2017.

All unsuccessful applicants will be contacted and provided with feedback and where appropriate, will be assisted with advice on alternative funding options. The successful applicants will be invited to attend an event to be held on Monday 5th December 2016 at the Marion Cultural Centre where the grant cheques will be presented.

All successful applicants are required to complete an online acquittal form and an evaluation statement at the completion of the project.

CONCLUSION:

Sixteen community projects are recommended for approval to the value of \$45,035.

If the recommendations are adopted, the City of Marion will have supported 514 projects through the Community Grants program since 2005 and provided \$985,017 for community projects in accordance with the Community Grant Guidelines. The community's contribution during this period has included volunteer time of 48,452 hours and other in-kind support. The Community Grants program since its inception has now assisted in generating community projects to the value of \$2,670,956.

APPENDIX 1

COMMUNITY GRANTS RECOMMENDATIONS
Round One, 2016/2017

	Organisation	Summary	Category	Requested	Recommended
1	Plympton Glenelg RSL Sub-Branch Incorporated	<p>The Plympton Glenelg RSL Sub-Branch is seeking grant funds to host an ANZAC Day community breakfast at the Edwardstown Bowling Club, following the dawn service in the Edwardstown Memorial Garden. The club will partner with local organisations to hold the event, including Edwardstown Bowling Club, Edwardstown Rotary, local sports clubs, and Marion City Band. Grant funds will be used for printing of service sheets and catering for the community breakfast.</p> <p>RECOMMENDED</p>	Community Development	\$700	Yes \$700
2	Lions Club of Hallett Cove & Districts Anzac Committee	<p>The Lions Club is a community service club that supports local, national and international projects. The club is seeking a grant towards the ANZAC Day Dawn Service held at the Hallett Cove foreshore war memorial. The club has held a dawn service at the war memorial since it's opening in 2015, attracting approximately 7,000 people this year and 400 people to a community breakfast following the service, held at the Cove Sports & Community Club. A dawn service and community breakfast is planned for 2017, involving a range of groups including Hallett Cove R-12 School, Hallett Cove Scouts, Warradale Barracks and local Vietnam Veterans. The club will use the grant for the hire of toilets and sound equipment.</p> <p>RECOMMENDED</p>	Community Development	\$2,000	Yes \$2,000
3	Second Chances SA Incorporated	<p>Second Chances SA is a not-for-profit organisation which supports prisoners and their families to create better lives for themselves. They offer a range of programs that encourage rehabilitation of prisoners, reintegration back into the community, and support and advocacy for families. The group is seeking grant funding to provide school uniform packages to identified children of prisoners in the Marion area. The group has identified that lack of access to an appropriate school uniform is a barrier to children of prisoners remaining in school. The grant will assist in early intervention and crime prevention.</p> <p>PART RECOMMENDED</p> <p>The group has applied for an amount greater than is offered in the category, however the applicant has advised that the project can proceed with less funding.</p>	Community Development	\$2,200	Yes \$2,000

	Organisation	Summary	Category	Requested	Recommended
4	Hallett Cove Business Association (HCBA)	<p>The Hallett Cove Business Association (HCBA) is a not-for-profit business networking group that aims to connect, engage, support and promote the local business community. The group is seeking grant funds to launch a 'Local Business Awards' initiative to promote businesses in the Marion area. The group will partner with other community groups to promote the awards. The initiative will involve an online voting system where businesses are nominated by the public and announced at an Awards Evening. The grant will be used to build the online voting platform, advertising and catering for the Awards Evening event. The initiative will celebrate and raise awareness of local businesses in the community.</p> <p>PART RECOMMENDED</p> <p>The \$5,000 category is over-subscribed. The group has received recent funding from another source and has indicated it can proceed with reduced funding.</p>	Community Development	\$5,000	Yes \$2,000
5	Adelaide Bangladeshi Cultural Club (ABACC)	<p>The Adelaide Bangladeshi Cultural Club (ABACC) is a group based in South Plympton which promotes Bangladeshi language and culture, particularly to support children from the Bangladeshi community to maintain their cultural practices, to develop their language and to share their culture with the community. The club is requesting grant funding to purchase equipment to support the training and development of cultural performances for children, young people and the wider Bangladeshi community. Training includes guitar, drums and keyboard for performances in songs, dance, drama and fashion shows, as well as training in operating laptop and data projector to use for stage backdrops, slide shows and to create visual effects. The technical equipment will also be used to record and review their performances to aid in improvement. The grant will assist with purchasing the laptop, projector, guitar and drum.</p> <p>RECOMMENDED</p>	Arts & Culture	\$ 5,000	Yes \$5,000
6	Carer Support	<p>Carer Support is a not-for-profit organisation based in Glandore which supports unpaid carers through offering respite, support groups, information and referrals. The group has established a community garden and is seeking grant funding to create a garden mural that reflects what Carer Support does in the community, Indigenous culture, and the cultural diversity of the local community. The grant will be used to contract an artist to work with the carers to design and implement the mural, as well as arts materials.</p> <p>RECOMMENDED</p>	Arts & Culture	\$2,000	Yes \$2,000

	Organisation	Summary	Category	Requested	Recommended
7	South Australian School for Vision Impaired	<p>South Australian School for Vision Impaired is a specialist school located in Park Holme for students with a vision impairment. The school is seeking a grant for their project 'Shared Visions,' to improve the physical confidence of vision impaired students to navigate throughout life. The school will collaborate with Restless Dance Theatre, an Australian youth dance company, to engage the students in dance workshops over two school terms with a final performance. The workshops will aid students in orientation and mobility, social skills, assistive technology, spatial and body awareness and increased independence. The grant will be used to purchase materials for sets, props and costumes, and venue hire, lighting, sound, technical equipment and transport for final performance.</p> <p>RECOMMENDED – Subject to: Restless Dance Theatre receiving project funding from Arts SA.</p>	Arts & Culture	\$2,000	Yes \$2,000
8	Bangladesh Australia Society of South Australia	<p>Bangladesh Australia Society of South Australia is a not-for-profit group based in Keswick that exists to inspire Bangladeshi young people to understand cultural lifestyle, values, language and heritage. The group is seeking grant funding to purchase equipment for their Adelaide Bangla School.</p> <p>NOT RECOMMENDED The project is ineligible as the applicant is located outside the City of Marion. The group will be encouraged to contact the City of West Torrens.</p>	Arts & Culture	\$5,000	No
9	Edwardstown Photography Club Incorporated	<p>Edwardstown Photography Club promote the development of photography as an art form amongst members and the wider community through workshops, seminars, exhibitions, competitions and outings. The club is seeking grant funds to replace its outdated data projector in keeping with current technology. Their current projector is no longer capable of displaying members' photographs in the quality and detail that the current generation of cameras are capable of producing.</p> <p>RECOMMENDED</p>	Arts & Culture	\$2,000	Yes \$2,000
10	Adelaide Bangladeshi Cultural Club (ABACC)	<p>Adelaide Bangladeshi Cultural Club are seeking a grant to hold a multicultural festival involving cultural dance, drama, music and art. The grant will be used to hire equipment and advertising.</p> <p>NOT RECOMMENDED The club has applied for two grants in this round. They have indicated that the other application is their first priority. That application is being recommended – see project number five.</p>	Arts & Culture	\$ 5,000	No

	Organisation	Summary	Category	Requested	Recommended
11	The Friends of the O'Halloran Hill Recreation Park	<p>The Friends of O'Halloran Hill Recreation Park are an active community group undertaking on-ground projects to assist with the management of the O'Halloran Hill Recreation Park. The group aims to protect and enhance biodiversity in the park through weed control and revegetation activities. The group is seeking grant funding to hire a qualified contractor to assist with removing a pest tree species, Casuarina Glauca, to allow for the growth of more native species. Local school children will be involved with revegetation in the Park.</p> <p>PART RECOMMENDED</p> <p>The \$5,000 category is over-subscribed. The group has received recent funding and has indicated it can proceed with reduced funding.</p>	Environment	\$5,000	Yes \$2,000
12	Friends of Marino Conservation Park	<p>The Friends of Marino Conservation Park are committed to protecting the Park's remnant coastal heath and returning the remainder of the Park to a natural condition by supporting regeneration and revegetation. The group is seeking a grant to solarise an area of the former dump at the Marino Conservation Park, in order to reduce weeds and seed source, and screen the dump. The group will then revegetate with locally native species and invite the local community to the planting day. The grant will be used to hire a slasher, level the site and revegetate the area.</p> <p>RECOMMENDED</p>	Environment	\$1,335	Yes \$1,335
13	Clovelly Park Community Garden	<p>The Clovelly Park Community Garden aims to increase people's knowledge and skills in growing food and foster community connections between school families, their cultures and the community. The group is seeking a grant for 'Make the garden grow,' a project to extend the number of beds in the garden to keep up with community demand and to retrofit the current shed to enable plant propagation. The grant will be used to purchase materials for the garden bed construction, hire of a contractor to assist with the installation of raised beds, shed retrofitting, and set up of propagation area. The grant will enable the group to raise seedlings for use in the garden and for sale to keep the garden self-sustainable.</p> <p>RECOMMENDED</p>	Environment	\$5,000	\$5,000
14	Marino Community Garden	<p>The Marino Community Garden aims to create an open garden that becomes a community meeting space and place to run workshops on how to grow a sustainable garden. The group is seeking a grant for the construction of a pergola which will be the centre piece of the garden where workshops, gatherings and community events are held. The grant will be used to purchase the construction materials for the pergola and will provide an inclusive space where local residents can meet together.</p> <p>RECOMMENDED</p>	Environment	\$2,000	Yes \$2,000

	Organisation	Summary	Category	Requested	Recommended
15	Australian Youth Climate Coalition (AYCC)	<p>The Australian Youth Climate Coalition (AYCC) works to build a generation-wide movement to solve the climate crisis by educating, empowering and inspiring young people to take action in their community. AYCC are seeking grant funding to run workshops on climate change and sustainability in four schools in Marion. The grant will be used for curriculum development, training of volunteers, workshop resources and transport.</p> <p>NOT RECOMMENDED</p> <p>The project is under-developed. The application did not demonstrate clearly how the program had made contact or had gained a commitment from the schools. Further, the applicant has applied for an ineligible amount. The applicant will be encouraged to contact staff to discuss the project and resubmit their application in a future round.</p>	Environment	\$8,600	No
16	Trott Park Community Garden Incorporated	<p>The Trott Park Community Garden aims to provide an opportunity for local community members to grow fresh food, enjoy education and information sharing, and socialise with the local community. The group is seeking a grant to replace mulch on all pathways with anti-weed mat and gravel, create an inclusive access garden bed, and purchase a BBQ for community events. Covering the pathways will prevent the spreading of plant infections and weeds. Building a garden bed to a height of 60cm with hardwood sleepers, surrounded by a one-metre-wide paved pathway will enable access for those with a disability. The grant will provide a more inclusive and welcoming space for the local community.</p> <p>RECOMMENDED</p>	Environment	\$2,000	Yes \$2,000
17	Warradale Park Tennis Club	<p>The Warradale Park Tennis Club offers a safe, friendly, inclusive and well managed club for community to enjoy the game of tennis. The club has been approached by Tennis SA to become involved in wheelchair tennis, making the Warradale Park Tennis Club one of the few clubs to provide this service. The club committee has identified the need to remove old bulky curtains from inside the clubrooms that obstruct a clear view of the courts, in order to provide a safe space for wheelchair tennis participants. This will enable the club to redirect participants and spectators away from the outside pathway between the courts and clubhouse. The grant will be used to replace the curtains with roller blinds, as well as purchase a water fountain to accommodate for the increase in participants and spectators.</p> <p>RECOMMENDED</p> <p>The applicant applied for an ineligible amount and advised the project could not proceed with reduced funding. The applicant identified an additional need within the project - to install the new water fountain, therefore an increased amount was approved.</p> <p><i>Note that a report will be presented at the 13 December 2016 General Council Meeting seeking additional capital funding for the Warradale Park Tennis Club.</i></p>	Sports & Recreation	\$3,830	Yes \$5,000

	Organisation	Summary	Category	Requested	Recommended
18	Wrestling SA	<p>Wrestling SA is a not-for-profit club developing the Olympic sport of wrestling in SA. The club is seeking grant funding for the National Youth Championships held at Westminster School. The grant will assist with venue hire and first aid attendants.</p> <p>NOT RECOMMENDED</p> <p>The project is ineligible as the event was held in October 2016. The purpose of the community grants is not intended to fund projects retrospectively.</p>	Sports & Recreation	\$500	No
19	The Cove Football Club Incorporated	<p>The Cove Football Club is a family orientated club based in Hallett Cove comprised of eleven mini teams, four junior teams and three senior teams. The club is seeking grant funding to assist with attracting new players to expand their programs and membership. This will be through promotion, 'come and try' clinics and upgrading of the club sign. The grant will be used to purchase a laptop and printer for social media promotion and flyer distribution, and installation of the new sign.</p> <p>NOT RECOMMENDED</p> <p>The budget section of the application lacks detail. Suggest combined application for shared resources at Cove Sports and Community Club (this submission is the same as the Cove Cricket Club).</p>	Sports & Recreation	\$5,000	No
20	Lions Club of Hallett Cove & Districts Incorporated	<p>Lions Club of Hallett Cove & Districts is partnering with St.Martin de Porres School in Sheidow Park to lay a crick pitch on the school grounds. The grant will be used to hire a contractor.</p> <p>NOT RECOMMENDED</p> <p>The club has submitted two applications in this round and has indicated that this application is the lower priority.</p> <p>Note that the other application – number 2 has been recommended.</p>	Sports & Recreation	\$1,550	No
21	Sturt Marion Women's Soccer Club	<p>Sturt Marion Women's Soccer Club supports girls to develop soccer skills in a supportive and professional environment with a history of producing quality players who have gone on to W-League and Matildas. The club is seeking a grant to run 'come and try' soccer sessions in schools, focusing on developing skills and player recruitment. The grant will be used to purchase equipment for the 'come and try' sessions, start-up soccer kits including a \$100 rebate, and associated costs for running the training sessions, including venue hire, advertising and insurance.</p> <p>NOT RECOMMENDED</p> <p>The project is underdeveloped and the applicant will be encouraged to contact staff to discuss the project further and reapply in a future round.</p>	Sports & Recreation	\$5,000	No
22	Marion Bowling Club Incorporated	<p>The Marion Bowling Club aims to provide a healthy and socially stimulating environment to individuals of all ages and ethnic groups, wishing to compete, competitively and socially, in the game of bowls. The club is seeking grant funding to purchase and install security screens around the bar area, to improve security within the venue and provide a safe environment for club members, volunteers and visitors to the club.</p> <p>RECOMMENDED</p>	Sports & Recreation	\$5,000	Yes \$5,000

	Organisation	Summary	Category	Requested	Recommended
23	Cove Cricket Club	<p>The Cove Cricket Club is a local club comprised of junior and senior players. The club is seeking grant funding to purchase a laptop and printer and install a new club sign, to assist with club promotion and attract new members. The club will hold 'come and try' sessions and will use the laptop and printer for flyer distribution to promote on social media and their website.</p> <p>NOT RECOMMENDED</p> <p>The budget section of the application lacks detail. Suggest combined application for shared resources at Cove Sports and Community Club (this submission is the same as the Cove Football Club).</p>	Sports & Recreation	\$5,000	No
24	Hallett Cove Little Athletics Centre Incorporated	<p>Hallett Cove Little Athletics Centre provides an option for children to get involved in sports from an early age through to teenage years in an environment where they can improve sporting talent and social values. Little Athletics Australia has recently changed the safety requirements for High Jump rendering their high jump equipment non-compliant. The funding will be used to purchase new high jump equipment which will meet these new safety standards so that high jump can be continued at the club.</p> <p>RECOMMENDED</p>	Sports & Recreation	\$5,000	Yes \$5,000
			TOTAL	\$85,715	\$45,035

Summary of Recommendations

Number of applications received	Number of grants recommended	Total Value of all grant applications	Value of grants recommended	Value of grants not recommended
24	16	\$85,715	\$45,035	\$40,680

Summary of Recommendations by Grant Category

	Community Development		Arts & Culture		Environment		Sport & Recreation	
	Number of projects	Value of grants	Number of projects	Value of grants	Number of projects	Value of grants	Number of projects	Value of grants
\$2,000 Grants	4	\$6,700	3	\$6,000	4	\$7,335	0	\$0
\$5,000 Grants	0	\$0	1	\$5,000	1	\$5,000	3	\$15,000
\$10,000 Grant	0	\$0	0	\$0	0	\$0	0	\$0
TOTAL	4	\$6,700	4	\$11,000	5	\$12,335	3	\$15,000

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Mathew Allen, Manager Engineering and Field Services
General Manager: Tony Lines, General Manager Operations
Subject: Transition to LED street lighting
Report Reference: GC221116R05

REPORT OBJECTIVES

The purpose of this report is to seek Council support to progress the transition to LED (Light Emitting Diode) street lighting that will provide an opportunity for financial savings, energy reduction and improvements to the quality of public street lighting.

RECOMMENDATIONS

DUE DATES

That Council:

- | | |
|--|--------------|
| 1. Notes the report. | 22 Nov 2016 |
| 2. Endorses in principle the transition to LED street lighting where Council funds the LED lighting upgrade and SA Power Networks manages the ongoing operation and maintenance. | 22 Nov 2016 |
| 3. Supports the development of project planning for the transition to LED street lighting. | 31 Mar 2017 |
| 4. Endorses an annual operating expenditure amount of approximately \$1,033,333 each year for the next 3 years (project total of \$3,100,000), commencing with the 2017/18 Annual Budget, to enable the progressive implementation of the transition to LED street lighting. | 30 June 2017 |

DISCUSSION

Current State of Play

The responsibility for the provision of street lighting in South Australia is controlled by local government or the Department of Planning, Transport and Infrastructure (DPTI). Legislative requirements are outlined in the Electricity Act 1996 and Electricity (General) Regulations 2012, and guidance on technical specifications is contained in AS/NZS 1158 - Lighting for Roads and Public Spaces.

The City of Marion currently has 8,525 street lights (consisting of 42 W compact fluoro, 80 W mercury vapour, and 18-50 W sodium). These lights are old and inefficient. The new LED street lights will reduce energy use by over 75% compared to the existing lighting and achieve in excess of 1,600 tonnes of greenhouse gas emission savings per annum.

LED lighting provides a consistent light, allows objects to be clearer to see, minimises glare, reduces environmental impact, minimises operating and maintenance costs, and improves amenity. LED lighting has been implemented at the Tonsley development and is included in

Council's sub-division development requirements. Many Councils on the eastern sea-board have successfully transitioned to safe and sustainable LED street lighting.

The City of Marion's Business Plan has identified the development of a business case for the delivery of safe and sustainable public street lighting as a priority.

A business case has been developed that identifies the cost to transition to LED street lighting (including light, fitting and cover) as **\$3,089,123** with an estimated return on investment of 6 years (see Appendix 1). These new assets would immediately transfer to SAPN ownership. The business case recommends Council funds the LED lighting upgrade and SAPN manages the ongoing operation and maintenance.

Issues and Opportunities

The LGA has recommended Councils withhold any decisions to enter into agreement with SAPN in relation to the transition of existing public lighting to LED technology. The LGA has advised that it will develop a business case for Councils to purchase, operate and maintain LED street lighting infrastructure. This would require change in legislation and cooperation from SAPN to access their infrastructure. The LGA is not undertaking a comprehensive business case that includes all scenarios to transition to LED lighting (e.g. only changing lights at Council's expense). Council will be provided with a report should additional information be provided that impacts the recommendations contained within this report.

Following a request from a resident in relation to poor lighting on Shaftesbury Terrace, Marino, Council in conjunction with SAPN had developed a LED upgrade demonstration site. However, some residents raised concerns about the impact of LED lighting on human health and the environment. While the US Case Study referred to by residents used much 'cooler' lights (4,800 K instead of the 4,000 K proposed and as per SAPN's approved list), Administration did not want to impose a solution that would be opposed by several residents, and accordingly the Shaftesbury Terrace demonstration was put on hold. Administration will continue to work with SAPN to consider warmer lights.

Opportunities exist for LED smart technologies. Street lights would be future proofed for smart technologies, with the inclusion of a 7-pin NEMA plug that will enable the use of lighting controls, CCTV, traffic flow and parking monitoring.

Funding

The funding required to undertake this project should be referred to Council's unfunded priority list for prioritisation and consideration. It is proposed that Council undertake the project over 3 consecutive years and seek grant funding through the Federal Government's Emissions Reduction Fund.

Next Steps

Action	Time frame
Develop a Project Management plan that includes project scope, work breakdown schedule, procurement, communication and risk management	Dec 2016 – Mar 2017
Commence project delivery (subject to funding)	July 2017

CONCLUSION:

There currently exists an opportunity for savings, energy reduction and improvements to the quality of public street lighting, environmental outcomes and public amenity. It is recommended that Council support the transition of old inefficient street lighting to new LED technologies.

**Street Lighting Bulk
Replacement Program**
Business Case – August 2016



Prepared for
City of Marion

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About Ironbark Sustainability

Ironbark Sustainability is a specialist local government consultancy that works with councils around Australia by assisting them to reduce energy and water usage through sustainable asset and data management and on-the-ground implementation. Ironbark has been operating since 2004 and brings together decades of technical and financial analysis, maintenance and implementation experience in the areas of energy & water auditing, and public lighting technologies and management.

Ironbark provides public lighting support nationally including technology advice, technology approvals, business cases and project management. Ironbark delivers strategic and specific advice and support for the establishment of effective environmental management systems for government and business clients. We pride ourselves on supporting our clients to manage their operations more sustainably.

Our Mission

Ironbark's mission is to facilitate progressive sustainability outcomes through practical and realistic support for councils and their communities.

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Glossary

Term	Definition
AER	Australian Energy Regulator. Responsible for regulating pricing for electricity in the National Electricity Market (exc. WA and NT), including street lighting
AS/NZS 1158	Australian and New Zealand standards for lighting for roads and public spaces.
Category P	Pedestrian Category Roads
Category V	Vehicle Category Roads
CEFC	Clean Energy Finance Corporation (formally Low Carbon Australia)
CFL	Compact Fluorescent Lamp
CLER	Customer Lighting Equipment Rate (tariff)
COAG	Council Of Australian Governments
Colour temperature	The measurement of light colour expressed in Kelvin (°K). The lower the Kelvin rating the “warmer” or more yellow the light is. The higher the Kelvin rating the “cooler” or more blue the light is.
Control gear	An internal component of a street light that ignites the lamp and/or provides a regular flow of electric current to the lamp
CRI	Colour Rendering Index
DNSP	Distribution Network Service Provider, also known as Energy Distribution Business (EDB) also known as distributors.
ERF	Emissions Reduction Fund
GHG	Greenhouse Gas
HPS	High Pressure Sodium lamp
Lamp	The light bulb in a luminaire
LED	Light emitting diode
LGA SA	Local Government Association South Australia
Luminaire	The lamp, fitting and control gear of the light
MH	Metal Halide
MV	Mercury Vapour lamp
PE Cell	Photoelectric Cell. Common switching mechanism for street lighting that turns lights on at dusk when ambient light levels drop below a set point. Vice-versa for dawn.
PLC	Public Lighting Customer Funded (tariff)
SA	South Australia
SAPN	SA Power Networks
SLUoS	Street Lighting Use of System (tariff)
Spacing	Spacing refers to the distance between two road lights
Street Lighting	Street lighting found in residential streets and main roads
T5	Efficient lineal fluorescent lamp
TFI	Transferred Infrastructure (tariff)
UV	Ultraviolet (light)
WDV	Written Down Value

I Summary

The City of Marion (herewith Council) has engaged Ironbark Sustainability to develop a street lighting bulk change business case for all of its residential street lighting. This business case considers a replacement of existing lights with new LED technology.

Council has a total of 9,429 street lights, of which the 8,525 residential (P-category) lights are considered in this report. The remaining 637 lights are major road lights, and are not considered here. All lights are managed by SA Power Networks (SAPN).

Of the lights considered here, just under 2% (165 lights) are owned by Council and incur a CLER tariff from SAPN. This tariff covers warranty management and basic maintenance of the luminaire (for example cleaning), however Council is responsible for maintenance of the supporting infrastructure (for example poles and brackets) and the replacement costs. The remaining 8,360 lights are SLUoS lights, meaning that Council pays a service charge to SAPN to maintain the light and pole over its life as well as replace the luminaire upon failure.

To facilitate the analysis, we have assumed that all lights are standard rather than decorative. Decorative fittings are more expensive to replace, but we expect the majority of lights to be standard.

The new LED streetlights will reduce energy usage by up to 82%, compared to the existing 80 Watt Mercury Vapour streetlights which make up around three quarters of Council's light stock (%). Put another way, the 80W mercury vapour street lights use 564% of the electricity compared to LED alternatives. In addition to offering lower costs, energy consumption and greenhouse emissions, the new lights provide better lighting outcomes for the community, including:

- Greater uniformity of light across and along the street,
- Better colour rendering and visibility,
- Less depreciation of the light output over time, and
- Lower glare.

The choice between these technologies as well as the method of procurement is left to the discretion of Council. Council has indicated that only LED technology should be considered in this business case, but that all existing residential street lights (Mercury Vapour, Fluorescent, High and Low Pressure Sodium) should be considered for replacement.

In total, the projects considered in this analysis are expected to cost up to \$3.6 million upfront. Net lifetime cost savings (after project costs are removed) are projected to average \$6.9 million¹.

The analysis undertaken by Ironbark demonstrates that there is clear financial business case for an LED street lighting changeover. The project will have a positive Net Present Value under a range of scenarios and be cash-flow positive within 6 to 10 years, even under "worst case" models. The transition to the new "PLC LED tariff" offers the best value to Council from a financial point of view.

¹ Depending on preferred tariff.

Ironbark recommends that Council:

- Seek internal funding or external financing to change all residential (P category) street lights to LED under the PLC tariff arrange
- Engage with SAPN to ensure that any contractual agreement in moving from SLUoS to PLC LED includes clauses that clearly allow for Council to transition from PLC to a “council-owned and operated” tariff arrangement if there is a negotiated outcome between SAPN and the LGA or if the State Government legislates to force SAPN to sell the assets to councils.
- Engage with SAPN to confirm a Service Level Agreement with councils
- Ensure that all approved LEDs are fitted with smart lighting ready “7-Pin NEMA bases”.

The following table summarises the scenarios (subject to different economic outlooks²) addressed in this analysis.

Table 1: Scenario summary

SLUoS lights to PLC LED	Worst-Case	Likely	Best-Case
Number of lights changed	8,360	8,360	8,360
Changeover costs (simple)	-\$3,617,858	-\$3,089,123	-\$2,258,254
Estimated out of warranty repairs simple price, 20 years)	-\$2,051,132	-\$810,336	-\$347,645
SAPN tariff cost savings/loss simple prices, 20 years)	\$4,068,575	\$4,879,644	\$5,876,083
Electricity cost savings (simple prices, 20 years)	\$6,934,951	\$8,079,014	\$9,393,905
Overall net simple savings	\$5,334,537	\$9,059,200	\$12,664,089
Net Present Value of savings ³	\$3,310,150	\$6,005,316	\$8,668,262
Year at which cash flow is positive	8	6	6
Cumulative Greenhouse Savings from commencement (t CO ₂ –e)	32,667	32,667	32,667
Average Greenhouse savings pa (t CO ₂ –e)	1,633	1,633	1,633

SLUoS lights to TFI LED	Worst-Case	Likely	Best-Case
Number of lights changed	8,360	8,360	8,360
Changeover costs (simple)	-\$3,617,858	-\$3,089,123	-\$2,258,254
Estimated out of warranty repairs simple price, 20 years)	\$0	\$0	\$0
SAPN tariff cost savings/loss simple prices, 20 years)	\$1,280,400	\$1,543,828	\$1,867,714

² “Best case”, “Likely” and “Worst case”.

³ Net Present Value calculates the full savings of the project over its life, discounting (or reducing) the value of savings in later years. This is because savings (i.e., cash) today is generally considered more valuable than savings collected in later years. Savings further into the future are also less valuable because inflation erodes buying power.

Electricity cost savings (simple prices, 20 years)	\$6,934,951	\$8,079,014	\$9,393,905
Overall net simple savings	\$4,597,494	\$6,533,720	\$9,003,366
Net Present Value of savings	\$2,634,753	\$4,105,598	\$6,010,052
Year at which cash flow is positive	10	9	6
Cumulative Greenhouse Savings from commencement (t CO ₂ –e)	32,667	32,667	32,667
Average Greenhouse savings pa (t CO ₂ –e)	1,633	1,633	1,633

SLUoS lights to SAPN LED	Worst-Case	Likely	Best-Case
Number of lights changed	8,360	8,360	8,360
Changeover costs (simple)	\$0	\$0	\$0
Estimated out of warranty repairs simple price, 20 years)	\$0	\$0	\$0
SAPN tariff cost savings/loss (simple prices, 20 years)	-\$2,722,622	-\$3,245,451	-\$3,887,158
Electricity cost savings (simple prices, 20 years)	\$6,934,951	\$8,079,014	\$9,393,905
Overall net simple savings	\$4,212,329	\$4,833,563	\$5,506,747
Net Present Value of savings	\$3,118,528	\$3,551,598	\$4,015,005
Year at which cash flow is positive	0	0	0
Cumulative Greenhouse Savings from commencement (t CO ₂ –e)	\$32,667	\$32,667	\$32,667
Average Greenhouse savings pa (t CO ₂ –e)	\$1,633	\$1,633	\$1,633

CLER lights only	Worst-Case	Likely	Best-Case
Number of lights changed	165	165	165
Changeover costs (simple)	-\$67,903	-\$58,001	-\$42,439
Estimated out of warranty repairs simple price, 20 years)	-\$33,727	-\$12,368	-\$5,208
SAPN tariff cost savings/loss (simple prices, 20 years)	\$85,205	\$102,601	\$123,986
Electricity cost savings (simple prices, 20 years)	\$99,812	\$116,997	\$136,873
Overall net simple savings	\$83,386	\$149,229	\$213,212
Net Present Value of savings	\$49,769	\$96,953	\$143,934
Year at which cash flow is positive	11	9	7
Cumulative Greenhouse Savings from commencement (t CO ₂ –e)	467	467	467
Average Greenhouse savings pa (t CO ₂ –e)	23	23	23

2 Background to Council's Street Lighting Assets

Council has 8,525 streetlights in Category P (residential) streets, of which just around three quarters are 80 W Mercury Vapour lights. The majority of lights are "SLUoS" lights, meaning that SAPN owns and manages the lights on behalf of Council.

The following table provides a summary of the lights that are the subject of this business case:

Table 2: Streetlight lamp numbers found in Council's project

Current Tariff	Light type	Wattage	# of lights	%
CLER	Fluoro	42	2	0.02%
CLER	Mercury Vapour	50	97	1.14%
CLER	Mercury Vapour	80	27	0.32%
CLER	Sodium	18	5	0.06%
CLER	Sodium	26	4	0.05%
CLER	Sodium	50	30	0.35%
SLUoS	Fluoro	42	516	6.05%
SLUoS	Fluoro	2x20	2	0.02%
SLUoS	Fluoro	2x40	3	0.04%
SLUoS	Fluoro	40	6	0.07%
SLUoS	Mercury Vapour	50	9	0.11%
SLUoS	Mercury Vapour	80	6406	75.14%
SLUoS	Sodium	18	729	8.55%
SLUoS	Sodium	26	280	3.28%
SLUoS	Sodium	50	409	4.80%
Total			8,525	100.00%


2.1 Mercury Vapour Technology

High Intensity Discharge (HID) street lighting makes up the majority of the current street lighting inventory for councils across Australia, including Marion. There are three common varieties of HID lamps: High Pressure Sodium (HPS), Metal Halide (MH) and Mercury Vapour (MV). Of these, MV is the most inefficient and the most prevalent.

The most common MV light is the 80-Watt Mercury Vapour street light (80W MV) designed for residential roads. 80W MV lights are the current "standard" light for residential street lighting. In Australia they number in the hundreds of thousands.


The "B2224" is the most common 80W MV in Australia, having been the category P light of choice for around two decades. It is expected that the B2224 make up in excess of 90% of all 80W MV streetlights. Most B2224 currently in operation will be nearing or beyond their typical life-span of 20 years.

Table 3: Mercury Vapour: B2224 Specifications

Manufacturer	Product	Lamp	System	Colour Temp	Life Span	Image
Sylvania Lighting Australia	B2224	80W	95.8W	4000K	20 Yrs	

By the late 1990s the Suburban replaced the B2224 for new installations. Better light distribution and spacing was achieved. The Suburban is more frequently found in underground powered areas.

Table 4: Mercury Vapour: Suburban Specifications


Manufacturer	Product	Lamp	System	Colour Temp	Life Span	Image
Sylvania Lighting Australia	Suburban	80W	95.8W	4000K	20 Yrs	

2.2 Energy Efficient Technologies - Luminaires

Standard luminaire replacement options are limited to a select range of approved technologies. This is due to the combined effects of limited competition, stringent Australian Standards and meticulous approvals processes by asset owners (e.g., SAPN). Alternate luminaires are added periodically to the approved lists.

The following table provides an overview of the current “standard” LED energy efficient replacement option provided by SAPN for residential street lights of the type considered here.

Table 5: LED Specifications

Manufacturer	Product	Lamp	System	Colour Temp	Life Span	Image
Sylvania Lighting Australia	StreetLED	25W 18W 14W	29W 21.9W 17W	4000K	20 Yrs	

This business has been prepared assuming that the 14 W StreetLED will be used on residential streets, as this currently presents the best energy savings opportunities.

2.3 Technology Comparisons: Lumens, Colour and Colour Temperature

The table below provides a comparison of some of the key general technical characteristics of the above lighting technologies (MV and LED) as well as other common technologies that exist in Marion such as sodium and fluorescent lights.

Table 6: Technical comparison of different light types

Tech. Type	Light Colour	CCT (°K)	Typical Wattage (W)	Colour Rendering Index (CRI)	Lamp life (yrs)*	Lamp Life Efficacy (Lumens/Watt)	Cost ⁺	Maintenance
Low Pressure Sodium	Amber	1800	18 – 140	0	2	80 - 180	Low	Poor to good
LED	Warm white to cool white	2000 - 6000	Up to 400	up to 95	10 to 20	60 - 150	High	Good to excellent
High Pressure Sodium	Yellow	2000 - 2700	50 - 1500	25	4 to 8	90 - 130	Low	Poor to good
T5 fluorescent	Warm white to cool white	2700 - 6200	8 - 100	70 – 90	4-12	60 - 100	Low	Average to Good
CFL	Warm white to cool white	2700 - 6200	5 to 200	85	1.4 - 2.3	50 - 72	Low	Poor to Average
Mercury Vapour	White	3,500 - 4,000	50 - 1000	60	3 to 4	36 - 58	Low	Poor to Average

* Lamp life quoted is time taken to reach 70% of initial lamp/luminaire output, not failure.

⁺ Capital cost only

With reference to **Table 6** the following comments are made concerning what parameters may be considered “ideal” or “preferred”:

- **Light colour** - Light colour is directly related to CCT, and is sometimes used as a descriptive term more easily understood by the general public.
- **Correlated colour temperature (CCT)** - While the Australian Standard for street lighting (SA SNZ TS 1159.6:2015) does not specify CCTs for the different technology types available, it does note concerns regarding the impacts of blue-rich spectral content from LED (SSL) luminaires and therefore recommends the use of “intermediate” CCTs, stating that 4000K is “preferred” for LED street lights. LEDs above 4000K produce more blue light which is generally seen as undesirable in the night-time environment,

while LEDs below 4000K will produce light with a “warmer” tone but are less efficient in terms of light output per unit of energy consumed.

- **Colour rendering index (CRI)** - SA SNZ TS 1158.6:2015 does not specify a minimum CRI for all technology types, but does specify a minimum of 70 for LED (SSL) luminaires. As per the comments regarding colour rendering in the table below and in Section 5 *Social, Environmental and Health Implications* below, a higher CRI is generally considered better in terms of safety.

For the sake of further comparison, Table 7 below details the key advantages and disadvantages of the different lighting technologies in terms of some of the safety and sustainability characteristics discussed in Table 6 above.

Table 7: Commentary on different light types

Technology	Common Use	Advantages and disadvantages
LED	Most common technology for new lighting. Will comprise majority of installed lights over the next 10 years.	<p>Advantages: Long life and increasingly good quality means it is being used for low wattage light replacements. Over time the ability to compete with higher wattages (e.g. over 1000W) is being delivered. Does not contain lead or mercury, and does not emit UV radiation. Directional light.</p> <p>Disadvantages: Relatively higher initial costs</p>
High Pressure Sodium	Very common throughout the world.	<p>Advantages: More affordable than LED.</p> <p>Disadvantages: Low CRI (colour rendering index) with yellow lights means it is less effective at reducing accidents than white light. Has been the most energy efficient light for the past 20 years but now replaced by LED. Contains mercury and lead.</p>
Mercury Vapour	Very common up until 1990's. Banned in many jurisdictions.	<p>Advantages: Affordable. Low failure rate.</p> <p>Disadvantages: Very energy inefficient, UV radiation and contains mercury. Banned in many jurisdictions due to mercury and inefficiency.</p>
Low Pressure Sodium	Common in some jurisdictions	<p>Advantages: Highly energy efficient.</p> <p>Disadvantages: Very low CRI, yellow light means generally not recommended for streets. Contains mercury and lead.</p>
Compact fluorescent (CFL)	Common for low lighting levels	<p>Advantages: Affordable and more energy efficient than MV.</p> <p>Disadvantages: Low life / burnout, dimmer in cold weather (failure to start), contains mercury.</p>

Technology	Common Use	Advantages and disadvantages
T5 fluorescent	Common in some areas of Australia, India and Africa	Advantages: Affordable and more energy efficient than MV. Disadvantages: UV radiation, contain mercury, diffused non-directional light

The last few decades have seen rapid changes in street lighting from a technology point of view, especially with the improvements in efficacy that can be found in LED technology. The level of improvement is moving rapidly, often leaving cities, municipalities and jurisdictions a few steps behind in terms of changing regulations and planning for projects.

Nevertheless, the financial, social and environmental benefits that can be realised with energy efficient lighting has seen projects funded and implemented throughout the world achieving substantial cost savings and co-benefits. The energy and maintenance savings alone can often result in projects becoming cash-flow positive in 5-7 years.

2.4 Unmetered Load: Guaranteed Energy Savings

When considering that as much as 82% in energy savings can be realised through installation of the 14W LED, the 80W MVs are the obvious target for replacement. Put another way, the 80W mercury vapour street lights use 564% of the electricity compared to LED alternatives. This is because the “system wattage” (also known as “total wattage”) of the old mercury vapour lights is 95.8W and the “system wattage” of the new LEDs is 17W.

The vast majority of Council’s existing lights are standard 80W Mercury Vapour technology and are un-metered. So the procedure for determining the energy consumption of the existing inefficient lights (and indeed new efficient LEDs) is specified in Parts A and B of the *National Electricity Market (NEM) Metrology Procedures*. This means that the electricity use of the old and new technology – and the energy efficiency savings – are known in advance and guaranteed.

Street lighting is an “unmetered load” and energy usage is managed by the Australian Energy Market Operator (AEMO). The methodology for the calculation of energy volumes for such unmetered supplies is set out in the National Energy Market (NEM) Metrology Procedures, which are managed by the Australian Energy Market Operator (AEMO). The methodology relies upon knowledge of the energy consumption of each type of approved load at an unmetered connection point. The values for assumed energy consumption are obtained from power consumption tests.

The outcomes of these tests are agreed upon by AEMO, *Registered Participants* and other, relevant parties. The results are then presented and published in load tables managed by AEMO which are updated whenever a new unmetered device comes into use. It is from these load tables that retailers and SAPN are able to calculate energy use from unmetered supplies. This is undertaken by maintaining an inventory of bulbs for each council so that costs can be appropriately allocated.

3 SAPN LED Tariffs

There are 5 new LED tariffs that were released by SAPN in July 2016. Throughout July and August 2016, Ironbark has been liaising with SAPN to further understand the implications of each of the tariffs and the components of street lighting operation, maintenance and replacement that they cover. The table below summarises the key components of each tariff.

Figure 1: Existing and new SAPN tariffs



3.1 Relative Levels of Service for PLC, TFI and SAPN Tariffs

The table below summarises the level of service provided by SAPN for each of the tariffs. For all tariffs, SAPN will operate, maintain, and repair the luminaire, and repair and/or replace supporting infrastructure. Luminaire performance will be no less than applicable Standards require and the cost of any service levels higher than those set out would be agreed and recovered separately.

Table 8: Levels of service for each of the new LED Tariffs (PLC, TFI and SAPN LED).

Tariff	Level of Service
PLC	<ul style="list-style-type: none"> Operation, which includes: <ul style="list-style-type: none"> Asset, outage and customer management systems and administration. Regulatory compliance. Asset and maintenance performance reporting to the Customer

	<ul style="list-style-type: none"> ○ Warranty management as required. • Cleaning, testing and inspection at appropriate intervals. • Repair and replacement of luminaire components as relevant.
TFI	<ul style="list-style-type: none"> • Operation, which includes: <ul style="list-style-type: none"> ○ Asset, outage and customer management systems and administration. ○ Regulatory compliance. ○ Asset and maintenance performance reporting to the Customer ○ Warranty management as required. • Cleaning, testing and inspection at appropriate intervals. • Repair and replacement of luminaire components as relevant. • Luminaire replacements due to vandalism, third party damage or post warranty period comprehensive failure.
SAPN LED	<ul style="list-style-type: none"> • The supply and installation of the new luminaire to a standard specification. • Operation, which includes: <ul style="list-style-type: none"> ○ Asset, outage and customer management systems and administration. ○ Regulatory compliance. ○ Asset and maintenance performance reporting to the Customer ○ Warranty management as required. • Cleaning, testing and inspection at appropriate intervals. • Repair and replacement of luminaire components as relevant. • Luminaire replacements due to vandalism, third party damage or post warranty period comprehensive failure.

3.2 Transitioning to New SAPN LED Tariffs

If a light is currently on an EO or CLER tariff, then it can be transferred to an EO LED or CLER LED tariff. However, if a light is currently on a SLUoS tariff then it can only be transferred to the PLC, TFI or SAPN LED tariffs. This is important context for the purposes of this business case because the majority (98%) of Council's residential street lights are owned by SAPN and currently charged at the SLUoS tariff.

For Council to be able to transfer from SLUoS to EO LED or CLER LED, SAPN would have to agree to sell the non-luminaire components of the existing street lighting assets (the parts **other than** the luminaire including items such as the mounting brackets, poles, supply cables and control equipment) to Council. SAPN have indicated that do not wish to sell these assets so existing SLUoS lights can only be transferred to PLC, TFI or SAPN LED.

SAPN have prepared draft "transition principles" to move within the new LED tariffs. These have not been publicly released or finalised and if Council is prepared to undertake a bulk changeover (via the PLC, TFI or SAPN LED tariffs) then all due diligence around transition terms should be undertaken.

Given the restrictions around existing and new tariffs, it is logical to separate Council's SLUoS lights from CLER lights for the purpose of our analysis. The table below summarises the differences between the PLC, TFI or SAPN LED tariffs, applicable to SLUoS lights⁴.

Table 9: New LED Tariffs (PLC, TFI and SAPN LED), indicating whether Council or SAPN is responsible for different components

Tariff	PLC	TFI	SAPN LED
Price (2016-17)	\$42.70	\$56.70	\$76.80
Fund upgrade	Council	Council	SAPN
Ownership	Council retains beneficial ownership	SAPN (transferred)	Ownership with SAPN
Maintenance of luminaire and supporting infrastructure	SAPN	SAPN	SAPN
Warranty Management, Replacement and Repair	SAPN	SAPN	SAPN
Post-Warranty Replacement	Council	SAPN	SAPN
At nominal end of life (approx. 20 years)	Luminaire replacement and cost at Council's discretion	Luminaire replacement (unless earlier fail) by SAPN	Luminaire replacement (unless earlier fail) by SAPN

3.3 Two Critical Distinctions

There are two critical distinctions within the new tariffs that are reflected in the prices. These are around funding the upfront capital for the upgrade and funding the replacement of the LED:

- For the **SAPN LED**, SAPN fund the upgrade (e.g., the new LED to be installed) and any replacements, whether that's before the end of the nominal life of the LED (e.g., through failures) or after 20 years when it is (nominally) time for a replacement. In other words, Council are paying a premium for SAPN to cover the up-front capital of the new LED today and for SAPN to cover the replacement of the new LED into the future.
- Moving down to the **TFI**, the key difference is that Council funds the upgrade (e.g., the new LED to be installed). This is why it is cheaper. SAPN will still cover the replacement of the new LED into the future.
- Onto the **PLC**, Council funds the upgrade (e.g., the new LED to be installed) and also funds the replacement of the new LED into the future.

⁴ The remaining 2% of Council's residential street lights are on Council infrastructure and currently charged the CLER tariff. These lights can be upgraded to CLER LED or EO LED. Note that Council does not currently have any EO lights.

3.4 Failure Rates of the New LED

To determine whether or not PLC offers better value when compared to TFI or SAPN comes down to a comparison of the risks and costs of:

1. Council funding the up-front; and
2. Council funding the replacements

Analysis of funding the up-front capital is straight-forward enough because the input value (the cost of the new light and the installation cost) is relatively easy to determine.

However, the second assumption is more challenging, and requires an understanding of the potential failure rates of the new LED as well as Council options at the end of the life of the LED (i.e., up to 20 years). To determine potential failure rates, Ironbark has sought information directly from manufactures as well as empirical data on failure rates from councils and DNSPs in other jurisdictions where StreetLEDs have been installed for up to four years. Ironbark have used the following failure rate estimates for different scenarios in our analysis:

Variable	Best-case scenario	Likely Scenario	Worst-case scenario
Failure rate for first 15 years	0.3%	0.5%	1.5%
Failure rate 15+ years	3%	5%	12%

It is worth noting that the “best-case” scenario still provides for a level of failures that is relatively conservative. For example, data from one DNSP in Victoria has demonstrated that failure rates for around 60,000 LEDs have been less than 0.1% in the first three years. Nevertheless, because of uncertainty around the validity of this data Ironbark have applied a more conservative estimate for “best-case” scenario based on manufacturers and other independent data (0.3% for the first 15 years and 3% after 15 years).

Ironbark’s modelling also demonstrates that SAPN have made conservative assumptions for the failure rates and replacement costs for the SAPN LED tariff which in turn shows that the PLC tariff would provide a better financial outcome for Council.

3.5 Replacement Post-Warranty

The TFI and SAPN LED tariffs cover replacement for post-warranty failures and also replacement at the nominal end of the life of the lights (20 years). For TFI and SAPN LED, SAPN have indicated that at the end of the life (in 20 years), Council will have the option of keeping the existing light up (depending on its condition) or having the light replaced, remembering that the cost of this replacement has been funded through the tariff over 20 years.

There is a high degree of uncertainty as to the types of technology that will be available in 20 years' time (i.e. in 2036), let alone the nature and structure of DNSPs than manage the street lighting networks. Disruptive technology such as solar, electric vehicles and battery storage are presenting challenges to DNSPs throughout the world as distributed generation of electricity and "smart grid" technology impacts on the structure of incumbent network operators and energy markets.



Street lighting sits within this broader context so predictions about the provision of public lighting and lighting technology in 2036 are clearly fraught and uncertain.

Given this uncertainty, the TFI and SAPN tariffs are less appealing because they essentially involve Council starting to fund the 2036 replacement through the relevant tariffs from the moment they are installed. PLC has no provision for a replacement in 2036 so Council has more freedom to keep its options open.

Finally, it is worth noting that although the TFI and SAPN LED tariffs cover Council for replacement post-warranty period, they do not completely insulate Council from the financial costs of potentially high failure rates. Although these costs would initially be borne by SAPN, they would be reflected in the TFI and SAPN LED tariffs in subsequent years so eventually borne by Council.

3.6 Transitioning to Council-Owned and Operated Lights

For over a decade, many councils around Australia have sought to retain ownership of new LED street lighting assets. As mentioned above, for Council to be able to transfer from SLUoS to EO LED or CLER LED, SAPN would have to agree to sell the non-luminaire components of the existing street lighting assets (the parts **other than** the luminaire including items such as the mounting brackets, poles, supply cables and control equipment) to Council. Council cannot do this without an agreement from SAPN for a transfer.

Over the last decade, the LGA has been working hard to advocate for more council control over street lighting assets and the ability for councils to own and operate the new LEDs. However as mentioned earlier, SAPN have indicated that do not wish to sell their assets so at the moment **Marion cannot own and operate the existing SLUoS lights.**

Theoretically this situation could change if Council (or multiple councils or the LGA SA) were to negotiate a transfer of these assets from SAPN to Council(s). Alternatively, the State Government could legislate to force SAPN to sell the assets to Council. Unless one of these scenarios occurs, Council's only option for SLUoS lights is to move to PLC, TFI or SAPN LED.

While it seems unlikely that either of these scenarios will occur – at least in the short-term – SAPN indicated to Ironbark in late July 2016 that any councils moving from SLUoS to PLC, TFI or SAPN LED in the short-term they **would** be able to transfer to EO LED or CLER LED in future if there were legislative changes or successful negotiations regarding asset ownership.

In practice this would include a clause in any contract to the effect that “if the situation changes in the future and councils are able retain ownership of former-SLUoS lights, then any councils paying PLC, TFI or SAPN LED tariffs will be able to exit from these tariffs and move to EO LED or CLER LED”. Council would want to ensure that this was stipulated in any contract including “exit” clauses.

This would also involve councils paying out the residual value of the assets, most likely a value “smeared” evenly across the state. This potential value is also the subject of dispute with claims that SAPN has been over-charging councils over the last decade.

4 Bulk Change Business Case

The business case models costs and savings for residential street lighting energy efficiency projects comparing:

1. Changing residential street lights to the 14W StreetLED.
2. Different scenarios modelling the cost of replacing all lights with LED technology, including best-case, likely and worst-case models around energy and maintenance price rises.
3. Likely scenarios separating out the cost of changing just the mercury vapour
4. Cash flow graphs for all scenarios.

Please note all figures are estimates based on the information provided in Appendix I. These figures should be reviewed during any procurement process undertaken to implement the program in order to confirm outcomes. Many variables model conditions over a 20-year period and do not model actual outcomes but are the best estimates of the range of outcomes that could occur over that time period.

What is clear is that the project will have a positive Net Present Value and be cash-flow positive within 6 to 10 years, even under “worst case” models. Under all models the “SLUoS to PLC” scenario offers the best value to Council from a financial point of view.

4.1 LED Implementation Outcomes

4.1.1 Scenarios

The four options referred to as *scenarios* are:

1. Change all residential street lights to LED, likely model.
 - a. Change CLER to CLER LED
 - b. Change SLUoS to PLC LED tariff.
 - c. Change SLUoS to TFI LED tariff.
 - d. Change SLUoS to SAPN LED tariff.
2. Change all residential street lights to LED, worst-case model.
 - a. Change CLER to CLER LED
 - b. Change SLUoS to PLC LED tariff.
 - c. Change SLUoS to TFI LED tariff.
 - d. Change SLUoS to SAPN LED tariff.
3. Change all residential street lights to LED, best-case model.
 - a. Change CLER to CLER LED
 - b. Change SLUoS to PLC LED tariff.
 - c. Change SLUoS to TFI LED tariff.
 - d. Change SLUoS to SAPN LED tariff.
4. Change only the Mercury Vapour residential street lights to LED, likely model
 - a. Change CLER to CLER LED
 - b. Change SLUoS to PLC LED tariff.
 - c. Change SLUoS to TFI LED tariff.
 - d. Change SLUoS to SAPN LED tariff.

4.1.2 Economic Outlook (Likely, Worst-Case and Best-Case Models)

Depending on variables such as the rate of energy price increases, and increase in tariff charges, the savings of the LED option will vary.

As per Council's questionnaire response, Ironbark has based the modelling on a 3-year implementation scenario. This section considers a range of outcomes referred to as *Economic Outlooks* when choosing LED street lights to demonstrate to Council the possible range of outcomes from the project:

- Best-Case
- Likely
- Worst-Case

The variables considered and the differences in each scenario are summarised in Table 10 below.

Table 10: Economic outlook variables

Variable	Worst-Case	Likely	Best-Case
Description	The capital costs and ongoing operating costs are high.	The capital costs and ongoing operating costs are average.	The capital costs and ongoing operating costs are low.
Tariff price rises for regular lights	Low	Medium	High
Tariff price rises for energy efficient lights	High	Medium	Low
Energy price rises	Low	Medium	High

4.1.3 Cash Flow Analysis

The following tables and figures summarises the overall outcomes from the four LED modelled scenarios subject to the different *economic outlooks*. Note that the project cost and greenhouse savings are the same for all *economic outlooks* for Council and the implementation timeframe used is 3 years.

Additionally, the following graphs illustrate the cumulative cash flow of the different project scenarios for all three economic outlooks (using the simple savings model). The far-left dip in the graph represents the initial capital outlay. Maintenance and energy savings for each subsequent year results in a gradual erosion of the initial capital outlay until cash flow is positive. After this point "profit" is accumulated.

4.1.4 Likely Model: All Lights

The model below refers to changing all 8,525 streetlights in Category P (residential) streets under “likely” assumptions around electricity price increases, tariff price increases and failure rates etc. Each of the PLC, TFI and SAPN LED tariffs are presented, as well as changing the existing 165 CLER lights to CLER LED.

Table 11: Change all lights, Likely Model

Statistic	SLUoS > PLC	SLUoS > TFI	SLUoS > SAPN	CLER
Number of lights changed	8,360	8,360	8,360	165
LED tariff per light per year once lights are changed (current)	\$43	\$57	\$77	\$17
Average tariff per light per year (before changeover)	\$63	\$63	\$63	\$39
Changeover costs (simple)	-\$3,089,123	-\$3,089,123	\$0	-\$58,001
Estimated out of warranty repairs simple price, 20 years)	-\$810,336	\$0	\$0	-\$12,368
SAPN tariff cost savings/loss simple prices, 20 years)	\$4,879,644	\$1,543,828	-\$3,245,451	\$102,601
Electricity cost savings (simple prices, 20 years)	\$8,079,014	\$8,079,014	\$8,079,014	\$116,997
Overall net simple savings	\$9,059,200	\$6,533,720	\$4,833,563	\$149,229
Net Present Value of savings	\$6,005,316	\$4,105,598	\$3,551,598	\$96,953
Year at which cash flow is positive	6	9	0	9
Cumulative Greenhouse Savings from commencement (t CO ₂ –e)	32,667	32,667	32,667	467
Average Greenhouse savings pa (t CO ₂ –e)	1,633	1,633	1,633	23

Figure 2: Change all SLUoS lights, Likely Economic outlook

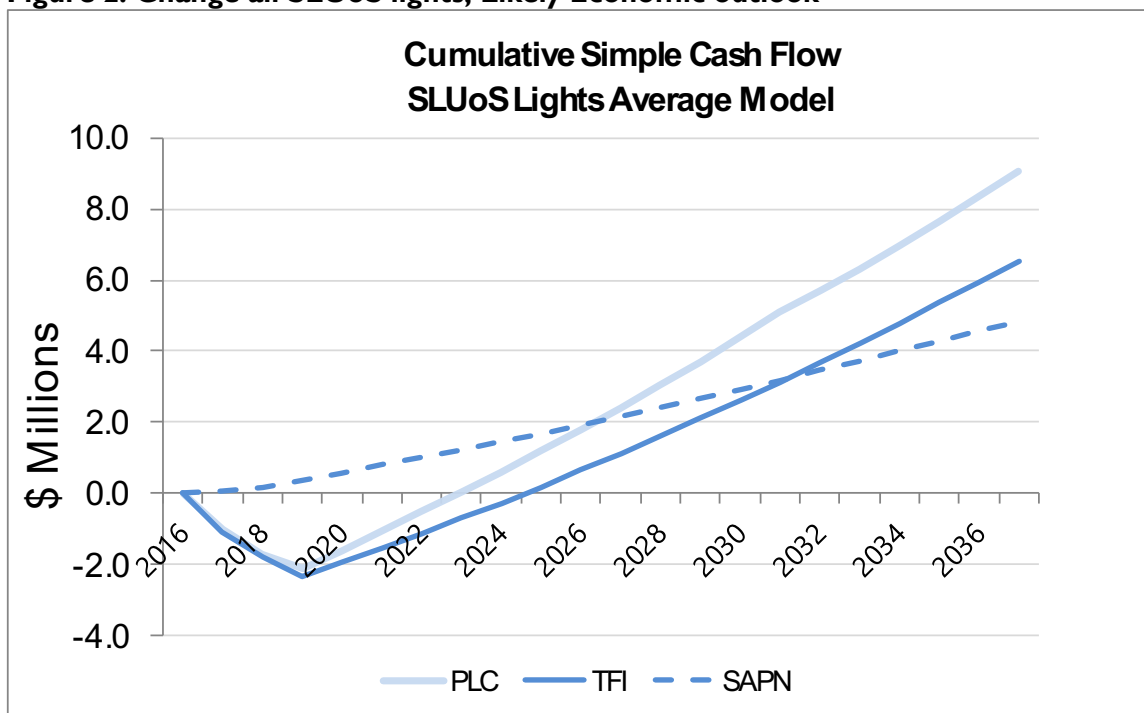
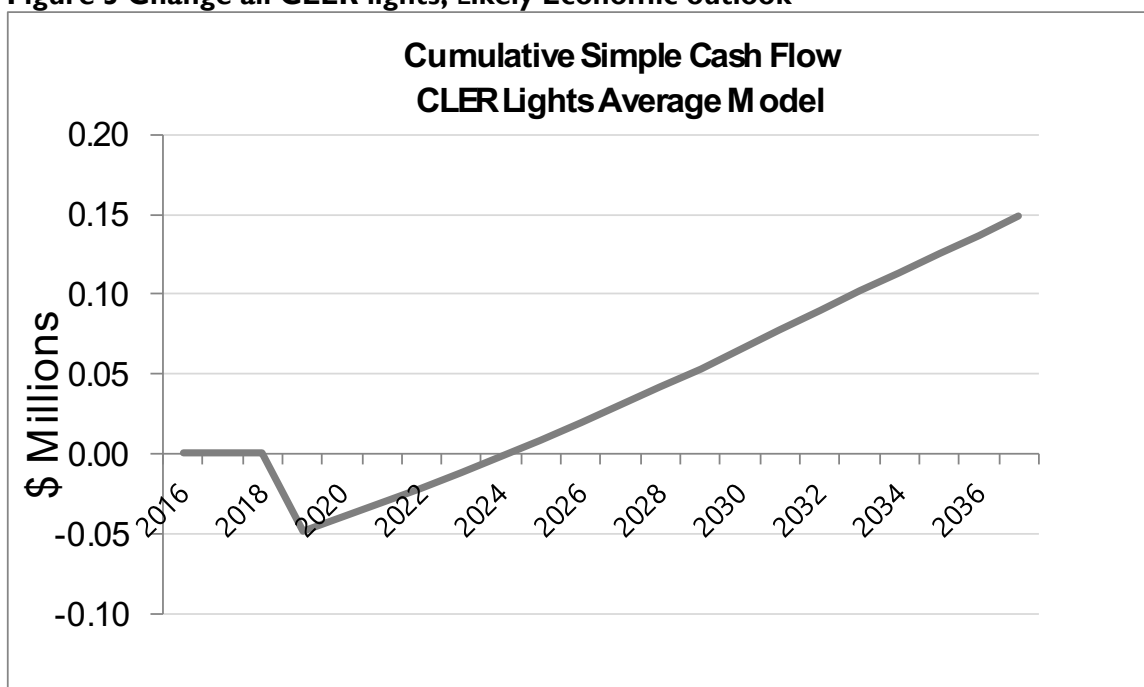


Figure 3 Change all CLER lights, Likely Economic outlook



4.1.5 Worst-Case Model: All Lights

The model below refers to changing all 8,525 streetlights in Category P (residential) streets under “worst-case” assumptions around electricity price increases, tariff price increases and failure rates etc. Each of the PLC, TFI and SAPN LED tariffs are presented, as well as changing the existing 165 CLER lights to CLER LED.

Table 12: Change all lights, Worst-Case Model

Statistic	SLUoS > PLC	SLUoS > TFI	SLUoS > SAPN	CLER
Number of lights changed	8,360	8,360	8,360	165
LED tariff per light per year once lights are changed (current)	\$43	\$57	\$77	\$17
Average tariff per light per year (before changeover)	\$63	\$63	\$63	\$39
Changeover costs (simple)	-\$3,617,858	-\$3,617,858	\$0	-\$67,903
Estimated out of warranty repairs simple price, 20 years)	-\$2,051,132	\$0	\$0	-\$33,727
SAPN tariff cost savings/loss simple prices, 20 years)	\$4,068,575	\$1,280,400	-\$2,722,622	\$85,205
Electricity cost savings (simple prices, 20 years)	\$6,934,951	\$6,934,951	\$6,934,951	\$99,812
Overall net simple savings	\$5,334,537	\$4,597,494	\$4,212,329	\$83,386
Net Present Value of savings	\$3,310,150	\$2,634,753	\$3,118,528	\$49,769
Year at which cash flow is positive	8	10	0	11
Cumulative Greenhouse Savings from commencement (t CO2 –e)	32,667	32,667	32,667	467
Average Greenhouse savings pa (t CO2 –e)	1,633	1,633	1,633	23

Figure 4: SLUoS changeover, Worst-Case Model

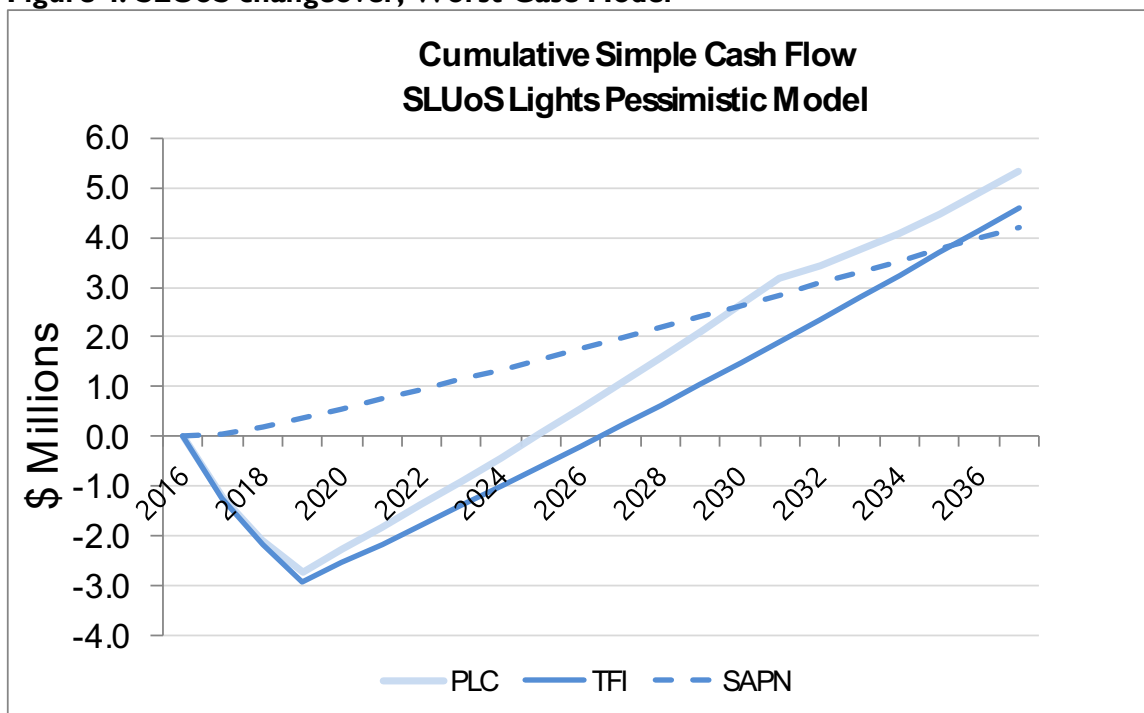
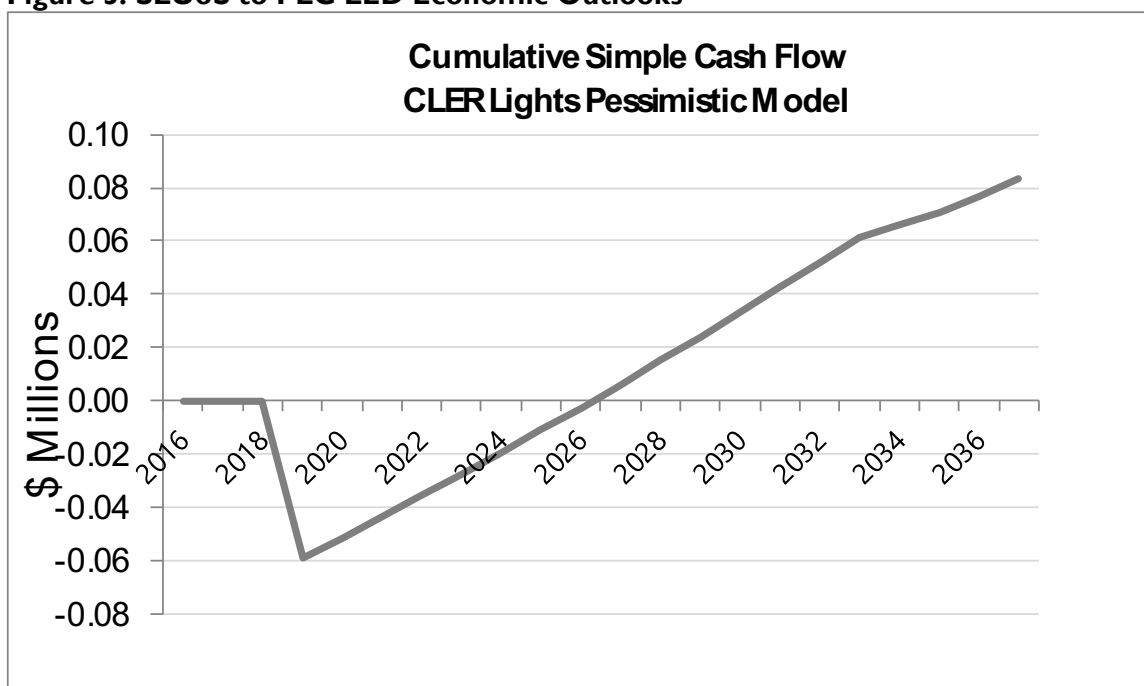


Figure 5: SLUoS to PLC LED Economic Outlooks



4.1.6 Best-Case Scenario: All Lights

The model below refers to changing all 8,525 streetlights in Category P (residential) streets under “best-case” assumptions around electricity price increases, tariff price increases and failure rates etc. Each of the PLC, TFI and SAPN LED tariffs are presented, as well as changing the existing 165 CLER lights to CLER LED.

Table 13: Change all lights, Best-Case Model

Statistic	SLUoS > PLC	SLUoS > TFI	SLUoS > SAPN	CLER
Number of lights changed	8,360	8,360	8,360	165
LED tariff per light per year once lights are changed (current)	\$43	\$57	\$77	\$17
Average tariff per light per year (before changeover)	\$63	\$63	\$63	\$39
Changeover costs (simple)	-\$2,258,254	-\$2,258,254	\$0	-\$42,439
Estimated out of warranty repairs simple price, 20 years)	-\$347,645	\$0	\$0	-\$5,208
SAPN tariff cost savings/loss simple prices, 20 years)	\$5,876,083	\$1,867,714	-\$3,887,158	\$123,986
Electricity cost savings (simple prices, 20 years)	\$9,393,905	\$9,393,905	\$9,393,905	\$136,873
Overall net simple savings	\$12,664,089	\$9,003,366	\$5,506,747	\$213,212
Net Present Value of savings	\$8,668,262	\$6,010,052	\$4,015,005	\$143,934
Year at which cash flow is positive	6	6	0	7
Cumulative Greenhouse Savings from commencement (t CO ₂ –e)	32,667	32,667	32,667	467
Average Greenhouse savings pa (t CO ₂ –e)	1,633	1,633	1,633	23

Figure 6: SLUoS Lights, Best-Case Outlook

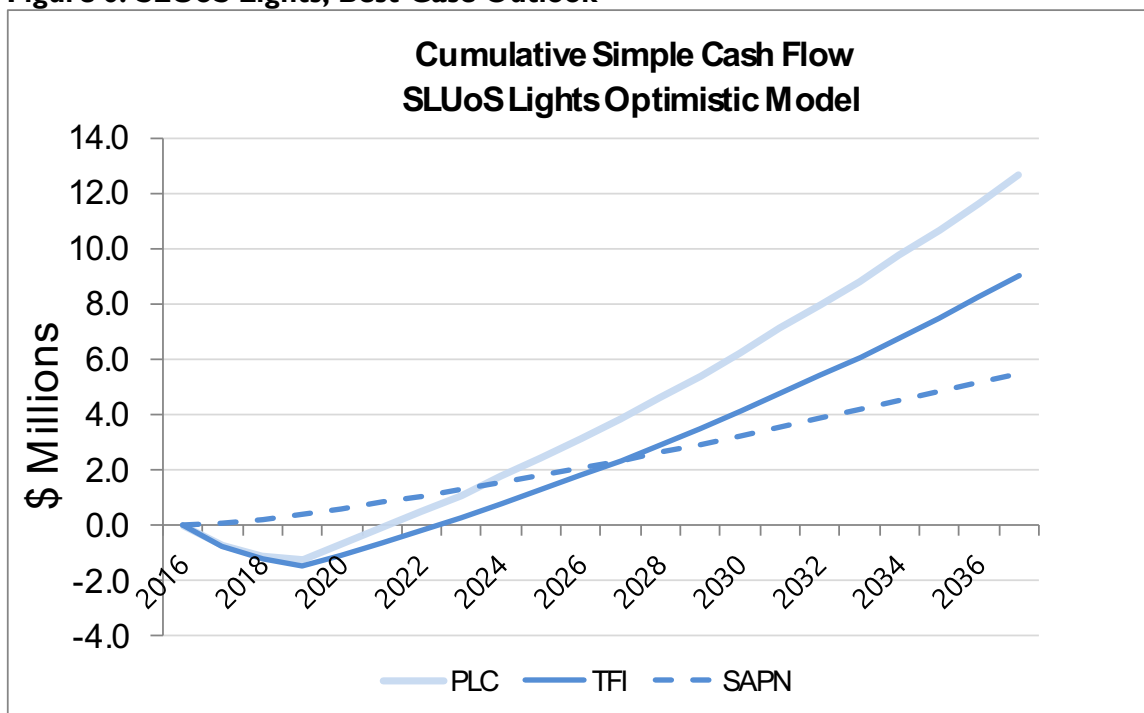
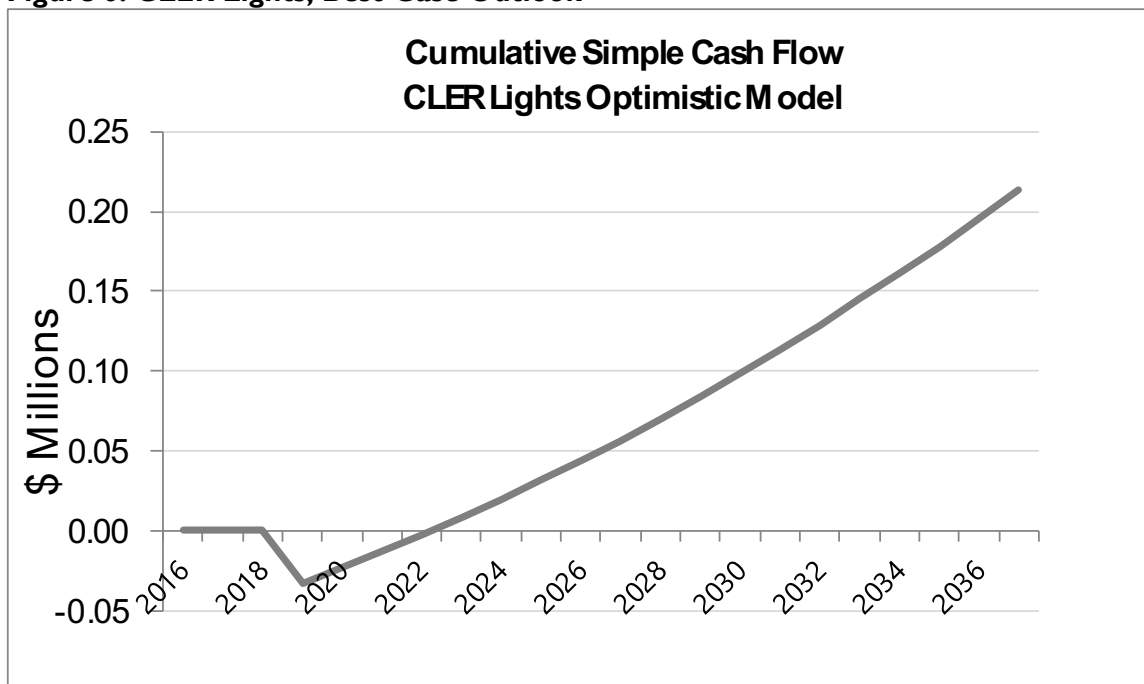


Figure 6: CLER Lights, Best-Case Outlook



4.1.7 Likely Model: Mercury Vapour Lights Only

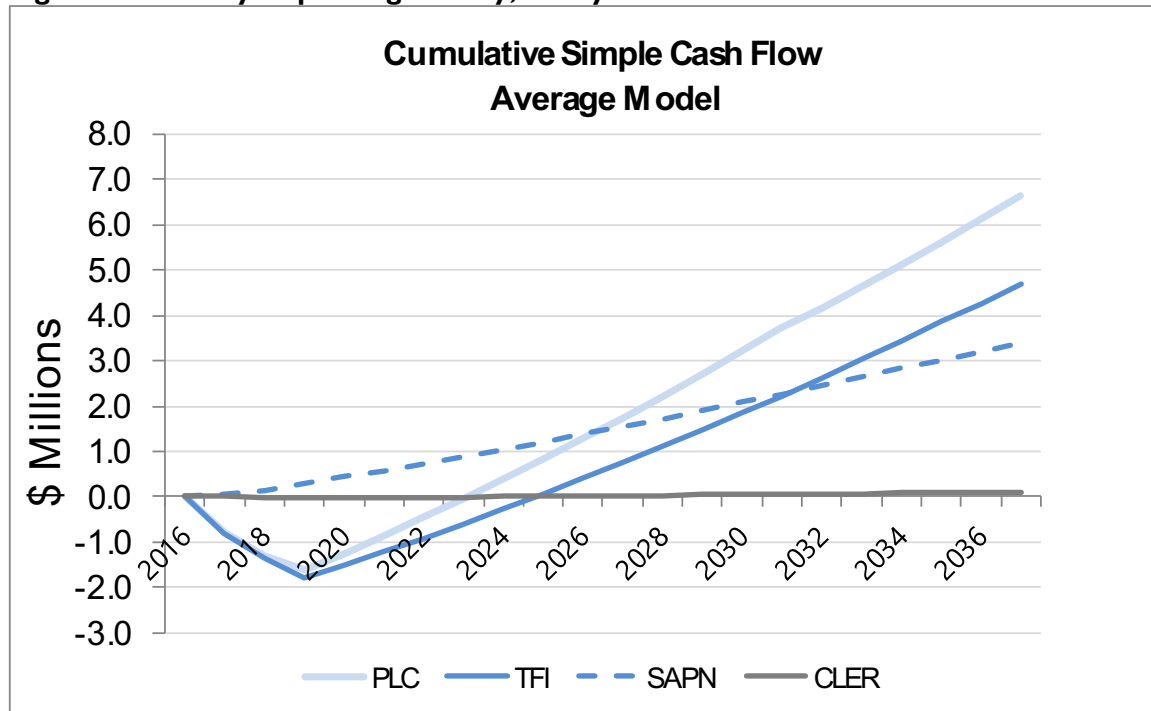
The model below refers to changing only the 6,514 MV streetlights in Category P (residential) streets. The “likely” assumptions around electricity price increases, tariff price increases and failure rates etc are applied. Each of the PLC, TFI and SAPN LED tariffs are presented, as well as changing the existing 124 MV CLER lights to CLER LED.

This model would mean that HPS and CFLs would be replaced to LED as they fail, not as part of a bulk replacement.

Table 14: Mercury Vapour lights only, Likely Model

Statistic	SLUoS > SAPN	SLUoS > TFI	SLUoS > PLC	CLER
Number of lights changed	6,415	6,415	6,415	124
LED tariff per light per year once lights are changed (current)	\$77	\$57	\$43	\$17
Average tariff per light per year (before changeover)	\$55	\$55	\$55	\$33
Changeover costs (simple)	\$0	-\$2,369,869	-\$2,369,869	-\$45,771
Estimated out of warranty repairs simple price, 20 years)	\$0	\$0	-\$621,765	-\$10,772
SAPN tariff cost savings/loss simple prices, 20 years)	-\$3,910,924	-\$236,543	\$2,322,727	\$57,213
Electricity cost savings (simple prices, 20 years)	\$7,306,411	\$7,306,411	\$7,306,411	\$98,135
Overall net simple savings	\$3,395,487	\$4,699,999	\$6,637,504	\$98,805
Net Present Value of savings	\$2,503,035	\$2,928,316	\$4,385,664	\$63,108
Year at which cash flow is positive	0	9	8	9
Cumulative Greenhouse Savings from commencement (t CO2 –e)	29,480	29,480	29,480	396
Average Greenhouse savings pa (t CO2 –e)	1,474	1,474	1,474	20

Figure 7: Mercury Vapour lights only, Likely Model



5 Social, Environmental and Health Implications

LEDs are increasingly the preferred choice for new lighting because they maximise the light output per unit of energy consumed. From a financial point of view, the energy cost savings are significant. However, there are other considerations to be aware of before undertaking a bulk changeover. The following sections summarise these considerations.

5.1 Social Considerations

Amenity for pedestrians and cyclists

Generally, it is undesirable to light residential streets above the minimum required standard. Doing so creates unnecessary cost and greenhouse emissions. In many areas, residents have a preference for low levels of lighting.

However, in some areas higher levels of lighting may be desirable to encourage walking, cycling and use of public transport. In areas where there are concerns about safety at night, it may improve perceptions of safety and residential amenity to exceed the Australian Standards for lighting levels. Council may also have specific policy objectives (such as pedestrian connectivity between transport nodes and shopping centres) that can be supported with higher levels of light in strategic locations.

Extra lights or higher wattage lights incur extra cost to purchase and to operate. Because consultation has not yet been undertaken to determine priority areas, Ironbark cannot accurately estimate the cost implications of this approach. However, it is very likely that the cost of these brighter lights would be insignificant in the context of the wider changeover with significant opportunity to take advantage of improved social outcomes. This can be planned for in the standard bulk replacement program.

Safety

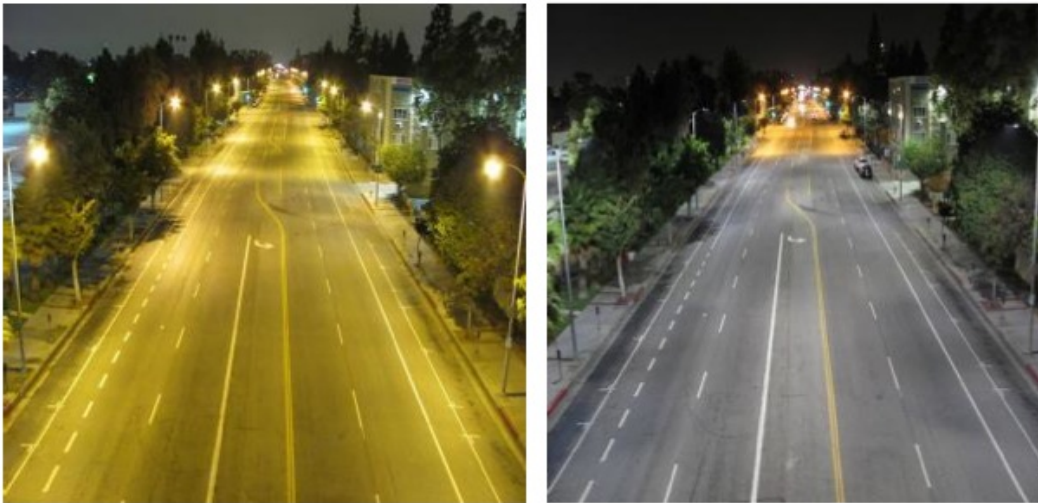
LED lighting offers the potential for improved safety over traditional MV lighting. As a general rule, safe lighting can be considered as lighting that:

- Allows surfaces and objects to be visible. This is a function of the “luminous output” and intensity distribution of the luminaire.
- Maintains a consistent level of light throughout a space. Safe lighting provides light which is spread evenly onto roads and public spaces, and avoids patches of dark and light, which are common with traditional lighting methods and technologies. Results from an LED changeover in Los Angeles show a measurable reduction in street crime and vandalism after LED street lighting was introduced⁵.
- Allows objects (both moving and stationary) to be easily identified by the human eye. This property of lighting is measured via the luminous intensity of reflected light per unit area (luminance) and the Colour Rendering Index (CRI) of emitted light. CRI relates to the

⁵ *Towards More Sustainable Street Lighting Practice Note*, Institute of Public Works Engineering Australasia (IPWEA), July 2014

perception of the colour of the light emitted compared to an incandescent at the same temperature. Broadly speaking, a whiter or “cooler” light helps motorists and pedestrians react quicker, thereby reducing the chances of accidents. In contrast, a more yellow or “warmer” light reduces the ability to accurately perceive objects. This is also an important consideration where CCTV is deployed as a safety measure, again, to assist with facial recognition. This aspect of lighting is also linked to what is known as correlated colour temperature (measured in kelvin). Whiter or “cooler” lights are in the range 4000-6000K (above 5000K start to appear bluish), whereas more yellow or “warmer” lights are generally below 3000K. International trends that are reflected in the Australian Road Lighting Standards are towards a mid-range colour temperature of 4000K (neutral white).

Figure 8: Hoover Street, Los Angeles, before (left) and after (right) LED deployment on main road. Better quality (white light) and distribution (little or no patches of light and dark) is clearly evident.



- Maintain light output over time. The light output of traditional street lights is typically maintained by a regime of visor cleans and lamp replacements throughout their service life. While the design of street lights factors in dirt build up on visors and reduction in light output of the primary light source over time, the light output from some technologies drops off very quickly, resulting in a big difference in light output at the start of its service life compared to the end of its service life. This behaviour results in significant differences in light output between lights at the beginning and end of their service life, and from light to light in a given street. Safer lighting maintains a more consistent light output over time, and minimises fluctuation in illumination from light to light, and street to street.
- Minimises glare. Safe lighting minimises glare and spill light, thereby reducing discomfort to residents and vehicle operators. Reduced glare also assists security agencies using cameras for law enforcement (less glare is better for cameras that require clear contrast).
- Is reliable. A key feature of safe lighting is that it has low failure rates and requires minimal maintenance. This reduces the occurrence of black spots where lights have failed.

Along with the technical parameters outlined above, public perceptions of safety are also an important consideration, and are often directly linked to the lighting of public spaces. Even though improved lighting should not be viewed in isolation as the answer to all crime and accident-related issues, improved illumination can play a role in addressing public perceptions of a lack of security or safety. Care must be taken to not over illuminate areas which increase energy consumption, spill light and glare.

Public Awareness

The majority of residents and visitors are unlikely to notice the outcomes of an energy efficient street lighting upgrade scheme. Complaints for LED installations are low as there is minimal light spill with these fittings so it would be very unusual to have to install glare shields.

However, it is recommended that during the bulk replacement program a communication process for dealing with any glare issues will need to be implemented. Council may deem it appropriate to provide communications about the program to residents via mail-outs, local newspapers, the web and other media outlets. This will raise Council's position as a leader in the promotion of energy efficient practices in the community.

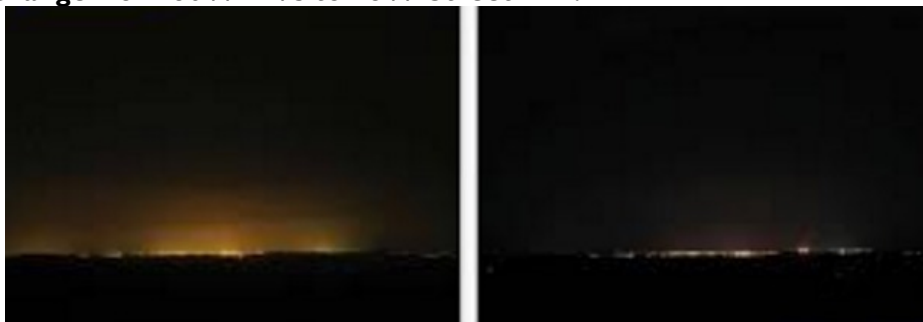
5.2 Environmental Considerations

LED lights are substantially more efficient than current lighting, particularly MV lamps. The greenhouse savings are significant; however they are expected to reduce the longer council delays a program. This is as a result of the overall electricity system becoming less reliant on fossil fuels over time, such that a kWh saved today will save more greenhouse emissions than a kWh saved in 3 years.

Some traditional light technologies such as MV are manufactured using harmful substances such as lead and mercury which are not used in the manufacturing of LEDs. These substances risk being introduced into the environment during a light's service life, and must be carefully disposed of when a light is retired. However, while not containing mercury, LEDs contain printed circuit boards (PCBs), which include electronic waste that causes potential problems if not disposed properly.

Consideration should also be made on effects to local biodiversity – from insects such as moths through to birds and small marsupials. These can be addressed by cutting down glare and installing shields or installing “warmer colour” LEDs where there are protected or endangered species. Generally, LEDs are advantageous because there is significantly less light spill.

Figure 9: Bendigo glare “before” (in March 2015) and “after” (in August 2015) a change from 80W MVs to 18W StreetLED.



There are now numerous completed projects around Australia demonstrating how bulk LED changeovers have resulted in reduced upward lighting spill and light pollution, such as the image above from the “Lighting the Regions” project in Bendigo, Victoria in 2015.

5.3 Health Considerations

There is an increasing amount of public discourse around the potential negative effect of public lighting on human health due to too much “blue light”, sometimes described as “white light”. In June 2016, a report by the American Medical Association (AMA) adopted guidance for USA communities on selecting among LED lighting options to minimize potential harmful human and environmental effects. While the report is based on the experience in the USA, it reinforces what could be considered as “best practice public lighting” which dictates that lighting should be designed and managed by professionals and with concern for broader environment, health and social factors.

From an Australian point of view, there is a Standard (SA/SNZ TS 1158.6) that states a “recommended” colour temperature of 4000K for street lighting, which is the colour temperature of the of the current 80W MVs as well as the new StreetLED. 4000K is generally seen as an appropriate compromise between those arguing against too much light from the blue end of the spectrum and those arguing for better colour rendering, safety and efficiency of lighting.

It’s important to note that much of the public discourse around “over lighting” and too much “blue white” is based on experiences in the USA and Europe. While still important, it is of less relevance to Australia because Australian street lighting levels are relatively low by international standards. In some parts of the USA, lighting levels are up to 7 times the level of Australia. What’s more, the “old” lights in USA and Europe are commonly HPS lights which generally have a lower colour temperature than the MV lights in Australia.

In the absence of any conclusive research or evidence, the potential risks of blue lighting can be managed by good design. For example, lighting to the levels required (not higher) and reducing light spill through the use of glare shields where appropriate. These issues and actions are generally discussed and decided during the *Design and Preparation Stage* of a project (see *Section 8, Recommendations and Next Steps*).

6 External Funding and Financing

Over the last 5 years, there have been a range of funding and financing opportunities available for street lighting projects and Ironbark has been assisting councils with these options. Many of these are no longer running (such as the Community Energy Efficiency Program (CEEP) however one avenue that may be available to council is the Federal Government's Emissions Reduction Fund (ERF).

Emissions Reduction Fund (ERF)

Funding type: Reverse-auction carbon abatement scheme

Funding Amount: Depends on auction process and bid (the average price for the first auctions has been around the \$10-\$14 per tonne of greenhouse emissions)

Amount per Council: Limited by emission reductions

Jurisdiction: Australia

Availability: from 2015



Often referred to as the "centrepiece" of the Federal Government's Direct Action Plan, the Emissions Reduction Fund (ERF) is a fund dedicated to the purchase of carbon emissions reductions from a wide range of sources. The ERF is underpinned by a series of "reverse auctions" where the Clean Energy Regulator (CER) will purchase emissions reductions from businesses, land owners and other organisations at the lowest available cost.

It is not direct energy efficiency funding. Councils could submit a street lighting project, along with analysis, data, plans and the level of abatement expected to achieve. If successful in this reverse auction, then Council would receive payment for this abatement.

In many ways this is similar to "white certificate schemes" such as the Energy Savers Scheme (ESS) in NSW and the Victorian Energy Efficiency Target (VEET) in Victoria. The scheme will favour lowest cost of abatement projects so bigger projects with economies of scale and lower transaction costs will be more attractive. Street lighting project are covered by one of the approved methodologies, however the project must also satisfy a range of "additionality" criteria. This means the project must be "new" (the project has not begun or project implementation has not yet begun); it cannot be something that a council is legally obliged to undertake; and it cannot be part of another government program. Finally, the Government has set a minimum bid size of 2,000 tonnes of CO₂-e per year over the life of the contract.

Ironbark has developed a free Emissions Reduction Fund (ERF) Guide for Australian Councils as well as the ERF Street Lighting Calculation Tool where you can type in an estimate of the "reverse auction" bid price that Council could bid in an upcoming ERF auction. The tool will then calculate the potential funding⁶.

⁶ The ERF Guide for Australian Councils is available at <http://goo.gl/gFY3vN> and the ERF Street Lighting Calculation Tool available from <http://goo.gl/CikSHR>

CEFC and Other Financing



The Clean Energy Finance Corporation (CEFC) is a financing mechanism for energy efficiency projects. It has been in operation since 2012 and provides financing to businesses and councils for energy efficiency projects.

Energy efficient street lighting projects have been approved by the CEFC over the past 4 years⁷. The CEFC has also partnered with larger lending institutions and banks who indicated that they are ready to provide finance for these types of projects because of the guaranteed energy savings and relatively low risk profile.

LGA Finance



The Local Government Association (LGA) of South Australia provides advice to councils around financial management practices, economic development and grants. Through LGA Finance, low-interest loans can be obtained by a council or group of councils to implement large capital works and other projects.

If pursuing borrowing to finance a street lighting project, Council would be advised to contact LGA Finance to confirm rates and terms.

6.1 Financing Options

This section presents the possible cash flows of the various financing options discussed above. Specifically, two financing options are considered and compared against a no loan scenario:

1. CEFC
2. Bank loan through a tender process

The following comparison uses the *Sylvania 18W LED scenario, likely economic outlook*. As per Council's request, *all options are assuming a 7-year term*.

Funding option	Financing Type	Interest rate/ Coupon rate
CEFC	Equal Interest & Principal*	4%
Bank loan	Amortised Loan**	4.5%

*Equal amount of interest and principal paid every period.

**A loan where the principal of the loan is paid down over the life of the loan (amortised) according to an amortization schedule, typically through equal payments.

Note that financing assumptions are based on both input from Ironbark's correspondence with financing sources. Whilst the modelling below will give a reasonably accurate estimate of

⁷ See for example <http://goo.gl/A3fny4>

Council's future cash flows, it is recommended that Council contact relevant funding bodies directly if a preferred option is identified. This is so that Council can compare the updated financing terms with the study assumption.

The table below compares the cumulative net savings and the discounted net savings⁸:

Table 15: Summary of financing options

Options	Project cost	Cumulative net savings	Cumulative discounted net savings
No Loan	\$2,448,072	\$5,854,003	\$3,695,755
CEFC	\$2,839,764	\$5,462,311	\$3,616,322
Bank Loan	\$2,908,090	\$5,393,985	\$3,555,509

⁸ The discounted net savings takes into account the time value of money. In this case, Council's discount rate of 3%.

7 Smart Lighting

The idea of “Smart Cities” or “Smart Networks” one that is eliciting great interest from communities worldwide. There are many definitions of smart cities, including one from the UK Department for Business, Innovation and Skills (BIS), who are developing standards for smart city technology. They define a smart city as one where there is “effective integration of physical, digital and human systems in the built environment to deliver a sustainable, prosperous and inclusive future for its citizens”.

A number of attributes mean that street lighting is an ideal component within a smart city:

- Its physical location high on a pole means there is good ability for clear communication
- Its ubiquitous presence anywhere that there are reasonable densities of people means the light can reinforce the network where the need for data is greatest
- The presence of power at the light means that connecting the smart networks communication device to electricity is easy

The street light can be used as a relay for other information (in a smart grid network). This increases the effectiveness of the entire network and can reinforce and improve the way the network operates. Alternatively, the street lighting communications devices can be part of a standalone street lighting control network, without reference to other smart networks within a city. It is possible to install these communications devices on street lighting networks today.

When planning for a lighting replacement it is the optimum time to ensure the lighting network is either connected to a smart network or one that is compatible with a future roll out. In the case of South Australia, it is the second point – ensuring future compatibility – that is most relevant because of limitations within the SAPN network that is not currently “smart city ready”.

7.1 Smart Lighting Internationally

The Climate Group has recently produced a report, *No Need to Wait: Accelerating Adoption of LED Street Lighting*. The report is noteworthy because it involves an analysis and reassessment of the *LightSavers* LED trials that began in 10 cities around the globe in 2011. The *LightSavers* trial results (along with those of many other initiatives) demonstrate that LED street lighting is effective and ready for mass deployment, but while “undeniable energy savings of LEDs are here, architectures for fully integrated smart cities are not.” Because of this gap, it is recommended that cities and jurisdictions “future-proof” new lighting infrastructure so they will be ready for the smart cities of the future (The Climate Group 2014: 14).

There are few current examples of fully functioning smart cities or smart lighting systems on scale. However, since 2014 most new lighting projects are either enabling the future refit of these systems or including them now. Future-proofing communications and management is a useful first step, and allowing the installation of upgraded communications at a later time is a common approach in large-scale replacement programs in North America.

A clear conclusion was that up to 80% of savings from installing LEDs is from the LED lighting upgrade alone, with the remaining 20 to 30% from ancillary intelligent and smart lighting systems.

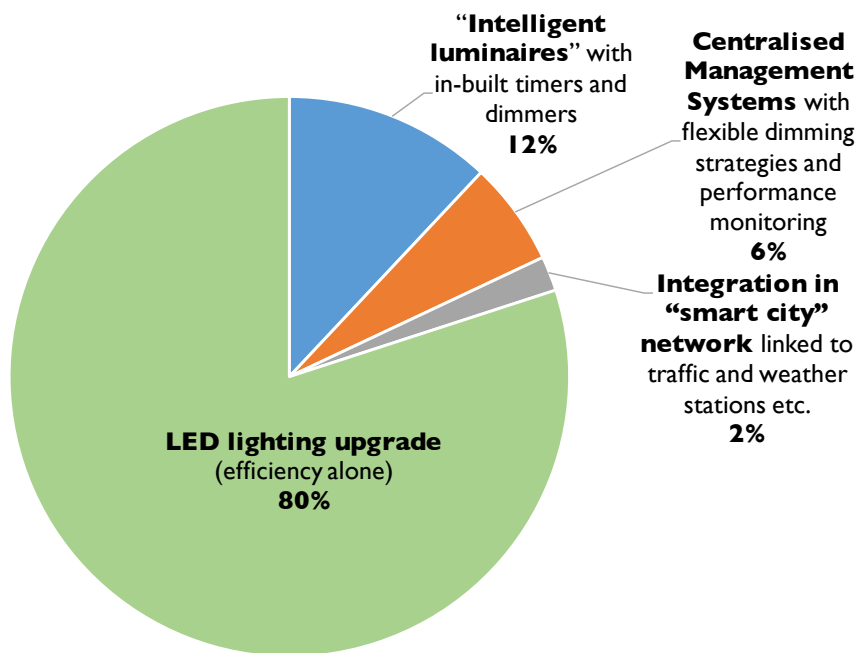


Figure 10. Levels of adoption of smart technology and complex management systems

7.2 Recommendation on Smart Lighting

Within the preparation stage of a street lighting bulk replacement program consideration of the need for smart lighting is highly recommended. At the preparation stage it will be possible to refine the costs and benefits of the smart lighting solution before making a decision on the design and technical attributes of the solution.

The inclusion of smart lighting within this project can establish the basis for a region wide smart city system with potential future benefits to Council and the community, keeping in mind the current limitations of the broader SAPN network.

Some key questions with specific reference to the lighting elements that will require answering include:

- Where does Council want dimming capability, now or in future;⁹
- What functionality is required and what is nice to have;
- Are there other smart network assets that we wish to connect with; and
- What technical requirements need to be implemented during the bulk replacement program?

Many of these have simple answers, however Ironbark would recommend integrating these formally within the program and not delving into too much detail in this report. At the moment, the key is ensuring that new LEDs are "smart-light ready" or future-proofed. In practical terms, these means ensuring that the new lights have a "7-pin NEMA" PE cell base which in the case of the StreetLED, they do.

⁹ Typically, this would then be layered with detail design assessment during the project preparation stage in order to specify the design levels and timeframes within the system

8 Recommendations and Next Steps

8.1 Recommendations

The analysis undertaken by Ironbark demonstrates that there is clear financial business case for an LED street lighting changeover. The project will have a positive Net Present Value under a range of scenarios and be cash-flow positive within 6 to 10 years, even under “worst case” models. Under all models the “SLUoS to PLC” scenario offers the best value to Council from a financial point of view.

Ironbark recommend that Council:

- Seek internal funding or external financing to change all residential (P category) street lights to LED under the PLC tariff arrange
- Engage with SAPN to ensure that any contractual agreement in moving from SLUoS to PLC LED includes clauses that clearly allow for Council to transition from PLC to a “council-owned and operated” tariff arrangement if there is a negotiated outcome between SAPN and the LGA or if the State Government legislates to force SAPN to sell the assets to councils.
- Engage with SAPN to confirm a Service Level Agreement with councils
- Ensure that all approved LEDs are fitted with smart lighting ready “7-Pin NEMA bases”.

8.2 Next Steps

Based on the information provided within this preliminary business case and Ironbark’s experience with bulk changes throughout Australia, the following steps are recommended to progress the bulk change further:

- 1. Prepare financial analysis**
 - a. Develop clear business case
 - b. Present business case to Council to gauge interest in the program. This can also be the right time to check timeframes for the roll out
- 2. Apply for funding and or financing**
 - a. Investigate all internal and external avenues
- 3. Define Council’s requirements for the program**
 - a. Develop Lighting Design Plan to drive the bulk change
 - b. Consult around the requirements for the new lights (in particular around safety and the treatment of public transport);
 - c. Assess current lighting treatment within this context and compile and final design and specification for Council’s required replacement program;
- 4. Procure**
 - a. Consider options for procurement including tendering or direct engagement with SAPN
 - b. Procure based on this consideration;
- 5. Manage the bulk change**
 - a. Ensure clear communication during the bulk change program occurs including consideration of media, complaints, timelines, variations, invoicing and incident provisions;
 - b. Post-project follow-up

At several stages external consultancy support may be required. These costs are largely dependent on the amount of internal time and expertise able to be allocated to the project, the number of lights being replaced and the specific distribution business area involved. These costs are included in this business case.

Appendix I: Assumptions for Modelling

Energy Price Projections

As with any long-term economic projections, the modelling of energy price increases over the next two to four decades can present challenges. Any number and combination of factors can render projections obsolete within a number of years, if not months.

Ironbark has considered publicly available forecasts from studies by the:

- Australian Energy Market Operator
- Federal Government Treasury Department
- Bureau of Resources and Energy Economics
- ACIL Allen Consulting

The figure below compares the electricity demand projections from the studies above. Of the price forecasts being examined, AEMO has consistently the lowest forecast (see figure below), which for Ironbark lighting business cases means the most conservative. The latest AEMO electricity forecast data was supplied by AEMO to Ironbark in 2016. The AEMO modelling was completed in 2015. We have used the 2015 figures in our business case electricity price forecast. These forecasts are state specific.

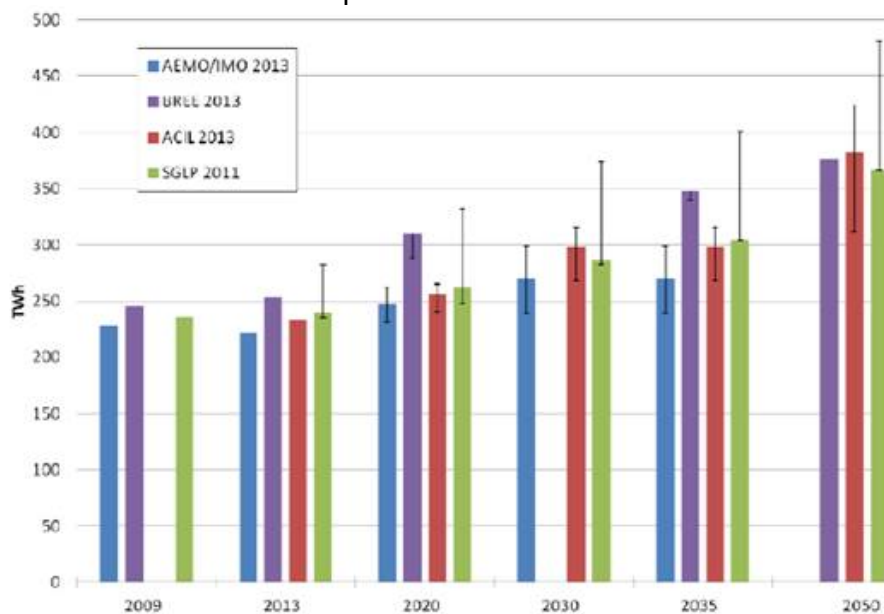


Figure 11: Australian Electricity Demand Projections: point estimate and range perspectives, various sources summary (AEMO 2013bc, IMO 2012, BREE 2013a, 2011, Syed 2012, CSIRO, ACIL Allen Consulting 2013, CoA 2011, Strong Growth Low Pollution)

Source of graph: Australian electricity market analysis report to 2020 and 2030 – prepared by CSIRO for ARENA's board (pg. 23)

To have a balanced view that tends towards being conservative, Ironbark has decided to adopt the following assumptions for our business cases. The electricity price forecast is a combination of forecast based on studies by the Treasury Department and more recently the latest Australian Energy Market Operator (AEMO) study:

- **2016 to 2022** modelling is based on AEMO forecasts (Detailed summary of 2015 electricity forecasts.pdf) (State specific modelling used)
- **Beyond 2022**

- energy price increases for the **worst-case** scenarios is based on AEMO data (sourced from correspondence with AEMO) (State specific modelling used)
- energy price increases for the **best-case** scenarios is the average of the best-case scenarios from
 - AEMO data June 2015
 - data provided on Page 123 Australian Government 2011, Strong Growth, Low Pollution: Modelling a Carbon Price (national average used)
- Energy price increases for the **likely** scenarios is the average of the best-case and worst-case scenarios.

	High Best-Case	Med Likely	Low Worst-Case
2015-2017	-3.98%	-4.36%	-6.65%
2018-2022	4.26%	2.63%	1.37%
2022-2032	3.76%	2.59%	1.41%
2032-2050	2.46%	1.58%	0.70%

Price increases are based upon low energy price rise (conservative) or the high price in the model above. An average of the two is also used. The initial electricity price is based on invoice data provided by Council.

Ironbark periodically reviews forecast from reliable sources and integrates the latest information into our business cases.

Technology Power Consumption

The true power consumption wattage of a light is different to the nominal lamp rating. For example, an 80W MV has a power consumption of 95.8 Watts. All data sourced from the AEMO Public Lighting Load Table except LED where an estimate has been used based on manufacturer data.

Table 16: Assumptions for economic outlooks

Variable	Worst-Case	Likely	Best-Case
Description	The capital costs and ongoing operating costs are high.	The capital costs and ongoing operating costs are "likely".	The capital costs and ongoing operating costs are low.
Maintenance price rises for regular lights	3.12%	3.39%	3.76%
Maintenance price rises for energy efficient lights	1.50%	1.05%	0.26%
Energy price rises	Low	Medium	High
DNSP cost	High	Medium	Low

Assumptions – Other

- SAPN tariff prices are as stipulated in the "Fees for Provision of Public Lighting 2016-17" tariff list provided by SAPN.
- All savings and cost figures are GST exclusive.

- Written Down Values and Avoided Costs are assumed to be zero. If it were possible to move from SLUoS to EO LED or CLER LED then WDV would be included, noting that this value is also disputed. LGA SA is currently contesting the value of the asset base, which mean that these costs are difficult to estimate.
- Capital costs (hardware) are based on Ironbark's experience of current industry pricing. This information is commercial in confidence. Council may have access to these numbers through discussions with suppliers.
- Capital costs (installation) are based on Ironbark's involvement in public tenders for installation throughout Victoria, projects where councils have tendered directly through distribution businesses, and discussions with relevant stakeholders in the sector (for example, councils, installers, distribution businesses, the Public Lighting Approvals Network or *PLAN*). This information is commercial in confidence.
- For the initial installation of the lights, capital costs (hardware) are discounted by 5% per annum. (So lights installed in year three are assumed to be cheaper than lights in year 1).
- Capital costs (hardware) for warranty repairs assumed to decrease by 5% per annum.
- Capital costs (installation) for warranty repairs are assumed to increase by 2.5% per annum.
- Total project costs include materials (e.g. the lights), labour (the installation), project management, potential expertise and/or consultants. It does not include community education or Council staffing costs.
- Operating hours of lights are averaged out to 11.93 hrs per day in South Australia.
- Emission factor is 0.67 kg Co2-e per kWh (scope 2 and 3).
- The blended energy price is calculated at 13.2 c/kWh based on Council's bills for April 2016.
- For energy costs (from Council billing data) all the per/kWh costs have been included, which is what will change once the project is implemented.
- NPV Discount Rate is 2.66%, which is based on the 10-year Australian Government Bond Rate August 2016.
- LED lights are assumed to be purchased with a one-year warranty.
- For post-warranty replacement, we assume each light fails a maximum of once in the 20-year modelling period.
- We assume the project is to be implemented over 3 years, with roughly equal numbers of lights installed each year. For scenarios looking just at Sodium and Fluorescent lights, we have assumed a 1-year implementation period because of the low number of lights.
- We have not modelled the cost of maintaining the supporting infrastructure, as this affects only a small number of lights (CLER and EO tariff, <2% of Council's lights).
- The following tariff increase and failure rate estimates are used for the different scenarios:

Variable	Best-Case	Likely	Worst-Case
SAPN tariff rises	4.5%	3%	1.5%
Failure rate for first 15 years	0.3%	0.5%	1.5%
Failure rate 15+ years	3%	5%	12%

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: John Valentine, Manager Strategic Projects

General Manager: Abby Dickson, General Manager City Development

Subject: Glenthorne Farm Community Engagement

Report Reference: GC221116R06

REPORT OBJECTIVE

For Council to consider a community engagement strategy to promote the community's aspirations in relation to Glenthorne Farm.

RECOMMENDATIONS

DUE DATES

That Council:

- | | |
|--|-------------|
| 1. Notes the report and endorses the community engagement strategy described in this report. | 22 Nov 2016 |
| 2. Endorses an allocation of \$26,400 to undertake the community engagement strategy described in this report, noting this funding will be sourced from savings in the 2016/17 budget. | 22 Nov 2016 |
| 3. Notes that material for the community engagement strategy will be commenced and the formal public campaign will start in early 2017. | Early 2017 |

DISCUSSION

The City of Marion has long advocated for Glenthorne Farm being preserved for revegetation, open space, heritage interpretation and related public uses.

Council has worked closely with the Friends of Glenthorne who have for many years worked voluntarily at Glenthorne and have consistently and strongly advocated for Glenthorne Farm's future. FOG developed a community vision for the property in 2015 which states:

'The Community has a rich vision for Glenthorne Farm.

The Community has a vision of it being a popular public space to connect, a place of pride for Adelaide that has a range of uses and benefits to the Community.

There is a vision of it being an environmental exemplar where endangered woodlands and birds thrive, supported by science, contributing to research and achieved by, amongst other things, carefully planned woodland plantings'.

Council considered Glenthorne Farm at its 27 September 2016 Council meeting at which it was resolved:

1. *Notes report SCM130916R01 and*
2. *Advises the State Government and the University of Adelaide that the City of Marion maintains its strong support for the future of Glenthorne Farm to be consistent with the Land Management Agreement and Deed of Agreement between the State Government and the University of Adelaide in relation to the site being preserved for revegetation, open space, heritage interpretation and related public uses.*
3. *Notes that Mayor Hanna has sought a briefing for Elected Members from the University of Adelaide regarding its plans for the future of Glenthorne.*
4. *Requires a community engagement strategy to be drafted, for Council's consideration, to ensure that the community's aspirations for the property are actively promoted.*

Community Engagement Strategy

The purpose of the community engagement strategy is to promote the community's aspirations for the future of Glenthorne and obtain a commitment from the State Government and University of Adelaide to have Glenthorne Farm preserved for revegetation, open space, heritage and public use consistent with Council's position.

The main elements and costs associated with the strategy would be:

• Distribution of flyers to 4000 to 5000 local households	\$9,500
• Glenthorne Farm open day and on-site rally	\$4,000
• Petition to State Government and University of Adelaide	\$ 300
• Photo competition showing Glenthorne's attributes	\$ 100
• City Limits articles	
• Advertisements in Coast Weekly Messenger	\$4,500
• Website and social media strategy	
• Community survey	
• Banners at Glenthorne and around Marion	\$3,500
• On-line video showcasing Glenthorne	\$4,500
TOTAL	\$26,400

These above activities would be complemented by lobbying a range of parties to achieve a secure future for Glenthorne Farm. Lobbying will include key decision makers and parties able to influence the outcome. Lobbying would include:

- Premier and Deputy Premier
- Minister of Planning, Minister for Infrastructure and the Minister for Environment
- Adelaide University Vice Chancellor and Adelaide University Council
- Federal Environment Minister
- NRM Board
- Heritage SA
- City of Onkaparinga
- Conservation Council, Wilderness Society and Greening Australia.

FINANCIAL CONSIDERATIONS

The cost of the community engagement strategy is \$26,400. No funding currently exists in the 2016/17 budget for this community engagement strategy but funding can be sourced from savings in the 2016/17 budget. This amount will enable a comprehensive approach that will

enable community aspirations for Glenthorne to be promoted as part of securing an on-going solution for Glenthorne Farm.

CONCLUSION

Glenthorne Farm is a unique property of substantial environmental and heritage significance. Glenthorne has a high profile within the community and the Friends of Glenthorne have, over many years, voluntarily worked on environmental restoration and advocated a secure future for the property. Over the 15-year period that the property has been owned and managed by Adelaide University there has not been progress in accordance with the Deed of Agreement between the University and the State Government.

The Glenthorne Farm communications strategy will ensure the community can clearly voice their aspirations for Glenthorne and help shape an enduring solution.

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Anna White, Team Leader Community Safety Inspectorate

Manager: Steve Hooper, Manager Development and Regulatory Services

General Manager: Abby Dickson, General Manager City Development

Subject: Draft Animal Management Plan – for Public Consultation

Report Reference: GC221116R07

REPORT OBJECTIVES

The purpose of this report is to present the Draft Animal Management Plan (The Plan) (Appendix 1) to Council and to seek endorsement of the revised Plan subject to any amendments, for a 21 day public consultation period.

EXECUTIVE SUMMARY

The current Animal Management Plan (GC140611R08) is set to expire in June 2017 and under the Dog and Cat Management Act 1995 (SA) (DCMA) as amended, each Council is required to prepare a plan relating to the management of dog and cats. The Plan is due for presentation to the Dog and Cat Management Board before July 2017.

The Plan will be implemented within the context of creating a safe public environment and enhancing the amenity and environment of the City of Marion while considering the importance of pet ownership. The Plan will also take into account social and regulatory issues and identify strategies and actions to implement the City of Marion's mission, aims and objectives for domestic animal management. The Plan will then relate these policies and actions back to the wider policy context.

The Plan aims to:

- Promote responsible dog and cat ownership;
- Provide for the welfare and safety of dogs and cats;
- Provide community education on aspects of responsible dog and cat ownership;
- Ensure public safety and enhance the amenity and environment;
- Harness the benefits of dog and cat ownership
- Ensure that the expenditure of registration fees addresses the management of dogs; and
- Consider other animals and birds as part of the Plan.

RECOMMENDATIONS

DUE DATES

That Council:

- | | |
|--|-------------|
| 1. Receives and notes the report "Draft Animal Management Plan - for Public Consultation". | 22 Nov 2016 |
| 2. Endorses the Draft Animal Management Plan for public consultation. | 22 Nov 2016 |

3. Notes a final report will be provided to Council with community engagement outcomes for consideration by March 2017.

March 2017

BACKGROUND

The DCMA provides the legal framework for the City of Marion's responsibilities regarding the management of dogs and cats. Since its inception in 2006 the Plan has been redeveloped and reviewed once in consultation with a broad range of stakeholders, including input from the community. The current Animal Management Plan will end in mid-2017 and therefore it is a requirement under the Act to review the current plan and reset the strategic direction for the management of animals in the City of Marion.

The current Animal Management Plan 2012 - 2017 has been reviewed and a new Draft Plan has been developed. The Plan identifies the actions to be undertaken in the next five years to guide Council in the management of animals. The Plan is also aligned to the City of Marion's Strategic Plan of 'Towards 2040', particularly the Liveable Theme.

The Plan updates and refines existing strategies with a view to identifying how to improve outcomes for the community. Below is a summary of an analysis of the effectiveness of the key policy positions that were created as a result of the current Animal Management Plan.

Throughout the current Plan, the City of Marion has aimed to maintain a sustainable, strategic approach to the management of dogs, cats and other animals. Through this key policy, conditions have been reviewed and changed. The current policies that exists are:

Dogs

- Dogs must be on-leash in: wetlands, within five meters of an unfenced children's playground, grounds where organised sport is being played and declared "dog on leash" areas.
- Two dogs per household - dog limit requirements only apply to dogs over three months of age.
- A person in control of a dog must have a bag/object for lawfully disposing of any faeces.

Cats

- All cats within the City of Marion to be identified through micro-chipping (The By-law applies to cats over four months old).
- All cats within the City of Marion to be de-sexed (The By-law applies to cats over four months old).
- Two cats per household (The By-law applies to cats over four months old).
- Council by future resolution can determine cat-free areas on local government land.

In addition to the policy changes, the following actions have been achieved from the current plan:

- Addition of nominated dog on leash areas – currently being implemented.
- Investigation of Rooster By-law.
- Construction of the City of Marion's first dog park at Reserve Street, Reserve and commencement of research into a second.
- Consideration of cat registration by Council (GC270911R05) - Council adoption of identification of cats through microchipping and education programs.
- Letter of avocation sent to the State Minister seeking the creation of cat exclusion zones around conservation parks. – 28 June 2011.

New initiatives in the Plan consider the management of cats and dogs and also other animals or birds. It includes current and ongoing activities that the City of Marion is delivering and identifies the strategic direction for future animal management that will contribute to the wellbeing of the community.

Taking on feedback received by the City of Marion regarding nuisances caused by animals or birds, the Plan proposes:

Other Animals and Birds

- Consideration of By-law regarding the keeping of roosters on residential blocks.

Dogs

- Review of on and off leash areas for dogs.
- By-law No. 4 – Dogs be reviewed to:
 - Consideration of new legislation adopted by State Government.
 - Prohibition of dogs in fenced playground areas.
 - Extension of dog on leash near playground from 5 to 10 meters.

Cats

- Review By-law No. 6 – Cats be reviewed to:
 - Consideration of new legislation adopted by State Government.

Consultation

Input into the draft Plan was sought through an Elected Member Forum on 21 June 2016 and this feedback is reflected in the draft plan for endorsement to go to community consultation.

A consultation plan has been developed (Appendix 2) and includes making the plan available on the Making Marion portal and communicating to the community and key stakeholders from 28 November 2016 to 19 December 2016 seeking feedback on a draft Plan in accordance with Council's Community Engagement Policy.

A final report will be provided to Council with community engagement outcomes for consideration in February/March 2017.

Legal/Legislative and Risk Management

It is a legislative requirement to review the existing Animal Management Plan and submit a revised 5-year Plan to the Dog and Cat Management Board for approval before it is to take effect.

Section 26A of the Dog and Cat Management Act 1995 states:

- 1) Each Council must, in accordance with this section, prepare a plan relating to the management of dogs and cats within its area.
- 2) A plan of management must include provisions for parks where dogs may be exercised off-leash and for parks where dogs must be under effective control by means of physical restraint, and may include provisions for parks where dogs are prohibited.
- 3) A plan of management must be prepared and presented to the Board as follows:
 - a) the first plan must cover a 5 year period and be prepared and presented within 3 years after the commencement of this section;
 - b) subsequent plans must cover subsequent 5 year periods and each plan must be prepared and presented at least 6 months before it is to take effect.
- 4) A plan of management must be approved by the Board before it takes effect.
- 5) A Council may, with the approval of the Board, amend a plan of management at any time during the course of the 5 year period covered by the plan.

The community consultation period has been set in line with the City of Marion's Community Engagement Policy which is in keeping with Part 5 of the Local Government Act 1999 and describes a minimum public consultation period of 21 days.

CONCLUSION

It is a legislative requirement that Council develop an Animal Management Plan that will direct and guide the City of Marion's management of animals during the next 5 years. The Draft Plan provides a range of strategies that contribute to community wellbeing. Endorsement for public consultation of the Draft Plan is sought, subject to any changes made to the Draft Plan on 22 November 2016.

Animal Management Plan

2017–2022



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Mission Statement

To recognise that companion animals are part of the community, contributing to its quality of life, and to ensure that the needs of animals and their owners are accommodated while recognising the differing needs of all members of the community.

Executive Summary

This revised Animal Management Plan will be effective for the next five-year period from 2017 – 2022 and will set the strategic direction for City of Marion's management of dogs and cats during that time.

While the Dog and Cat Management Act provides the legal framework for the City of Marion's responsibilities regarding the management of dogs and cats, this Plan seeks to maintain a balanced approach that caters to everyone's needs including domestic pets and their owners, the wider community and those responsible for animal management.

The City of Marion aims to maintain a sustainable, strategic approach to the management of dogs and cats in the City of Marion that encompasses the needs of both dog and cat owners and other residents who are not dog and cat owners. The Plan will be implemented within the context of creating a safe public environment and enhancing the amenity and environment of the City of Marion while considering the importance of pet ownership. The Plan will also take into account social and regulatory issues and identify strategies and actions to implement the City of Marion's mission, aims and objectives for domestic animal management. The Plan will then relate these policies and actions back to the wider policy context.

The Plan aims to:

- Promote responsible dog and cat ownership;
- Provide for the welfare and safety of dogs and cats;
- Provide community education on aspects of responsible dog and cat ownership;
- Ensure public safety and enhance the amenity and environment;
- Harness the benefits of dog and cat ownership;
- Ensure that the expenditure of registration fees addresses the management of dogs; and
- Consider other animals and birds as part of the Plan.

The Plan focuses on the legitimate needs of pets and their owners, while respecting the rights of other members of the community and protecting the environment. The City of Marion will enforce relevant legislation and local bylaws coupled with public education and promotion to assist in lasting, voluntary behavioural change regarding the appropriate management of animals.

There is now considerable evidence to show the benefits of owning pets so it is essential that Council take a strategic approach to managing domestic pets to ensure community outcomes are achieved. The Plan will provide the basis for a strategy that will provide Council with direction from which it can plan, co-ordinate and make future decisions to meet the needs of the community over the next five years.

At the conclusion of the Plan in 2022, the effectiveness and relevance will be reviewed against the strategies and objectives identified. That information will then be incorporated into future plans each of which will cover a five-year period in accordance with Section 26A of the Dog and Cat Management Act.

1. Policy Context and Links to the City of Marion's Strategic Plan

The Animal Management Plan fits within the overall planning and direction of the Strategic Plan towards 2040 which guides the City's development and council's contribution to deliver the Community Vision that is Liveable, Prosperous, Valuing Nature, Engaged, Innovative and Connected.

Other strategies and policies are relevant where they impact on strategy and development in the domestic animals' area.

2. The Dog and Cat Management Act

The objectives of the Act are to encourage responsible dog and cat ownership; reduce public and environmental nuisance caused by dogs and cats and to promote the effective management of dogs and cats. The responsibilities delegated to the City of Marion under the Act and linked to this Plan include:

Management of Dogs

Maintaining a register of dogs available for public inspection, providing information contained on the register to the Dog and Cat Management Board, appointment of a Registrar, making arrangements for issuing and replacing certificates of registration and registration disks, appointment of at least one full-time dog management officer or delegates and making satisfactory arrangements for the detention of dogs seized under the Act.

Money Received

Revenue received by a Council must be spent on the administration or enforcement of the provisions of this Act relating to dogs.

Payment into Fund

Under the Act, Councils must pay into the Dog and Cat Management Fund a percentage fixed as set out in the Dog and Cat Management Regulations 2010.

Fees

Councils have the responsibility of setting annual fees for dog registration and rebates for de-sexing, micro-chipping and training of dogs.

By-laws

Councils can make by-laws for the control or management of dogs and cats within their area (Section 90).

Plans of Management

Under the Act (Section 26A) each Council is required to prepare a plan relating to the management of dogs and cats within their area. These plans must contain provisions for parks where dogs may be exercised off-leash and on-leash and may include provisions for areas where dogs are prohibited. (Appendix A)

Cats

Under part 7 of the Act Councils can appoint a cat management officer. Councils can also make cat specific by-laws including: registration of cats, Limits on the number of cats, Identification by micro-chip or collar and tag, De-sexing, Curfews, Confinement and/or control and Nuisance and wandering at large.

3. Overview - City of Marion

The City of Marion covers an area of about 55 km sq, and is located 10 km south of Adelaide, stretching from the Glenelg tramline in Glandore to the coastal suburb of Hallett Cove. The City of Marion includes a mix of residential and industrial areas, with Westfield Marion as the key regional shopping centre and the State Aquatic and Leisure Centre as the premium swimming centre in the state.

The population of the City of Marion is estimated by the Australian Bureau of Statistics (ABS) in 2015 is 88,983 residents. The following suburbs are located within the City of Marion region.

Ascot Park	Marino	Seacombe Gardens
Bedford Park	Marion	Seacombe Heights
Clovelly Park	Mitchell Park	Seaview Downs
Darlington	Morphettville	Sheidow Park
Dover Gardens	Oaklands Park	South Plympton
Edwardstown	O'Halloran Hill	Sturt
Glandore	Park Holme	Trott Park
Glengowrie	Plympton Park	Warradale
Hallett Cove	Seacliff Park	

Summary of Dog and Cat Statistics

Dogs

Dogs registered	2013/14	2014/15	State Figure 2014/15
Total number of registered dogs	13285	12825	297857
Total number of dogs where desexing rebate claimed (80%)	78%	80%	69%
Total number of registered dogs where training rebate claimed	11%	12%	7%
Total number of registered dogs where microchip rebate claimed	66%	71%	60%

Dogs Impounded	2014/15	2015/16	Change in Percentage
Dogs impounded by the Council (e.g. dogs that cannot be identified or the owner cannot be located and dogs are officially impounded)	306	332	+8.5%
Number of dogs returned to owner (dogs that are impounded and subsequently returned to owner)	208	242	+16.3%
Number of dogs collected and returned to owner (Dogs that are wandering at large, collected by council and returned to owner before impound)	84	95	+13.1%

Cats

Complaints	2014/15	2015/16
Number of cat complaints	13	35

Animal Management Structure and Staffing

Complaints	2013/14	State Figure 2013/14	2014/15	State Figure 2014/15
Dog Harassment - Human	5	422	6	353
Dog Attack - Human	15	454	21	479
Dog Harassment - Animal	5	321	5	300
Dog Attack - Animal	31	864	26	868
Barking Dog	120	-	109	-
Dogs Wandering	404	-	362	-

The responsibility for the control and management of dogs and cats rest with the City Development Department. The Team Leader Community Safety Inspectorate is appointed the Registrar, and Community Safety Inspectors are appointed Authorised Persons for the purposes of the Act.

4. Animal Management Strategy

General Animal Management

The City of Marion will use a combination of legislation including but not limited to the Dog and Cat Management Act, Local Government Act and Council By-laws coupled with community education/promotion to effectively implement many of the Animal Management Strategies.

Investment in community education, partnerships and internal process improvement will play a key role in the management of dogs, cat and other animals. This will enhance the delivery of effective animal management and promotion of responsible pet ownership within the City of Marion.

Objective 1:

To provide effective animal management within the City of Marion

- 1.1 Operate in accordance with the appropriate legislation and Council By-Laws
- 1.2 Ensure systems, processes and training is in place to support Animal Management Officers
- 1.3 Community education on responsible pet ownership

Strategy	Actions	Timeline	Key Measure	Resources
1.1	Effective and appropriate use of legislation and By-laws to manage animals and enforce breaches of the DCMA, LGA and By-laws	Annually	Statistics related to enforcement and management	Existing
1.2	Officers are informed and provided with the appropriate training regarding the DCMA, By-laws and are kept up to date with new or emerging practices, as well as best practice identified by other councils through formal training and networks	Ongoing	Record of training held by HR Review of SOP completed end of 2017 and 2019	Existing
	Identify issues and resources required for education and regulatory services regarding animal management	Ongoing	As required	Existing
	Promote the role of Animal Management Officers, both within Council and in the wider community	Ongoing	Participation in two events per year	Existing
	Review procedures to ensure systems and processes support Animal Management Officers to fulfil their roles	Biannually and as required	Review of procedures completed end of 2017 and 2019	Existing
1.3	Attendance and provision of education at community and professional events regarding responsible ownership	Annually	Participation in two events per year	Existing
	Promotion and education of responsible pet ownership in the City of Marion via various mediums	Annually	Update website 2 x animal displays in two locations	Existing

Dogs

Objective 2:

To encourage and promote responsible dog ownership within the City of Marion community.

- 2.1 Amend the Dog By-Law (Appendix B)
- 2.2 Provide education regarding responsible dog ownership
- 2.3 Promote the registration and identification of dogs
- 2.4 The City of Marion will embrace the benefits of dog ownership
- 2.5 The City of Marion will promote responsible dog ownership through education and enforcement

Strategy	Actions	Timeline	Key Measure	Resources
2.1	Amend the existing By-law No. 4 - Dogs, to: Prohibit dogs from fenced playground areas. Increase dog on leash areas from 5m to 10m	End 2018	By-law amended	Existing
2.2	Provide annual educative material regarding responsible dog ownership, inserted into dog registration renewal notices	Annually	Fact sheet inserted into renewal notices	Existing
	Continued education about the responsible usage of public areas e.g. Reserves and Dog Parks, Hallett Cove Beach	Ongoing	Education, distribution of promotional material and enforcement where required	Existing
2.3	Promote the benefits of microchipping and desexing dogs	Ongoing	Distribution of promotional material	
	Conduct annual follow up with dogs that have not been re-registered and educate owners on requirements and benefits of dog registration	Annually	Follow up conducted by staff	Existing
	Continue to offer a range of registration concessions	Ongoing	Rebates offered	Existing
	Promoting Council's various registration payment options	Annually	Information on renewal notice and website	Existing
	Return as many dogs as possible to owners through identification methods microchip, dog tag	Ongoing	Annual Statistics	Existing
2.4	Acknowledge and promote the importance, value and benefits of dog ownership	Ongoing	Support pet ownership and provide educative material	Existing
2.5	Investigate complaints and take action which may including education, warnings, expiations, orders and prosecution	Ongoing	Statistics on enforcement	Existing

Objective 3:**Ensure public safety, health and amenity in relation to dogs.**

- 3.1 *The City of Marion will endeavour to reduce the number of dog attacks.*
- 3.2 *Provision for dogs being exercised in parks*
- 3.3 *Enhance the amenity and the environment by the management of dog faeces in public places*
- 3.4 *The City of Marion will endeavour to reduce the number of barking dogs*
- 3.5 *The City of Marion will endeavour to reduce the number of dogs wandering at large*
- 3.6 *Promote the training and socialisation of dogs*

Strategy	Actions	Timeline	Key Measure	Resources
3.1	Promote and encourage the reporting of all dog attacks	Ongoing	Distribution of promotion material	Existing
	Promote and educate on bite avoidance, supervision of children whilst in contact with dogs and preventative measures to minimise the risk of dog attacks	Ongoing	Distribution of promotion material	Existing
3.2	Review the designated on leash areas and consider additional areas for on leash or prohibition	2017 and as required	Report to Council 2017	Existing
	Review and update information on dog off leash and on leash areas	2017 and as required	Updated and placed on website	Existing
	Assist in the investigate the of a second dog park in the council area	2017/2018	Report to Council	Existing
3.3	Continue to review the location and availability of dog waste bag dispensers with a view to increase the installation	Ongoing	Consideration of requests and installation where appropriate	Existing
	Promotion and education of the legal requirement to pick up one's own dog's faeces in public	Ongoing	Education, distribution of promotional material and enforcement where required	Existing
3.4	Review Barking Dog Procedure with view to ongoing process improvement and best practice	Biannually	Procedure reviewed and update where required	Existing
	Educate dog owners on the major reasons for barking and ways to reduce barking	Ongoing	Verbal advice and educative material	Existing
	Promotion of options that allow neighbours to resolve barking dog issues before Council involvement	Ongoing	Update website and provision of educative material	Existing
3.5	Educate owners to securely confine their dogs e.g. ensuring that fencing is secure	Ongoing	Update website and provision of educative material	Existing
	Education regarding the risk of dogs escaping and wandering at large during storms and fireworks	Ongoing	Update website and provision of educative material	Existing
	Promotion of desexing to assist with reduced instances of wandering at large	Ongoing	Update website and provision of educative material	Existing
3.6	Promotion of training and socialisation of dogs through distribution of information	Ongoing	Provision of educative material	Existing

Cats

Objective 4:

To encourage and promote responsible cat ownership within the City of Marion community.

- 4.1 The City of Marion will promote responsible cat ownership through education and enforcement
- 4.2 The City of Marion will embrace the benefits of cat ownership

Strategy	Actions	Timeline	Key Measure	Resources
4.1	Educate residents to consider the factors affecting the suitability of successful cat ownership	Ongoing	Provision of educative material	Existing
	Provide education to residents regarding stray cats and the associated environmental and social issues that they can cause	Ongoing	Update website and provision of educative material	Existing
	Investigate complaints and take action which may include education, warnings, expiations and orders	Ongoing	Statistics on enforcement	
4.2	Acknowledge responsible cat owners and promote the importance, value and benefits of cat ownership	Ongoing	Support pet ownership and provide educative material	Existing

Objective 5:

Ensure public health and amenity in relation to cats.

- 5.1 Amend the Cat By-Law (Appendix C)
- 5.2 The City of Marion will proactively manage cats in the community to reduce the negative effects of cats
- 5.3 The City of Marion will proactively manage cats in the community to reduce the negative environmental effects of cats

Strategy	Actions	Timeline	Key Measure	Resources
5.1	Amend existing By-law No. - 6 Cats, to align with new legislation	End 2018	Amend By-law	Existing
5.2	Promote the benefits of desexing and microchipping of cats	Ongoing	Update website and provision of educative material	Existing
	Encourage cat owners to undertake routine preventative measures such as vaccination and parasite control	Ongoing	Provision of educative material	Existing
5.3	Promotion to cat owners regarding keeping their cats inside at night and confined to their property in the day	Ongoing	Provision of educative material	Existing

Birds and Poultry

Objective 6:

Ensure public safety, health and amenity in relation to the keeping of birds and poultry.

- 6.1 *The City of Marion will educate the community regarding responsible bird and poultry ownership*
- 6.2 *The City of Marion will proactively manage birds and poultry in the community to reduce the negative environmental and social effects of birds and poultry*

Strategy	Actions	Timeline	Key Measure	Resources
6.1	Consideration of By-law regarding the keeping of roosters on residential blocks	End 2018	Amendment of By-law if appropriate	Existing
6.2	Promotion to owners regarding the appropriate keeping of birds and poultry through community education	Ongoing	Update website and provision of educative material	Existing
	Investigate complaints and take action which may include education, warnings, expiations and orders	Ongoing	Statistics on enforcement	Existing

5. Other Animals

The majority of animal complaints that the City of Marion receives relate to dogs and cats, however other complaints received include birds, poultry, bees, wasps and animals and pests. Nuisance complaints relating to other animals are covered under the Local Government Act and City of Marion By-laws.

Where the City of Marion receives a complaint regarding an animal nuisance, this will be investigated. Animal Management Officers will liaise with the owner of the animal and work towards achieving a solution where the animal no longer poses a nuisance to neighbours or the public.

Where a solution cannot be negotiated, an Order under the Local Government Act may be placed on the owner of that animal requiring that person to do or to refrain from doing certain things, to abate a nuisance or a hazard to health or safety associated the animal.

5.1 Bees

The City of Marion will continue to deal with bees under Section 254 of the Local Government Act. If bees are considered to be a nuisance and or hazard under the Local Government Act an order can be placed on the owner of the bees, to either remove the bees or to modify how or where the bees are kept. The City of Marion arranges the removal of bees from Council owned land.

5.2 Stock

The City of Marion will continue to deal with stock under the Impounding Act, 1920. Section 14 of the Act gives the City of Marion's Animal Management Officers the power to impound wandering "cattle". A range of animals is included in the definition of "Cattle".

This includes:

• ox	• ewe	• gelding	• ass
• cow	• sheep	• stallion	• camel
• steer	• wether	• colt	• deer
• heifer	• lamb	• filly	• goat
• bull	• ram	• foal	• pig
• calf	• mare	• mule	

Wandering cattle is not a major issue of the City of Marion, but can occur mainly in the southern area of the City of Marion where there are farms and hobby farms.

5.3 Horses

The City of Marion has developed a Horse Keeping Code of Practice. The Code is designed to provide an easy to use tool that increases understanding of stable management requirements and responsibilities, in order to comply with the relevant legislation.

Horse related complaints are investigated and are dealt with under the appropriate legislation. The issue of horses on roads and footpaths is dealt with by SAPOL (South Australia Police) under the South Australian Road Traffic Act.

5.4 Native birds and native animals

All native mammals, birds and reptiles are protected throughout South Australia under the National Parks and Wildlife Act, 1972 (excluding unprotected species listed in Schedule 10 of that Act). That Act is administered by the Department of Environment, Water and Natural Resources. Landholders can obtain a permit to destroy protected native animals that are causing environmental or economic damage to property or land or where there is a risk to public safety. A permit is also required to destroy unprotected native birds and animals,

where the destruction involves trapping and gassing. A permit is not required if destruction involves shooting. Shooting, however, is not permitted in a metropolitan area such as the City of Marion.

A permit must be obtained prior to trapping a possum. Residents can seek information and permission from the Department of Environment, Water and Natural Resources or alternatively residents can refer to the Yellow Pages and contact a pest control company for a fee. Pest controllers providing a possum removal service require a permit to trap and release possums which grants approval for a pest controller to trap and release possums on behalf of a resident

5.5 Rescue of injured birds and animals

Should a native bird or animal be found injured there are agencies that will attend and assist:

Fauna Rescue of South Australia Inc.

www.faunarescue.org.au,

Wildlife hotline (24 hours) (08) 8289 0896

Koala Rescue hotline (24 hours) (08) 7226 0017

Bats incl. Microbats & Flying Foxes Rescue hotline (24 hours) 0474 204 617

Native Animal Network Inc.

www.facebook.com/nativeanimalnetwork

5.6 Koalas

Koalas are wild animals that occur naturally within the metropolitan area. Any issues relating to koalas are usually dealt with by the Department of Environment and Natural Resources, who can be contacted if a koala is sick, orphaned or endangering human life during business hours on 8204 1910, or alternatively residents can contact the Fauna Rescue, Koala Rescue Hotline on 7226 0017.

5.7 Foxes

There is no clear legal approach for the destruction of foxes within the metropolitan area. Private contractors are available to eradicate foxes where the actual location of the den is known.

5.8 Snakes

The City of Marion's Animal Management Officers are not authorised to deal with snakes in the council area. It is recommended that residents contact a professional snake catching service and monitor where the snake travels while waiting for that professional service to respond so that the snake can be captured and relocated. It is very important to remain a safe distance from the snake. Where a snake is on Council land contact the Customer Service Centre on 8375 6600 during business hours and 8375 6666 after hours.

5.9 European Wasps

Where the European Wasp nest is located on private property it is recommended that residents refer to the Yellow Pages or other resources to locate the contact details of a pest removalist who will remove wasps for a fee. Where a European Wasp nest is found on Council land residents should contact the Customer Service Centre on 8375 6600 during business hours and 8375 6666 after hours to arrange removal.

6. Implementation of the Animal Management Plan

The Animal Management Plan will be implemented for a five-year period, commencing in 2017. At the completion of the five-year period, the effectiveness and relevance of this Animal Management Plan will be reviewed. Further Animal Management Plans, each covering a five-year period, will be developed, in accordance with Section 26A of the Dog and Cat Management Act.

Appendices

Appendix A - Dog exercise off-leash and on-leash areas

Dog exercise off-leash and on-leash areas



List of Reserves/Parks in the City of Marion	Suburb	Dog Exercise Area (Off Leash)	Dog On Leash
Audrey Street Reserve	ASCOT PARK		√
Daws Road Reserve	ASCOT PARK		√
First Ave Reserve	ASCOT PARK		√
Maesbury Circuit Reserve	ASCOT PARK	√	
Marion Road Triangle NE of Railway Bridge	ASCOT PARK		√
Sixth Ave Reserve	ASCOT PARK		√
Fairford House Gardens	BEDFORD PARK		√
Fairford House Reserve	BEDFORD PARK		√
Tjirbruksi Gateway	BEDFORD PARK		√
Warriparinga Wetlands	BEDFORD PARK		√
Byron Avenue Reserve	CLOVELLY PARK		√
Chestnut Court Reserve	CLOVELLY PARK	√	
Cohen Court Reserve	CLOVELLY PARK	√	
Cosgrove Hall	CLOVELLY PARK		√
Kensington Street Reserve	CLOVELLY PARK	√	
Rossllyn Street Reserve	CLOVELLY PARK	√	
York Avenue Reserve	CLOVELLY PARK		√
Grace Road Land	DARLINGTON	√	
Mostyn Road Reserve	DARLINGTON	√	
Nathan Court Reserve	DARLINGTON		√
Branksome Terrace Reserve	DOVER GARDENS	√	
Bristol Street Reserve	DOVER GARDENS	√	
Crown Street Reserve	DOVER GARDENS	√	
McKay Street Reserve	DOVER GARDENS		√
Scarborough Terrace Reserve	DOVER GARDENS	√	
Vinall Street Reserve	DOVER GARDENS	√	
Dumbarton Ave Reserve	EDWARDSTOWN		√
Edwardstown Velodrome	EDWARDSTOWN		√
Raglan Avenue Reserve	EDWARDSTOWN		√
The Crescent Reserve	EDWARDSTOWN		√
Weaver Street Reserve	EDWARDSTOWN		√
Wright Street Reserve	EDWARDSTOWN		√
Yanyarrie Avenue Reserve	EDWARDSTOWN		√
Glandore Community Centre	GLANDORE		√
Glandore Oval	GLANDORE	√	
Breakout Creek Reserve Central	GLENGOWRIE	√	
Breakout Creek Reserve South	GLENGOWRIE	√	
Hazelmere Road Reserve	GLENGOWRIE	√	
Joan Avenue Reserve	GLENGOWRIE		√
Kappler Court Verge	GLENGOWRIE		√
Stanley Street Reserve	GLENGOWRIE		√
Willoughby Avenue Reserve	GLENGOWRIE	√	
Y.M.C.A. Hall	GLENGOWRIE		√
Admella Ct Reserve	HALLETT COVE	√	

Dog exercise off-leash and on-leash areas



List of Reserves/Parks in the City of Marion	Suburb	Dog Exercise Area (Off Leash)	Dog On Leash
Antonia Circuit Reserve	HALLETT COVE	√	
Arachne Drive Reserve	HALLETT COVE	√	
Arafura Court Reserve	HALLETT COVE	√	
Aroona Road Reserve	HALLETT COVE	√	
Beeches Road Reserve	HALLETT COVE	√	
Capella Drive Reserve	HALLETT COVE	√	
Capella Skate Park	HALLETT COVE		√
Caswell Drive Reserve	HALLETT COVE	√	
Central Avenue Reserve	HALLETT COVE		√
Central Avenue Reserve 2	HALLETT COVE	√	
Chatsworth Court Reserve	HALLETT COVE		√
Clifftop Crescent Reserve	HALLETT COVE	√	
Columbia Crescent Reserve	HALLETT COVE	√	
Coorabie Crescent Reserve	HALLETT COVE	√	
Cormorant Drive Reserve 1	HALLETT COVE	√	
Cormorant Drive Reserve 2	HALLETT COVE	√	
Fairhill Reserve	HALLETT COVE	√	
Fryer Street Reserve	HALLETT COVE	√	
Glade Crescent Reserve	HALLETT COVE		√
Grand Central Avenue Reserve	HALLETT COVE		√
Gretel Crescent Reserve	HALLETT COVE	√	
Heron Way Reserve	HALLETT COVE		√
Kalmia Court Reserve	HALLETT COVE	√	
Koomooloo Crescent Reserve	HALLETT COVE		√
Kurnabinna Tce Reserve	HALLETT COVE	√	
Lapwing Street Reserve	HALLETT COVE	√	
Linear Park Reserve	HALLETT COVE	√	
Lucrecia Way Reserve	HALLETT COVE	√	
Manoora Drive Reserve	HALLETT COVE		√
Manunda Way Reserve	HALLETT COVE		√
Mema Court Reserve	HALLETT COVE		√
Nannigai Drive Reserve	HALLETT COVE		√
Oakvale Way Reserve	HALLETT COVE		√
Olivier Terrace Reserve	HALLETT COVE	√	
Pavana Reserve	HALLETT COVE	√	
Perry Barr Farm	HALLETT COVE	√	
Ragamuffin Drive Reserve	HALLETT COVE	√	
Ranger Street Reserve	HALLETT COVE	√	
Resolute Crescent Reserve	HALLETT COVE		√
Shamrock Road Reserve	HALLETT COVE	√	
Skipper Close Reserve	HALLETT COVE	√	
The Cove Oval and Sports Club	HALLETT COVE	√	
The Esplanade Reserve	HALLETT COVE	√	
Weerab Drive Reserve	HALLETT COVE	√	

Dog exercise off-leash and on-leash areas



List of Reserves/Parks in the City of Marion	Suburb	Dog Exercise Area (Off Leash)	Dog On Leash
Zwerner Drive Reserve	HALLETT COVE	√	
Bandon Terrace Reserve	MARINO		√
Esplanade Reserve Marino	MARINO	√	
Holder Parade Reserve	MARINO	√	
Marino Community Hall	MARINO		√
Marino Rocks Public Toilet	MARINO		√
McConnell Avenue Reserve	MARINO	√	
Newland Ave Linear Park	MARINO	√	
Newland Avenue Reserve	MARINO		√
Nimboya Road Reserve	MARINO		√
Robertson Place Reserve	MARINO	√	
Westcliff North End Reserve	MARINO		√
Westcliff Reserve	MARINO	√	
Alison Avenue Reserve	MARION	√	
Ben Pethick Reserve	MARION		√
Brabham Straight	MARION		√
Chambers Street Reserve	MARION		√
George Street Reserve	MARION	√	
Jasmine Ave Reserve	MARION	√	
Marion Oval	MARION	√	
Nicholas Road Reserve	MARION	√	
Oakleigh Road Reserve	MARION	√	
Oliphant Avenue Reserve A - (large)	MARION	√	
Sturt River Linear Park	MARION		√
Tilley Court Reserve	MARION		√
Alawoona Avenue Reserve 1	MITCHELL PARK	√	
Alawoona Avenue Reserve 2	MITCHELL PARK	√	
Brenda Street Reserve	MITCHELL PARK		√
Maldon Avenue Reserve	MITCHELL PARK	√	
Mitchell Park Dog Club	MITCHELL PARK	√	
Mitchell Park Oval/Reserve	MITCHELL PARK	√	
Penrith Court Reserve	MITCHELL PARK		√
Peterson Avenue Reserve	MITCHELL PARK		√
Quick Road Reserve	MITCHELL PARK	√	
Quick Road Reserve B	MITCHELL PARK	√	
Sampson Road Reserve	MITCHELL PARK	√	
Tartonendi	MITCHELL PARK	√	
Terra Avenue Reserve	MITCHELL PARK	√	
Thorne Crescent Reserve	MITCHELL PARK		√
Tonsley Hall Reserve	MITCHELL PARK	√	
Trowbridge Ave Reserve	MITCHELL PARK	√	
Appleby Road Reserve	MORPHETTVILLE	√	
Chittleborough Reserve No 1	MORPHETTVILLE	√	
Chittleborough Reserve No 2	MORPHETTVILLE	√	

Dog exercise off-leash and on-leash areas



List of Reserves/Parks in the City of Marion	Suburb	Dog Exercise Area (Off Leash)	Dog On Leash
Clifton Avenue Reserve	MORPHETTVILLE		√
Denham Avenue Reserve	MORPHETTVILLE	√	
Everest Avenue Reserve	MORPHETTVILLE	√	
Kellett Reserve Land	MORPHETTVILLE		√
Kellett Reserve Oval	MORPHETTVILLE	√	
Kendall Reserve	MORPHETTVILLE		√
Na Botto Reserve	MORPHETTVILLE	√	
Rosedale Avenue Reserve	MORPHETTVILLE	√	
Christopher Grove Reserve	O HALLORAN HILL	√	
Luke Court Reserve	O HALLORAN HILL		√
Matthew Street Reserve	O HALLORAN HILL	√	
Morphett Road Reserve	O HALLORAN HILL	√	
Peter Court Reserve	O HALLORAN HILL	√	
South Road Reserve2	O HALLORAN HILL	√	
Bombay Street Reserve	OAKLANDS PARK	√	
Diagonal Way Reserve	OAKLANDS PARK		√
Dwyer Road Reserve	OAKLANDS PARK	√	
Jacaranda Grove Reserve - Peppertree Reserve	OAKLANDS PARK	√	
Kenton Avenue Reserve	OAKLANDS PARK	√	
Oaklands Road Estate	OAKLANDS PARK	√	
Oaklands Wetland	OAKLANDS PARK		√
Oliphant Avenue Reserve - (small)	OAKLANDS PARK	√	
Rajah Street Reserve	OAKLANDS PARK	√	
Westminster Reserve - Western Cnr	OAKLANDS PARK		√
Cowra Crescent Reserve 1	PARK HOLME	√	
Cowra Crescent Reserve 2	PARK HOLME	√	
Mulcra Avenue Reserve	PARK HOLME		√
O'Halloran Terrace Reserve	PARK HOLME		√
Parsons Grove Reserve	PARK HOLME	√	
South Park Holme Reserve	PARK HOLME		√
Swimming Pool Reserve 1	PARK HOLME	√	
Swimming Pool Reserve 2	PARK HOLME		√
Aldridge Avenue Reserve	PLYMPTON PARK		√
Elizabeth Ryan Playground	PLYMPTON PARK		√
Plympton Oval	PLYMPTON PARK	√	
Teesdale Crescent Reserve	PLYMPTON PARK	√	
Clubhouse Road Hall	SEACLIFF PARK		√
Gully Road Reserve North	SEACLIFF PARK	√	
Gully Road Reserve South	SEACLIFF PARK	√	
Marion Golf Course	SEACLIFF PARK		√
Oceana Reserve	SEACLIFF PARK		√
West Street Reserve	SEACLIFF PARK	√	
Harbrow Grove Reserve	SEACOMBE GARDENS	√	

Dog exercise off-leash and on-leash areas



List of Reserves/Parks in the City of Marion	Suburb	Dog Exercise Area (Off Leash)	Dog On Leash
Kent Avenue Reserve	SEACOMBE GARDENS	√	
Ramsay Avenue Reserve	SEACOMBE GARDENS		√
Russell Avenue Reserve	SEACOMBE GARDENS	√	
Sandery Avenue Reserve	SEACOMBE GARDENS		√
Waratah Square Reserve	SEACOMBE GARDENS	√	
Alpine Road Reserve	SEACOMBE HEIGHTS	√	
Crystal St Reserve	SEACOMBE HEIGHTS	√	
Dana Court	SEACOMBE HEIGHTS		√
Tarnham Road Reserve	SEACOMBE HEIGHTS		√
Vista Street Reserve	SEACOMBE HEIGHTS	√	
Cadell Street Reserve	SEAVIEW DOWNS	√	
Eyre St Reserve	SEAVIEW DOWNS		√
Hume Street Reserve	SEAVIEW DOWNS	√	
Karkoo St Reserve	SEAVIEW DOWNS		√
Mitchell Street Reserve	SEAVIEW DOWNS		√
Roy Lander Reserve	SEAVIEW DOWNS	√	
Alia Drive Reserve	SHEIDOW PARK		√
Berrima Road Reserve	SHEIDOW PARK	√	
Brooklyn Drive Reserve	SHEIDOW PARK	√	
Clare Avenue Reserve	SHEIDOW PARK		√
Elura Avenue Reserve	SHEIDOW PARK	√	
Enginehouse Court Reserve	SHEIDOW PARK	√	
Eurelia Road Reserve/Elgata Reserve	SHEIDOW PARK		√
Hallett Close Reserve	SHEIDOW PARK	√	
Hamilton Court Reserve	SHEIDOW PARK		√
Heyzen Drive Reserve	SHEIDOW PARK	√	
Hugh Johnstone Boulevard Reserve	SHEIDOW PARK	√	
Islington Drive Reserve	SHEIDOW PARK	√	
Lander Road Reserve	SHEIDOW PARK	√	
Miners Court Reserve	SHEIDOW PARK	√	
Montague Drive Reserve	SHEIDOW PARK	√	
Morford Reserve	SHEIDOW PARK	√	
Nari Drive Reserve	SHEIDOW PARK	√	
Sandy Glass Court Reserve	SHEIDOW PARK		√
Southbank Boulevard Reserve	SHEIDOW PARK	√	
Spinnaker Circuit Reserve - East	SHEIDOW PARK	√	
Spinnaker Circuit Reserve - West	SHEIDOW PARK		√
Westall Way Reserve	SHEIDOW PARK		√
Young Street Reserve	SHEIDOW PARK	√	
Edwardstown Memorial Oval	SOUTH PLYMPTON	√	
Waterhouse Reserve	SOUTH PLYMPTON	√	
Yapinga Street Reserve	SOUTH PLYMPTON		√
Brolga Place Reserve	STURT		√
Hawkesbury Avenue Reserve	STURT		√

Dog exercise off-leash and on-leash areas



List of Reserves/Parks in the City of Marion	Suburb	Dog Exercise Area (Off Leash)	Dog On Leash
Myer Road Reserve	STURT	√	
Rosefield Lane Reserve	STURT	√	
Travers Reserve	STURT	√	
Barton Drive Reserve	TROTT PARK		√
Bayley Circuit Reserve	TROTT PARK	√	
Chifley Crescent Reserve	TROTT PARK	√	
Doulton Drive Reserve	TROTT PARK	√	
French Crescent Reserve	TROTT PARK	√	
Hessing Crescent Reserve	TROTT PARK	√	
Hughes Court Reserve	TROTT PARK	√	
Klippel Ave Reserve	TROTT PARK	√	
Percival Crescent Reserve	TROTT PARK	√	
Phyllis Court Reserve	TROTT PARK	√	
Reserve Street Reserve	TROTT PARK	√	
Scarvel Avenue Reserve	TROTT PARK	√	
South Road Reserve	TROTT PARK	√	
Strutt Court Reserve	TROTT PARK	√	
Tyson Avenue Reserve	TROTT PARK	√	
Wistow Crescent Reserve	TROTT PARK		√
Addison Road Reserve	WARRADALE		√
Ballara Park Reserve	WARRADALE		√
Hamilton Park Reserve	WARRADALE		√
Louise Avenue Playground	WARRADALE		√
Marion Community House	WARRADALE		√
Warradale Park Reserve	WARRADALE	√	
Coast to Vines Rail Trail			√
Marion Coastal Walking Trail			√
Mike Turtur Bikeway			√

Appendix B – By-Law No.4 (Dogs)

<http://www.marion.sa.gov.au/webdata/resources/files/By-law-no-4-Dogs-2014.pdf>

Appendix C – By-Law No. (Cats)

<http://www.marion.sa.gov.au/webdata/resources/files/By-law-no-6-Cats-2014.pdf>

Message	Target audience	Task	Responsibility	Date	Cost
The City of Marion has recently revised its Animal Management Plan that will set the strategic direction for dog, cat and other animal management from 2017 to 2022.	City wide communities Elected members	<ul style="list-style-type: none"> Post in Extranet Publish in What's happening column Post on City of Marion site under current consultations Social media posts 	Communications team	22 Nov to 19 Dec	Nil
We want to consult with you on the Plan and provide an opportunity for provide feedback and tell us your thoughts.	State Government Local Vets Dog Kennel Club Dog and Cat management board Database of interested parties	Email or Letter advising people of the engagement opportunity and directing them to the website.	Project Leader	From 22 November	Nil
The engagement is open between 22 November 2016 to 19 December 2016.	Youth Volunteers Businesses Arts and Cultural Groups Library and Neighborhood center users	Email advising people of the engagement opportunity and directing them to the website. Plan made available ad Administration office and our Neighborhood Centers and Libraries.	Project Leader		Nil
	Interested communities	Engagement specific website set up www.makingmarion.com.au/animal-management-plan including <ul style="list-style-type: none"> Quick poll Online feedback form FAQs Draft document for review 	Community Engagement Coordinator	22 November	Nil
Thank you for your interest. Your feedback will be collated and presented to Council for their consideration into the final Animal management Plan for City of Marion in March 2017.	Those who participated and Elected members	Council report Website update	Project Leader	Post 19 December	Nil

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Brett Grimm, Landscape Architect

Manager: Fiona Harvey, Manager Innovation & Strategy

General Manager: Abby Dickson, General Manager City Development

Subject: Hallett Cove Master Plan Revised Concept

Report Reference: GC221116R08

REPORT OBJECTIVE AND EXECUTIVE SUMMARY

To provide community consultation findings on the revised Hallett Cove Foreshore Master Plan, to seek endorsement to proceed to detailed design for Stage 4 (playspace and reserve) and Stage 5 (amphitheatre) and provide a delivery program to meet the need to finalise the construction works prior to March 2018.

RECOMMENDATIONS

	DUE DATES
That Council:	
1. Notes the consultation findings report provided in Appendix 1.	22 November 2016
2. Endorses the revised concept master plan for Hallett Cove Foreshore (Appendix 2) and commencement of stage 4 (Playspace and Reserve), and stage 5 (Amphitheatre) detailed design.	22 November 2016
3. Endorses progressing Stages 4 and 5 separately - for program delivery and council reporting for detailed design, opinion of whole of life costs and funding options.	22 November 2016
4. Receives a report with Stage 5 Amphitheatre detailed design and whole of life costs in March 2017	28 March 2017
5. Receives a report with Stage 4 Playspace and Reserve detail design and whole of life costs in August 2017.	22 August 2017
6. Provides endorsement to submit a grant funding application to DPTI for Open Space Funds (2016/17 grant application) leveraging Council existing funds allocated to this project	31 January 2017

BACKGROUND

Council endorsed the Hallett Cove Foreshore Master Plan at its 25 March 2014 Council meeting (GC250314M03). In addition, Council endorsed the first stage of implementation being commemorative space elements (GC080714R01). The commemorative space elements were completed April 2015. A further report was brought to Council (GC110815R01) which referred to a staging and implementation plan. The following was resolved;

1. *Provide endorsement to proceed with detailed design and planning of the play space, reserve works and amphitheatre (stages 4 and 5) in 2016/17 utilising \$15,000 from the Asset Sustainability Fund for engineering services.*
2. *Provide endorsement to proceed with the stormwater civil works related to the Hallett Cove Foreshore Master Plan within the 2016/17 capital works program.*
3. *Provide endorsement to submit a grant funding application to DPTI Open Space (2015/16 grant application) or similar opportunities leveraging the funding for the programmed 2016/17 storm water civil works of \$398,000 in addition to the allocation for Stage 4 of \$293,000 from the Asset Sustainability Fund.*
4. *Note that future and remaining master plan stages will remain in the identified unfunded strategic priorities project list for further consideration.*

In response to requests to reduce the scope of the masterplan, changes were made to the concept to reduce the scale and budget of the brief. Referring to council resolution to review the scope and scale of the master plan (GC240215M03), the following dot points outline the revised brief;

- Maintain the integrity and design intent of the final master plan
- Consider increasing the area of turf to the north of the play space to enable large events such as Australia day
- Consider increasing the turf area to the west of the amphitheatre axial path on Grand Central reserve
- Consider minimising the planting areas to the north of the site
- Consider the play area to be in a consolidated space enabling a larger turf area to the north which will enable larger community events such as Australia Day to be facilitated.
- Consider the inclusion of the water sensitive urban design solution as per the master plan
- Consider whether there is a need for a sand pit
- Maintain the intent to include fitness equipment.
- Consider the extent of pathways and whether they are all needed for accessibility
- Retain the amphitheatre space and connection to Heron Way Reserve

A community engagement strategy was developed. The objective of engagement was to continue to engage communities who have been involved in previous stages of the plan and any new interested communities. The intention was to bring people together to inform them of the revised concept plan and how it has developed since our last round of consultation (2013-2014) with particular reference to;

- Inform communities of the upcoming storm water civil works including how this may impact movement on site as well and how it links with the master plan.
- Inform community of the detailed design process for the planning of stage 4 play space, reserve works and stage 5 amphitheater.
- Inform community of the changes to the design from last community update.
- Consult with community to seek their ideas and feedback on the updated design
- To keep community informed of project progress and works that are due to occur.

ANALYSIS

Consultation

The community engagement process consisted of the following methodology and activities;

- Web page survey <http://makingmarion.com.au/hcfmp> was open from 20th September – 21st October 2016
- Mail out invitation to attend a community information drop in session- 358 residential properties (approximately 400-600 metres surrounding the reserve)
- Email to 77 previous consultation key stakeholder and registered community members
- Community information drop in session Monday 17th October 2016, 5pm-7pm
- Twitter and facebook posts to advertise the information session and online survey.

The level of community engagement on the revised master plan is considered good. The data indicates there were 344 visits to the project web page site. 74 visited the survey with 35 survey submissions. 100% of the feedback is supportive of the plan.

Overall comments were in favour of:

- Contextually appropriate amphitheatre space to enable functional use of underutilised open space.
- Improvements to the natural amenity of the landscape.
- Retention of grass area to the north.
- Playspace incorporating natural elements and diversity of challenges.
- Opportunities for diversity of user groups, i.e. paragliders on the lawn area to the north and also for events.
- Accessibility through the park.

Some key considerations to be addressed in the detailed design:

- Concerns on the visual effect of the proposed toilet and flickering light. Consider the orientation of the proposed toilet to the south of the reserve with potential screening from surrounding residents.
- Playspace to consider diversity of play opportunities for all ages.
- Support for fitness equipment. Detail design to consider the type of fitness equipment to enable cross training and durability of equipment in a coastal environment.
- Consideration of additional shade with tree plantings.
- Consideration of Kayak access to the beach.

Details on the consultation findings are in Appendix 1. Where appropriate minor changes have been investigated and included in the revised concept plan (Appendix 2).

Financial Implications

The following table provides budget guidance to the detailed design of stages to be completed.

Stage	Scope	Year	Budget estimate of costs
2	Coastal Dune Protection <ul style="list-style-type: none"> - Rock revetment \$185,000 - Revegetation/Soft Dune protection works \$75k 	Unfunded	\$260,000
3	Storm water civil works	In Progress 2016/17	
4	Proposed budget Stage 4 implementation <ul style="list-style-type: none"> - Play space \$385,000 - Turf repairs and irrigation \$42,500 - Ephemeral swale landscaping \$82,500 - Reserve amenities shelter, paths \$384,500 - Contingency (10%) \$89,450 	Proposed works 2017/18 subject to grant funding success and Council decision May 2017	\$985,000
5	Proposed budget stage 5 implementation <ul style="list-style-type: none"> -Demolition \$51,000 -Amphitheatre earthworks and walls \$154,000 -Paving road and paths \$376,800 -Irrigated turf \$62,500 -Planting \$30,000 -Amenities (toilet) \$161,800 -Contingency (10%) \$83,610 	Proposed works 2017/18 subject to grant funding success and council decision May 2017	\$920,000
6	Heron Way Car parking and Café plaza	Unfunded	Café plaza \$265,000 Car parking alterations Heron Way \$292,000
Total remaining capital works			\$2,722,000
	Committed Project Funds		\$1,253,000
	Remaining Funds Required		\$1,469,000

*Detailed opinion of costs for stage 4 and 5 inclusive of whole of life will be provided in a future Council reports.

Council currently has allocated funds of \$1,253,000 within the Heron Way Reserve Development budget line. In addition, \$475,000 is proposed for allocation for this site in the playspace strategy which is to be confirmed through the playspace strategy review.

There is opportunity for Council to apply for matching funds for Stages 4 and/or 5 through the DPTI Open Space Grant Funding. This funding will open in mid-November 2016 with applications closing in late January/early February 2017.

Resource implications and program delivery

Current resources are committed to the project as per endorsed works program GC260416R10. Council's Landscape Architect will be project managing and leading the detailed design with support from external engineering design for the civil, storm water, traffic and a public artist. An operating budget of \$30,000 has been allocated for these external services this financial year.

Refer to table below for endorsed program of works GC260416R10.

Projects	Project Program			Comment
	2016/17	2017/18	2018/19	
Hallett Cove Beach Stage 2				Detailed Design complete. Works subject to available funding. Engineering expertise for contract admin.
Hallett Cove Beach Stage 4	DD	PI		Reserve and Playspace Detailed Design 16/17. Implementation subject to funding available
Hallett Cove Beach Stage 5	DD	PI		Amphitheatre Detailed Design 16/17. Implementation subject to Council endorsement and funding available
Hallett Cove Beach Stage 6			DD	Carpark, remaining reserve (northern end) and connection to Hallett Cove Conservation Park

DD – Detailed Design

PL- Procurement and implementation subject to Council endorsement

Delivery of Detailed Design Stage 4 (Playspace and Reserve) and Stage 5 (Amphitheatre) works program

Due to the timing of a Concert at the Cove end of March 2018 (GC GC251016R03) and ANZAC Day Centenary event April 25th 2018, the following delivery program is proposed.

To enable practical completion of construction of the amphitheatre, it is recommended Stage 5 be prioritised to ensure completion of construction works onsite (subject to Council endorsement and funding in March 2018) to facilitate the hosting of the proposed events. Stage 4 onground works would be delayed till after the events ensuring the site is not subject to ongoing building works at the time of the events. This will deliver the amphitheatre prior to March 2018.

This delivery model will involve a slight delay to the initial program for delivery of Stage 4 detailed design. It will also necessitate an additional development approval and tendering process for construction subject to council endorsement to proceed to construction of both stages. It should be noted that there would be no delay to the on-ground construction of Stage 4 (subject to Council endorsement and funding availability).

Undertaking the detail design for Stage 4 and 5 separately will impact on the Open Space and Recreation team's timing of programmed works which will be assessed and reviewed as part of a works program review in early 2017 in planning for the 2017/18 works program.

Proposed Program of Delivery of works for Stage 4 and Stage 5 works

Scope	Dec. 2016	Jan. 2017	Feb. 2017	March 2017	April 2017	May 2017	June 2017	July 2017	August 2017	Sep. 2017	Oct. 2017	Nov. 2017	Dec. 2017	Jan. 2018	Feb. 2018	March 2018		May - Oct. 2018
Detailed Design Stage 5	✓	✓	✓															
Council Report Stage 5				✓														
Development Approval Stage 5					✓	✓	✓											
Tender Stage 5						✓	✓	✓										
*Construction Stage 5									✓	✓	✓	✓	✓	✓				
Detailed Design Stage 4						✓	✓	✓	✓									
Council Report Stage 4									✓									
Development Approval Stage 4										✓	✓	✓						
Tender Stage 4															✓	✓		
*Construction Stage 4																		✓
March- April 2018 Community Events																		

(*Subject to Council endorsement of detailed design, funding and development approvals)

CONCLUSION:

Community consultation has indicated strong support for the revised Hallett Cove Foreshore Concept master plan. This report provides the findings of the consultation and seeks Council endorsement of the concept plan prior to detailed design of Stage 4 Playspace and Reserve and Stage 5 amphitheatre.

Due to the March 2018 timing for the Concert in the Cove event, the timing of Stage 4 and 5 detailed design and reporting to Council for consideration of whole of life costs and proceeding to procurement and construction has been reviewed. A revised delivery program is recommended to reduce the risks associated with construction timing and the planned event.

Future council report(s) will be presented illustrating the detailed design of stage 4 and 5 with whole of life costs.

APPENDICES

Appendix 1 Community Consultation Findings Report

Appendix 2 Revised Concept Master Plan

Appendix 3 Master Plan Staging Plan

Appendix 1

Contents

1. Introduction
2. Summary of Findings
3. Survey Responses
4. Letter MP David Spiers
5. Consultation material and survey

1. Introduction

Community and stakeholder consultation of the revised concept master plan for Hallett Cove Foreshore was conducted over a 4 week period (20th September 2016- 19th October 2016). The objectives of the process were to;

- Inform communities of the upcoming storm water civil works including how this may impact movement on site as well and how it links with the master plan.
- Inform community of the detailed design process for the planning of the play space, reserve works and amphitheatre.
- Inform community of the changes to the design from last community update.
- Consult with community to seek their ideas and feedback on the updated design
- To keep community informed of project progress and works that are due to occur.

The consultation process for the master plan consisted of the following activities;

- Web page survey <http://makingmarion.com.au/hcfmp> was open from 20th September – 21st October 2016
- Mail out invitation to attend a community information drop in session- No. 358 residential properties (approximately 400-600 metres surrounding the reserve)
- Email to No. 77 previous consultation key stakeholder and registered community members
- Community information drop in session Monday 17th October 2016, 5pm-7pm
- Twitter and facebook posts to advertise the information session and online survey.

2. Summary of findings

The level of community engagement on the revised master plan is considered good. The data suggests that the surrounding local Hallett Cove community has been informed of the plans with 344 visiting the web page site. 74 visited the survey with 35 survey responses. 100% of the feedback has been supportive of the plan. Overall comments were in favour of;

- Contextually appropriate amphitheatre space to enable functional use of underutilised open space.
- Improvements to the natural amenity of the landscape
- Retention of grass area to the north
- Playspace incorporating natural elements and diversity of challenges
- Opportunities for diversity of user groups, i.e. paragliders on the lawn are to the north and also for events

- Accessibility through the park

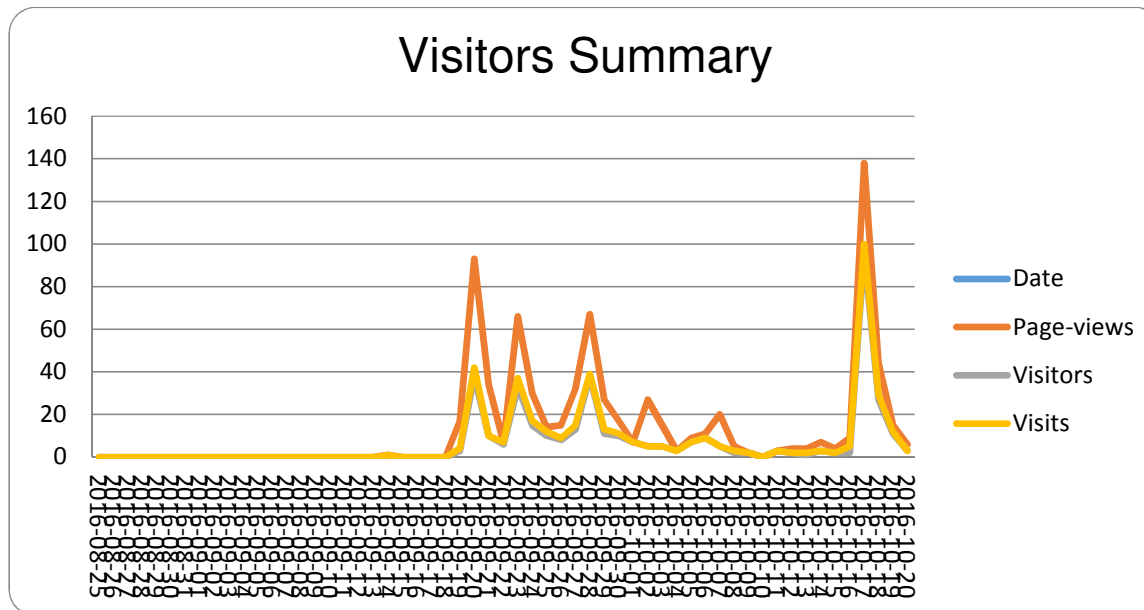
Some key considerations to be addressed in the detailed design;

- Concerns on the visual effect of the proposed toilet and flickering light. Consider the orientation of the proposed toilet to the south of the reserve with potential screening from surrounding residents.
- Playspace to consider diversity of play opportunities for all ages.
- Support for fitness equipment. Detail design to consider the type of fitness equipment to enable cross training and durability in a coastal environment
- Consideration of additional shade with tree plantings
- Consideration of Kayak access to the beach

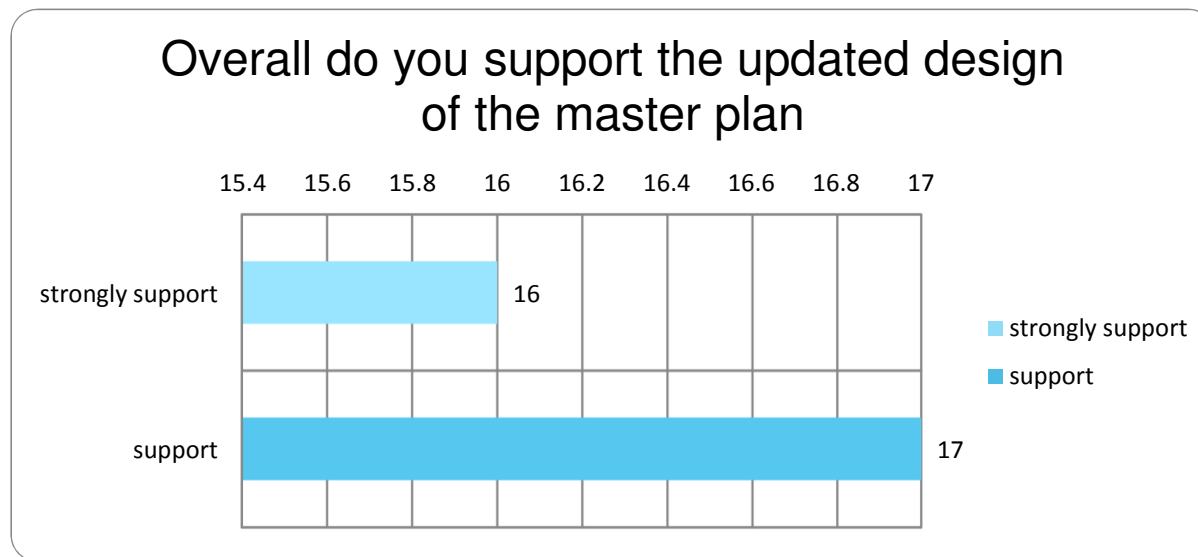
3. Survey Responses

The following is a collation of responses from the online survey and community information drop in session

Aware participants- visited at least one page	344
Visitors to Survey	74
Survey Submissions	35
Downloads/views of 2016 Master plan	67



Question 1. Overall do you support the updated design of the master plan?



Question 2. Tell us what you are most excited by about the revised design?

	Community comments	CoM Response
1	The amphitheatre looks fantastic and will be a lovey addition to that beautiful memorial, so tastefully done.	Noted
2	Just having a reason to visit	Noted
3	New facilities, particularly the playground	Noted
4	I'm really excited about a new playspace....	Noted
5	Improved, formalised parking and pedestrian access from which visitors to Hallett Cove Conservation Park will also benefit. Love the nature playspace.	Noted
6	There are so many people using the reserve now that more usable space is needed. It will be really nice to see the upper reserve landscaped rather than being an eyesore and the play spaces will be great. The whole concept is very exciting.	Noted
7	It appears from your sketch of the war memorial that you have done away with the aboriginal flag	Artist impression is only a schematic. Aboriginal flag will still be raised adjacent the Australian flag with opportunities for special events to raise alternative flags such as ANZAC Day (New Zealand flag adjacent Australian)
8	Retention of the large grassed hill. As an avid paraglider pilot, access to open coastal grassed areas is a rarity in SA for flight activities. Loss of the grassed hill at Hallett Cove Beach will mean pilots will be forced to seek alternative sites further South and ultimately will mean the loss of a well established and safe training site for SA pilots.	Revised design considers the retention of the large irrigated grass area to the north to accommodate for paraglider usage with limited obstacles on the foreshore edge
9	Just about everything, I like the Amphitheatre idea and lots of paving and paths	Noted
10	Updating and making the space more user friendly for family's. Hopefully attract more people to the area so that they too can enjoy our beautiful part of the coastline and surrounding Conservation Park	Noted

11	Making the area more user friendly	Noted
12	Retaining grass areas for things link Australia day BBQ	Noted
13	Unaware of the original design however what I see is amazing. Cannot wait until it is completed. My grandchildren will be excited to visit the area.	Noted
14	utilising the empty space between Herron Way and Grand Central ave	Noted
15	More seating and level shaded areas	Seating is incorporated throughout the design at key gathering areas in addition to the amphitheatre. Additional tree planting will be investigated in key areas that promote gathering of people for socialisation which is typically around activity nodes
16	Development in a needed area	Noted
17	Family and community use for both casual and event use	Noted
18	They playground equipment sounds much nicer than what is there currently. The swale and nature play elements are excellent.	Noted
19	Revised design considers many previous concerns raised by residents, however I believe more information is required to make a valued contribution as I have detailed below.	Comments in Question 3 responses
20	Updated infrastructure and more live music/events on the foreshore. Better and more parking spaces.	Proposed increase in parking spaces on Heron Way by realignment to 45 degree angle. Total number proposed 97 standard car parks, 2 DDA parks, 1 coach bus stop. Potential to increase DDA parks to 4 which will be reviewed during the detailed design.
21	1. New Irrigated turf and low seating amphitheatre south of Heron way adjoining the existing commemorative space to full fill promised retention of Grand Central Ave Reserve for public recreation. Proposed new paved path from Heron Way thru south side of amphitheatre south to Grand Central Avenue to provide all weather access to beach and existing commemorative space. 3. Need to store some winter stormwater for turf irrigation in summer, see box below.	Support for the accessibility of paths and treatment of Grand Central reserve. Comments and responses to stormwater retention are provided in survey question 3.
22	Because you have moved the play area to a better location away from the houses on the seafront at Heron Way. As a shift worker living there I do not want continued disruption in my	Playspace and active congregation areas are located on the foreshore

	home from noisy children etc. this is my home and I have the right to enjoy the peace that this location currently has.	edge some distance from properties to reduce impacts
23	New walking paths, amphitheatre and the picnic areas.	Noted
24	The fact that some action is to be taken after decades of neglect..	Noted
25	design of the play space and amphitheater space	Noted
26	I don't think that I have seen the design. However, I would like to think that we have less cement and more shade trees, thank you. Lawns are great for picnics but when used for that we also need shade above in the way of trees. I have noticed on hot weather days that people try to find shade, and at present at H/Cove Beach, there is very little.	Detailed design to investigate some additional tree planting for shade around the active gathering spaces. Design will need to consider competing users of the site and requirements for open space without obstacles i.e. paragliding, maintain views etc
27	Great exposure for our area. Numerous opportunities for events to be held. Asset to benefit the overall community by way of utilisation as well as economic benefits from visitors, property values etc.	Noted
28	Sensory play area looks great. Plus the amphitheatre is a fantastic idea for events.	Noted
29	you are actually doing something!	Noted

Question 3. Do you have any feedback about the design or queries about the project?

	Community comments	CoM Response
1	Not really but would like to see the automatic toilets redesigned, especially the time it takes and the quantity of toilet paper available.	Through procurement we will discuss with the supplier of automated toilets to see if there is a way of altering the automated timing and dispensers etc
2	Needed ASAP!!	Noted
3	Please consider making the playground similar to the Jervois Street Playground with playspace for younger and older children with a Nature Play area. Older children (e.g. those over eight and in their early teens), still really enjoy a playground and may not want to play ball sports or ride a bike but want to climb, swing and have adventure.	Playspace concept design considers a diversity of play experiences with ability filters. A range of ages will be catered for including adults. Nature play sensory experiences are proposed to be integrated
4	<p>Just to introduce myself – I am a 60 year old resident of Hallett Cove for 20 years, long distance runner and avid keep fitter and user of Hallett Cove conservation park. I don't normally involve myself in council planning issues but this one is particularly close to my home and my heart.</p> <p>My thoughts are that any improvements to the Hallett Cove foreshore will always be welcome and I think the decision to incorporate a fitness station will be very beneficial to the many runners and walkers regularly using the area as a training venue. It will also be good to have something a bit different to the other foreshore developments around Adelaide.</p> <p>My hope now is that some thought goes into exactly what equipment will be installed and that advice is sought from people who actually know about fitness and not just put in state of the art self-weight outdoor gym equipment that is popular nowadays, very expensive and from a fitness and training point of view, a complete waste of space.</p>	Design incorporates a fitness hub station. Selection of equipment will consider cross training for all ages and fitness levels. The aim is to provide access to understandable, fun and sufficiently challenging equipment that will encourage regular use. Another key consideration is durability of the equipment, being located in a coastal environment.

	My own suggestion would be just to have a small area with some very basic equipment, maybe sit-up benches with a variety of incline angles, a set of hanging bars and some parallel bars. Make sure the hanging bars cater for tall people so they are able to do chin ups and pull ups without having to bend their knees. You wouldn't need to spend a fortune to create a very useful fitness station.	
5	As a resident who lives just across the road from this project I strongly oppose the toilet in its proposed position I really don't want to be watching a flashing light from the automated structure and watching people come and go all day long from using the toilet , how would you feel if a toilet was placed in your front yard	The toilet is proposed in its current location due to a number of reasons. The sewerage connection limits opportunities for alternative locations due to drainage grades. The toilet is also located within proximity to the playspace and amphitheatre where people will congregate as well as providing good passive surveillance (Crime Prevention Through Environmental Design). Detailed design will consider how to integrate the toilet into the landscape through potential screens and plantings
6	The master plan will compliment the natural, geological and cultural values of neighbouring Hallett Cove Conservation Park. The space will appeal to a variety of users and is likely to draw new users to the precinct who can also enjoy the Conservation Park.	Noted
7	The only concern I have is the sandpit. I'm not sure how that would be kept clean as there are some inconsiderate people around. Most people leave the BBQ areas and the grassy areas clean and tidy but there are always the few that are less thoughtful.	Sand pit is relatively small and provides children with a sensory experience. Planning for maintenance programs will consider the level of service required to keep the reserve to an agreed standard
8	why retain the sand dunes	The current sand dunes and coastal processes were assessed and considered during the Coastal Management Study (2011) The scope of works is to address the

		reserve and playspace creating a regional space for recreation and community events
9	Removal of the numerous and unnecessary signs spread along the hill top would make this site much more attractive to all users.	Detailed design will consider a coordinated and consolidation of signage
10	Just hope it doesn't impact too much on the natural beauty of this area and not lose the spiritual essence of the area. I've lived in the area for 24 years so hope we don't lose our uniqueness.	The design seeks to integrate facilities sensitively into the landscape setting
11	As we know the beach is rocky and that for geological significance reasons they can't be cleared. I would propose a jetty like structure out to a pontoon to make the beach more user friendly for swimmers. This could also be an adjunct to the successful pathway for disadvantaged people recently trialled. A way of getting everyone able to enjoy the water	Jetty structures are not part of the scope of this project. The project scope is bounded to the reserve area. Council land only extends to the high water mark. Beach access is provided by the current ramp to the north and step access to the south near the playspace and to the south of the site adjoining the field river walk
12	You probably have catered for wheelchair access which I could not see.	Accessible paths are provided to connect the car parking on Heron Way to the amphitheatre, playspace area and coastal promenade
13	I would like to see some outdoor gym equipment for adults to promote fitness health and wellbeing in our community. eg. pull up bar, parallel bars etc. like in the Adelaide park lands.	Fitness equipment is proposed in the concept
14	We need eateries and more toilets on the southern end	Food eateries are not part of scope of works, however opportunities for food carts to be coordinated during events. Toilet is proposed to the south of the site near the amphitheatre and play area
15	Would like more adult spaces to enjoy.	A number of social gathering spaces have been accommodated for in the concept with seating, BBQ and picnic areas.

16	Please incorporate some kind of fencing along the top of the steep slope down to the beach, to prevent small children from falling. Especially in the area near the playground. Consider incorporating a merry-go-round and some kind of tunnel, as those are favourites of my daughter.	Barriers will be considered in the detailed design with respect to risk assessment. Slope, profile and proximity will be considered. Play pieces will be considered for durability and integration with landscape. Due to existing sloping terrain some play pieces will not be suitable due to large retaining requirements.
17	Before you start stormwater works in the current carpark, you need to complete the 45 angled parking on the road above the cafe, otherwise, you are doing the cafe a disservice.	Stormwater works program has been discussed with the Café owner operators to ensure limited impact.
18	I would like to see outdoor gym equipment free to the community at Hallett Cove Foreshore and on the corner of Gledsdale and Quailo Avenue as well. I think it would be a fantastic way to get the community fitter and healthier. I think it would get a lot of use by those who cannot afford gym fees.	Fitness equipment has been incorporated into design
19	<p>1. I am very concerned the proposed native grass and lily area, south of the amphitheatre will become a DUSTBOWL in summer and full of weeds (eg sour sobs,etc), unless summer irrigation is provided to this area- Essential to retain a solid turf of native grasses over summer. Please provide this, can it be done? I can help provide such agronomy advice.</p> <p>2. Toilet with FLASHING LIGHTS on its roof, proposed to be 3 metres from Heron Way must be moved to a far less obvious site. At the proposed location it will be a very dangerous distraction to drivers on Heron Way and an eyesore to local residents in their homes, the general public and out of character with the pristine area. 3. Some winter stormwater should be stored for summer irrigation of the Grand Central Avenue reserve area-- for the native grasses and lily and kikuyu turf. Will It be moved?</p> <p>Can these 3 suggestions be canvassed and adopted?</p>	<p>Establishment of native grassland and lilies will be resolved through detailed design and technical specifications. Councils Biodiversity Officer will be coordinating these works, managing vegetation coverage to reduce the effects of dust.</p> <p>The design of the toilet will consider options for screening and softening with surrounding planting (see comment item 5) Distance from road is sufficient to not be an obstruction.</p> <p>Stormwater is being collected locally and filtered through the swale for natural play and amenity.</p>

		Retention of stormwater onsite is difficult due to the terrain and need for extremely large tanks which is not economically viable.
20	Just keep all the community areas away from the houses as much as possible. Improving the beach so that an area suitable for swimming would be a good idea.	Areas of activity are a considerable distance from neighbouring properties to reduce impacts of noise. The reserve is a public space hence consideration of movement through the space is required. As noted in item 8 the Coastal Management Study (2011) provides recommendations on the beach natural systems process and long term solutions. This is not part of the project scope
21	Would like to see more parking at the boatshed cafe as this car park is very small and very difficult to turn around in if there are no remaining spaces. There is barely enough parking to access the cafe and once other members of the community use this parking for the other newly constructed areas, this parking will be insufficient. Please include a play space and equipment for younger children that isn't just a 'nature sandpit' the climbing frame will only be appropriate for older children who no doubt will have younger siblings requiring a close play space. Jervois Reserve has such great toddler play opportunities-it would be great to see something like this available in Hallett Cove. Would also like to see better fencing of the cliffs to cater for younger children too.	Car parking has been considered across the whole site. Long term strategy is to increase parking on Heron Way with 45 degree and reduction in the median. Total number of parks proposed 97 standard car parks, 2 DDA parks, 1 coach bus stop. Potential to increase DDA parks to 4, we will review during the detailed design.
22	I am disappointed the hideous permapine beach access staircase will not be removed, and that the original gentle sloping beach access ramp is not going to be restored. This overall design is flawed by the fact that the road should not run through the centre of this recreation area, given there is the opportunity to straighten the continuation of Marine Ave and divert it around the recreational space. The narrowing of the road will disrupt the traffic from the Headland and create more traffic issues by forcing cars up past the Hallett Cove South school via the much narrower Grand Central Ave.	Access permapine steps are in good condition, hence will be retained. Traffic engineers have reviewed a concept for road realignment and resolved that this would create an undesirable giveway traffic control intersection, in addition the costs of

	<p>The proposed automated public toilet should be located in a less conspicuous location which is further away from the picnic area.</p> <p>Hallett Cove is a known surfing spot and no provision has been made for surfers to access the southern end of the beach. There is also a need for a gentle ramp to assist the many kayakers who use this beach.</p>	<p>construction would not be within the project budget scope</p> <p>The narrowing of the road will not disrupt movement patterns on the road as it is only removing the car parks and not any carriage ways. The pavement material will slow motorists through this space which is approximately 75m.</p> <p>Kayak access to the beach will be considered in the detailed design</p>
23	get the project done ASAP please	Noted
24	I am always busy - but will reiterate that I would like to see less cement at Hallett Cove Beach and more shade trees.....plus more sand on the beach. Of course grassy lawns are always cool but the trees should be scattered on the lawns for shade. At present there is not much shade to be had.	Detail design to consider additional tree planting for shade surrounding areas of social gathering
25	Not currently	Noted
26	<p>Shade. Is there any? specifically in the play areas.</p> <p>Sun is a factor that we need to take seriously.</p> <p>Also, the surface material of the Embankment slides. Our kids know that in the summer those metal slides can be really really hot.</p>	Detail design to consider additional tree planting for shade surrounding areas of social gathering. Artificial shade structures are proposed over the slides to reduce superheating surface issues
27	<p>3 Rock armouring along the beach ramps should use existing natural rocks from the top of the beach, they just need to be pushed up further and will help protect the entire strip. They would soon cover up with blowing sand and protect the dunes and bank from the few super tides we do get here. DO NOT USE THOSE POXY LOOKING BLUE QUARRY STONES US YOU HAVE AT BRIGHTON!</p> <p>4 No medium strips needed along Heron Way which will make it easier for cars to reverse out. This worked perfectly for years with the original angle parking before they were put in.</p>	<p>We will review the source of rock and colouration in the technical details to be provided by engineers and reviewed by Coastal Protection Board</p> <p>Median strip on Heron Way is proposed to be reduced in width to accommodate the 45 degree parking. Median strips provides a</p>

	<p>5 Make sure the security gate is retained and locked at night. All the problems we have in the street happen in the early hours after the night clubs close and the kids come here where it's quiet and dark.</p> <p>6 Put a large "Gate locked at sunset" sign at the drivers eye level so they cannot miss reading it. I have been asking for this for years and still most nights cars get locked in and the drivers come knocking at our door.</p> <p>7 Install a monitored security camera somewhere near the Boatshed and fed to a control centre where police etc can call it up when incidents are reported. The whole area is dark and late at night attracts hoons. This technology is now very very cheap and easily done.</p> <p>8 Add additional rubbish bins to appropriate places as they get filled up very quickly especially in summer.</p> <p>9 Add additional lighting in the boatshed carpark for security.</p> <p>Hope that helps</p>	<p>traffic control to limit opportunities for hoon activity Existing security gate patrol route will be reviewed and maintained to an agreed level of service. We will review signage to ensure this is consistent with the application</p> <p>Noted comment on security. Potential consideration for future opportunities with the tenant at the café</p> <p>Rubbish bins to be strategically placed at the social gathering areas to ensure they are used (ease of access) also consideration of access to empty</p> <p>Lighting at café car park to be considered with café tenants</p>
28	<p>We spoke on 19/10 at the Hallett Cove meeting a little about the above issue. PLEASE DO NOT now just slash this south end of Grand Central Avenue (GCA) reserve. Since this will put many viable seeds in seed heads on the ground to drop viable seeds to produce more weeds next winter- and we cannot identify slashed weed grasses easily, to spot spray them.</p> <p>I have a PhD in Agric. Science and have 40 years plus experience in plant agronomy and nutrition, including senior author of published scientific papers on sustainable grass management in farming systems. I retired recently. I am prepared to provide technical advice, gratis in the first instance as below-as time is critical- to be able stop significant numbers of the weed grasses and some other weeds dropping viable seeds this month-in the South end of GCA.</p>	<p>Councils Biodiversity Officer has spoken to resident and talked through proposed management of this space and establishment techniques of native grass and lilies. This will be further explored within the detailed design phase of the project with appropriate ongoing management proposed</p>

	<p>KEY POINT: I have also found out that the plan to develop GCA Reserve for recreation and community activity use ie. low level vegetation and amphitheatre) was agreed to by the majority of ratepayers and Council at workshop meetings etc years before there were any plans to develop child play equipment on the foreshore of Hallett Cove. Thus the proposed plan to improve GCA Reserve should be funded and completed first.</p> <p>My proposed plan- to reduce weed grasses and retain/enhance existing native grasses and lilies- at South End of GCA Reserve.</p> <p>Step 1. At a mutually convenient time asap- this month before the weed grasses drop most of their seeds- Marion Council provide help via 2 men who I guide, and we remove the oldest seedheads then kill most of the weed grasses and some other weeds at the South end of GCA reserve- where the proposed native grass and lily area is to be.</p> <p>Step 2. I walk thru the south end of GCA Reserve area and point out the weed areas (eg dense stand of barley grass (<i>Hordeum leporinum</i>), eg., a main area in front of homes 1A and 1B on Grand Central Ave.</p> <p>There are several areas of wild oats (<i>Avena</i> spp.), tallest seedheads visible (30 to 50 cm) now. Other areas of weeds seeding now exist among existing native grasses and lily. Two Council workers follow.</p> <p>The first Marion Council person- using a eg lawnmower, or small eg. Howard type tractor/mow/catch set up-set for high cut + grass catcher, mows the seedheads and empties the contents of grass seedheads in the catcher into green compost bins or equivalent (as these will contain many viable weed seeds even in green seed heads). Since immature seeds can have viable embryos with smaller endosperms-so can be viable and germinate next winter.</p> <p>The second Council person, would walk behind us and spray glyphosate herbicide onto the remaining parts of weed plants-which have had their seedheads removed by worker 1.</p> <p>nb. It is likely to be too late in the season just to glyphosate spray the weedy areas per se, since by the time the herbicide kills the weeds of big plants, many viable seeds from old seedheads will already be shed into the soil.</p>	
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	<p>PS. In future years, it is necessary to sod drill in and /or rip in to South end of GCA Reserve, compost, topsoil, fertilisers, + more native grass and lily seeds- to crowd out remaining weeds and to keep them out-you must have to get a dense grass and lily sward.</p> <p>Some summer irrigation is also desirable to attain/retain a dense, greenish native grass top growth and lily canopy-that does not become sparse in summer-with dead brown, grass top growth and bare, dusty soil areas.</p> <p>Action sought:</p> <p>Please consider the above plan, approve it by email and contact me this coming week, as we need to do the work with some Council help as above-this month asap.</p> <p>Please contact me if you require further info.</p> <p>Hope to hear from you soon.</p>	
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David Speirs MP

Member for Bright



Dr Brett Grimm
Landscape Architect
City of Marion
PO Box 21
OAKLANDS PARK SA 5046

27 October 2016

Dear Dr Grimm,

Hallett Cove Foreshore Master Plan

As you know, the Hallett Cove Foreshore project is something that I have been a vocal advocate for with since my time on Marion Council and seeing stage 1, the commemorative space, delivered prior to the 2015 Anzac Day Centenary Celebrations was a personal career highlight for me and a significant achievement for our local area.

However, like many Hallett Cove locals, I do not want the rest of the Hallett Cove Beach Master Plan to remain a plan. I want it to happen and I am fully supportive of the revised concept plans released recently.

This plan in its entirety has the potential to fully transform this important geographical and social heart of Hallett Cove, an area that forges the identity and character of the suburb and the south of the City of Marion area more broadly.

Aspects of the master plan that I am particularly supportive of include the plan for a grand central amphitheatre, utilising Grand Central Reserve and incorporating it into the space as a whole. Furthermore, I am supportive of the creation of additional car parking spaces by allowing 45 degree angle parking and I am also particularly supportive of the proposal to create a paved plaza space in front of the Boatshed Café. This is important work from an economic development perspective and will transform the outlook from this bustling local café.

Additionally, I have previously expressed how important the inclusion of a play space is to the City of Marion's only coastal reserve and I am impressed by the inclusions in this regard, particularly the return of the 'five way swing' and the incorporation of a sand pit and climbing nets. This is the kind of play space that will be enjoyed by not only Hallett Cove residents, but also people from all over the City of Marion and even further afield.

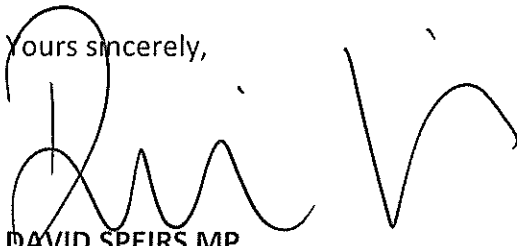


One matter that has been raised with me is access to Hallett Cove Beach for kayakers. Apparently it is currently quite difficult for people who kayak to get to the water's edge and, without having tried this myself, I would be interested to know whether anyone has mentioned this to you and whether that has been incorporated into the plan.

In summary, the Hallett Cove Foreshore has been greatly underused compared to its potential and I am excited to be part of its transformation going forward, turning it into a hub of activity and an important community space. This development will enhance our community by providing access for people with disabilities, protecting the environment through water sensitive urban design, and importantly providing amenities that our families can enjoy well into the future.

I look forward to seeing more detailed designs of the amphitheatre, play space and reserve as you progress stages four and five of the master plan and I look forward to continuing to work alongside you to make this project a reality.

Yours sincerely,



DAVID SPEIRS MP
Member for Bright

HALLETT COVE FORESHORE MASTER PLAN

THE VISION



PLAYSPACE AND RESERVE

Council staff will be reviewing the master plan and completing detailed designs in 2017 so that the works are spade ready. Key objectives of the playspace, reserve:

- Access paths
- Regional playspace with opportunities for active, social, imaginative and sensory play
- Shade and shelter
- BBQ and picnic areas
- Landscaping and enhanced amenity
- Retention of large areas of irrigated turf



GRAND CENTRAL AMPHITHEATRE

Council staff will be reviewing the master plan and completing detailed designs in 2017 so that the works are spade ready. Key objectives of the amphitheatre:

- Integration of Grand Central Reserve to the commemorative space for events and recreation
- Creation of terraced lawns and low seating wall amphitheatre
- Slow zone paved treatment to road between Heron Way Reserve and Grand Central Reserve
- Access pathways
- Automated public toilet
- Retention and enhancement of significant area of remnant native coastal grassland and wild flowers
- Investigate additional car parking
- Landscaping and enhanced amenity

WHERE ARE WE?

MASTERPLAN PROCESS COMPLETE

★★★★★

- COASTAL MANAGEMENT STUDY
- BACKGROUND AND SITE ANALYSIS
- VISIONING AND PLACEMAKING CONSULTATION
- DRAFT CONCEPT DEVELOPMENT
- CONSULTATION ON DRAFT CONCEPT
- FINAL CONCEPT DESIGN
- COUNCIL ENDORSEMENT OF MASTER PLAN
- COMMEMORATIVE SPACE CONSTRUCTION

- ✓ 2012
- ✓ MID 2012
- ✓ MID 2012
- ✓ EARLY 2013
- ✓ MID 2013
- ✓ LATE 2013
- ✓ 25TH MARCH 2014
- ✓ EARLY 2015

MASTERPLAN PROCESS NEXT STEPS

★★★★★

- CONSTRUCTION STORM WATER INFRASTRUCTURE
- REVISED MASTER PLAN CONCEPT
- COUNCIL ENDORSEMENT OF REVISED MASTER PLAN
- DETAILED DESIGN PLAYSPACE/ RESERVE AND AMPHITHEATRE
- CONSTRUCTION OF AMPHITHEATRE & PLAYSPACE (SUBJECT TO FUNDING AND COUNCIL ENDORSEMENT)
- DETAILED DESIGN OF CAR PARKING AND CAFE PLAZA

- 2016
- 2016
- LATE 2016
- 2016/17
- TO BE CONFIRMED
- 2018/19

WHAT WE'VE DONE

★★★★★

ENDORSED MASTER PLAN 2013

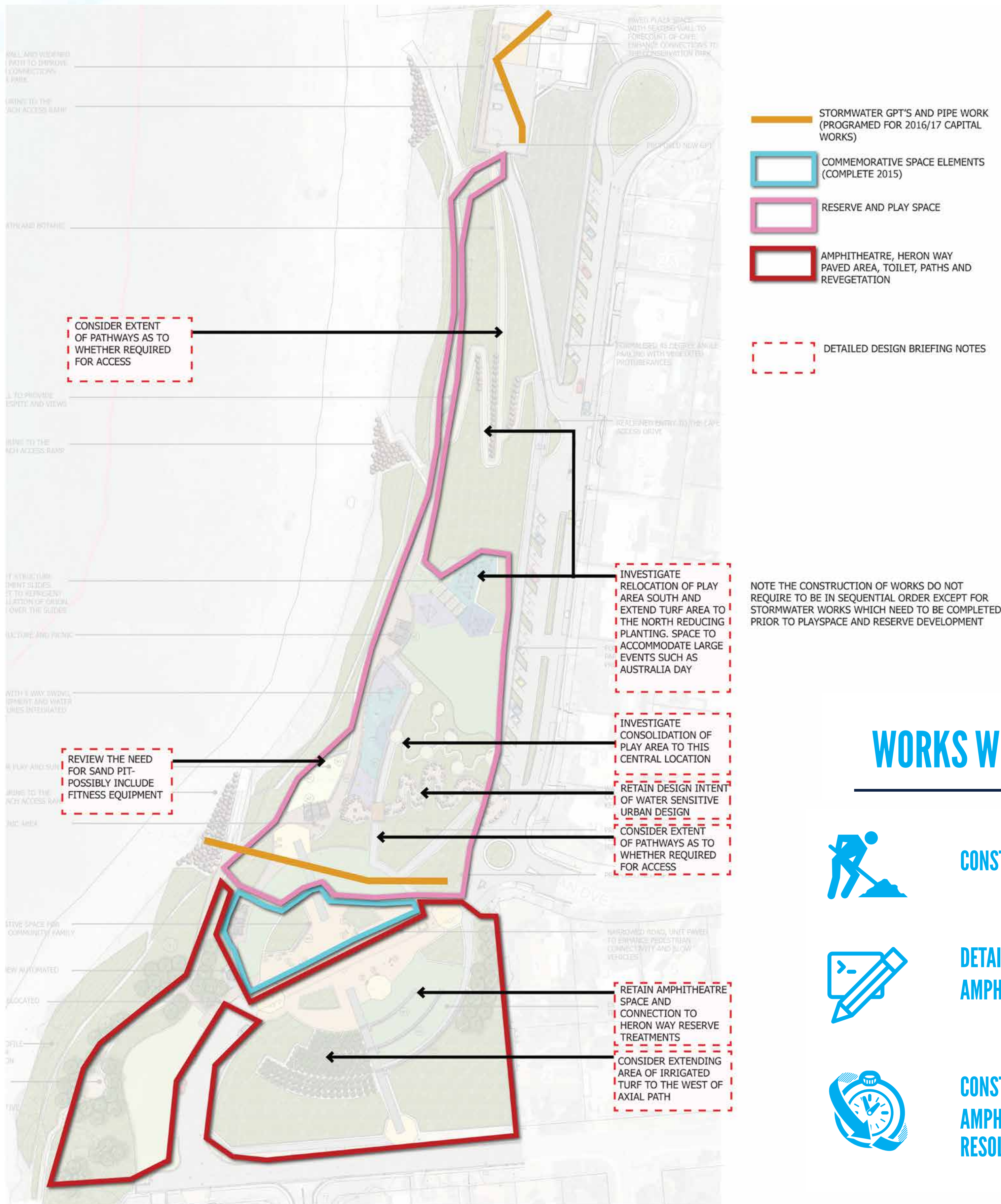


COMMEMORATIVE SPACE 2015



WHAT'S HAPPENING NOW

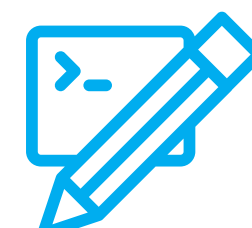
STORMWATER WORKS



WORKS WE WILL BE DOING THIS YEAR



CONSTRUCTION STORMWATER WORKS AS ILLUSTRATED.



DETAILED DESIGN FOR PLAYSAPCE/RESERVE AND AMPHITHEATRE AS ILLUSTRATED.



CONSTRUCTION TIME FOR PLAYSAPCE/RESERVE AND AMPHITHEATRE TO BE CONFIRMED SUBJECT TO COUNCIL RESOLUTION AND FUNDING.

WHAT YOU MAY SEE ONSITE NOVEMBER -DECEMBER 2016 STORMWATER INFRASTRUCTURE CONSTRUCTION

IN ORDER FOR US TO BE ABLE TO CONSTRUCT THE PLAY SAPCE AND RESERVE AREA, CRITICAL STORMWATER WORKS ARE TO BE COMPLETED.

- The work involves the upgrade of the trunk main between Heron Way and Coastal Outfall and also the realignment of stormwater infrastructure adjacent the Boatshed Café
- The project will provide 2 new gross pollutant traps (GPT's). The GPT's will remove debris and improve the quality of the stormwater that discharges to St Vincent Gulf
- During construction, access to the car park adjacent the Boatshed Café will be restricted
- It is anticipated construction will commence during November with the works being complete in December 2016.



LEGEND

- PROPOSED EVERGREEN TREE
- EXISTING TREE TO BE RETAINED
- RETENTION OF EXISTING REVEGETATION
- PROPOSED GARDEN BED, SHRUBS, GROUND COVER AND GRASSES WITH ORGANIC MULCH
- PROPOSED EXPOSED AGGREGATE CONCRETE PAVING TYPE 1
- PROPOSED EXPOSED AGGREGATE CONCRETE PAVING TYPE 2
- PROPOSED CONCRETE PAVING
- PROPOSED UNIT PAVERS TYPE 1
- PROPOSED UNIT PAVERS TYPE 2
- PROPOSED COMPACTED RUBBLE CEMENT TREATED
- PROPOSED IRRIGATED TURF
- RUBBER SOFTFALL
- PROPOSED SAND PIT
- PROPOSED AMPHITHEATRE SEATING WALL
- PROPOSED SEATING RETAINING WALL
- PROPOSED RETAINING WALL
- PROPOSED BENCH SEAT
- PROPOSED SEAT WITH BACK REST
- PROPOSED TIMBER DECKING
- PICNIC TABLE
- PROPOSED SHELTER
- PROPOSED SHADE SAILS OVER PLAY SPACE SLIDE
- PROPOSED RUBBISH BIN
- PROPOSED DRINK FOUNTAIN
- PROPOSED BBQ
- PROPOSED ROCK RETAINING
- PROPOSED ROCK LINED SWALE
- PROPOSED PRAM RAMP

DRAFT CONCEPT

HALLETT COVE FORESHORE MASTER PLAN

PREPARED BY OPEN SPACE & RECREATION PLANNING - CITY OF MARION

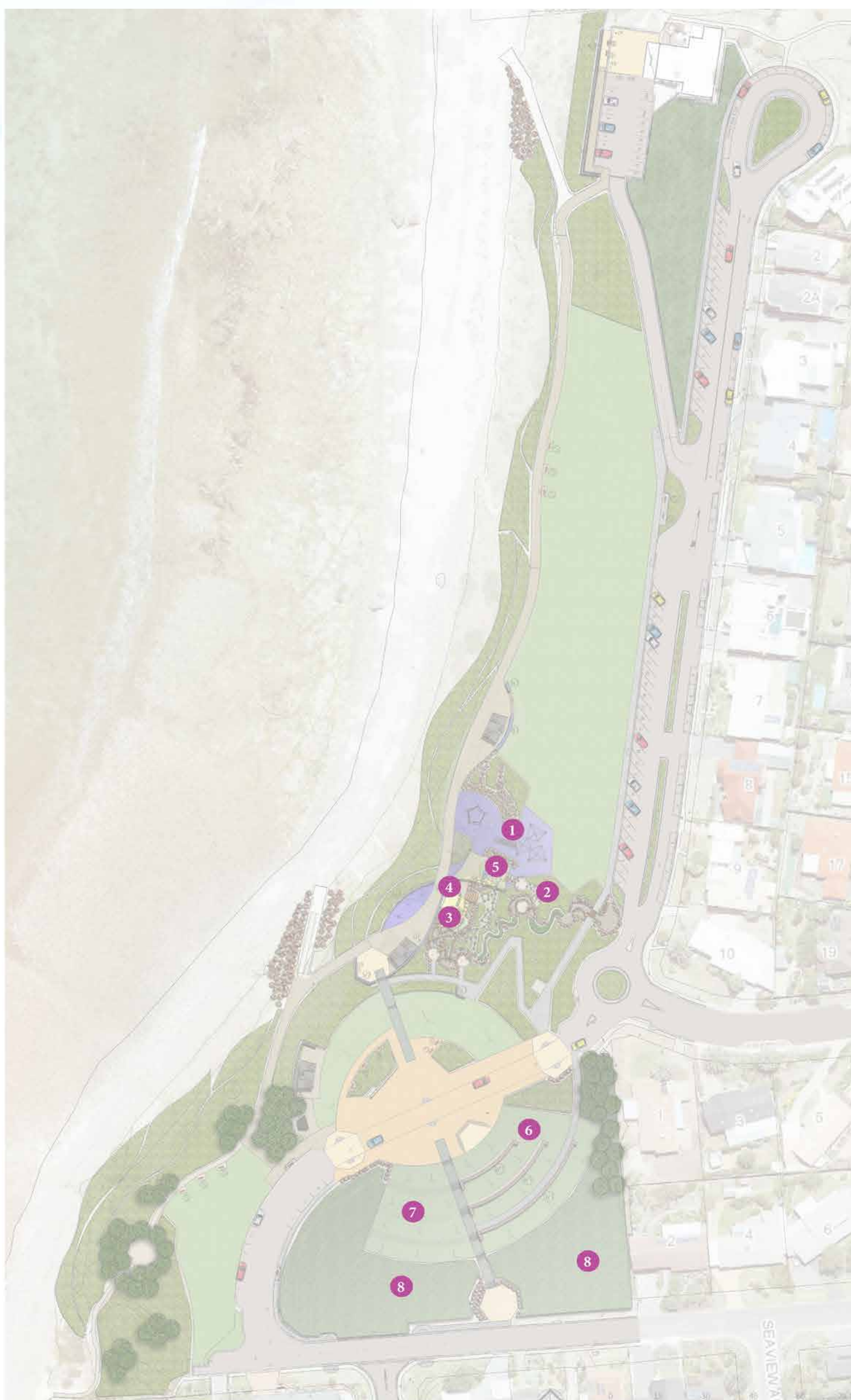
MAKING MARION: www.makingmarion.com.au/hcfmp

SEPTEMBER 2016

Design BG 31/08/16	Drawn BG 31/08/16	Checked BG	Authorised for Issue ORIGINAL SIGNED BY: BG
Drawing Number / Sheet HC-SK01			Issue



HAVE YOUR SAY



1 CLIMBING FRAME



1 CLIMBING FRAME



2 ADVENTURE TRAIL



3 WATER PLAY PUMPS



3 WATER PLAY SWALE



3 WATER PLAY ELEMENTS



4 SAND PLAY TABLES



5 EMBANKMENT SLIDES



6 AMPHITHEATRE SEATING



7 GRASS EMBANKMENT



8 CALOSTEMMA PURPUREUM



8 ARTHROPODIUM STRICTUM



8 NATIVE GRASSLAND



8 BULBINE BULBOSA

NEXT STEPS

BE INVOLVED ONLINE

You can find out more information and history of the project in addition to completing an online feed back form

www.makingmarion.com.au/hcfmp

Consultation will close on Wednesday 19/10/2016

Feedback Form

Hallett Cove Foreshore Master Plan
September 2016



Overall, do you support the updated design of the master plan?

- ☐ strongly support
- ☐ support
- ☐ do not support
- ☐ strongly do not support

Tell us what you are most excited by about the revised design?

Do you have any other feedback about the design or queries about the project?

If you would like to be kept informed of any progress and updates, please provide your contact details

Name: _____

Address: _____

Email: _____

Phone: _____

Thank you for your feedback.



APPENDIX 2

LEGEND

- PROPOSED EVERGREEN TREE
- EXISTING TREE TO BE RETAINED
- RETENTION OF EXISTING REVEGETATION
- PROPOSED GARDEN BED SHRUBS, GROUND COVER AND GRASSES WITH ORGANIC MULCH
- PROPOSED EXPOSED AGGREGATE CONCRETE PAVING TYPE 1
- PROPOSED EXPOSED AGGREGATE CONCRETE PAVING TYPE 2
- PROPOSED CONCRETE PAVING
- PROPOSED UNIT PAVERS TYPE 1
- PROPOSED UNIT PAVERS TYPE 2
- PROPOSED COMPACTED RUBBLE CEMENT TREATED
- PROPOSED IRRIGATED TURF
- RUBBER SOFTFALL
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- PROPOSED RUBBISH BIN
- PROPOSED DRINK FOUNTAIN
- PROPOSED BBQ
- PROPOSED ROCK RETAINING
- PROPOSED ROCK LINED SWALE
- PROPOSED PRAM RAMP

FINAL CONCEPT

HALLETT COVE FORESHORE MASTER PLAN





NOVEMBER 2016

PREPARED BY OPEN SPACE & RECREATION PLANNING - CITY OF MARION

Design BG 02/11/16	Drawn BG 02/11/16	Checked BG	Authorised for Issue ORIGINAL SIGNED BY: BG
Drawing Number / Sheet HC-SK01			Issue A



APPENDIX 3 STAGING PLAN

-  STAGE 2
DUNE PROTECTION
-  STAGE 4
PLAYSPACE AND
RESERVE
-  STAGE 5
AMPHITHEATRE
-  STAGE 6
CAFE PLAZA AND
CAR PARKING



HALLETT COVE FORESHORE MASTER PLAN

NOVEMBER 2016

PREPARED BY OPEN SPACE & RECREATION PLANNING - CITY OF MARION

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Heather Michell, Land Asset Officer

Manager: Carol Hampton, Manager City Property

General Manager: Abby Dickson, General Manager City Development

Subject: Swim Centre Residence

Report Reference: GC221116R09

REPORT OBJECTIVES EXECUTIVE SUMMARY

This report provides Council with future options for the use of the swim centre residence (the Residence) and seeks Council approval to undertake an EOI.

The Residence was constructed in 1975 as a caretaker's residence. The Residence has previously been tenanted and has been vacant since July 2015. The land is classified as community land pursuant to the Local Government Act 1999.

Several options for the future of the Residence are detailed in this report.

1. *Complementary Services – Commercial or Community lease*
2. *Residential Tenancy*
3. *Disposal*
4. *Demolition*
5. *Residential Development*
6. *Leave Vacant*

It is recommended that Council retain ownership and control of the property and provide it for community use. Community use could include accommodation for athletes or meeting space or complementary activities that ideally support the swimming sector. The objective would be to minimise the cost to Council and potentially provide a positive financial return.

RECOMMENDATION

DUE DATE

That Council:

- | | |
|---|--------------------|
| <ol style="list-style-type: none"> 1. Authorises the Chief Executive to undertake an EOI to lease the swim centre residence for purposes which are complimentary to the Marion Outdoor Swim Centre, are compliant within existing zoning and provides a positive financial return to Council. | 31 Dec 2016 |
|---|--------------------|

BACKGROUND

The Residence is situated at 1 Western Avenue Park Holme. It is constructed on a portion of an allotment; is within a separately fenced area of approximately 805 m² with a driveway area

of approximately 140 m². The attached map shows the approximate location of the fencing around the Residence in relation to the whole of the land in Allotment 120 (Appendix 1).

The whole of the land comprised in Allotment 150 in DP 9412 was transferred to Council as a Reserve in 1973.

The Residence was previously leased at \$734 per fortnight and was vacated on 5 July 2015. The Residence has been vacant since that date, pending completion of the Swimming Centre Masterplan. Council's Valuers, Maloney's, listed the rental value as at 30 June 2015 as \$707 per fortnight.

The Residence is a 6 roomed dwelling of 150 m², with a car port under the main roof and an iron garage. A building condition audit estimated the defect repairs and replacement or renewal of elements with the next 10 years is \$12,645 per annum. The report indicates that the estimated total replacement cost is \$294,863 and the estimated remaining useful life is 25 years. The depreciated replacement value is \$146,322.

Details of the Community Land Status, Land Use/Zoning, Valuation, Development of the Precinct and Trees are provided in (Appendix 2).

Options

Option 1 - Complementary Services – Commercial or Community lease

A number of complementary services were considered to be conducted from the Residence, such as:

Accommodation for athletes, coaches etc. Interest has been shown by the swimming sector to have accommodation for young athletes, elite athletes, overseas athletes, coaches who generally have very limited income. The house could be managed by a not for profit organisation who would be responsible for the up keep of the property and managing the accommodation for athletes eg for short or long term stays, competitions. This could provide an incentive to attract people involved in swimming activities to the area and provide support for those who have limited income.

Club rooms (as a community lease) – for a not for profit organisation or regular users of the swimming centre as meeting rooms and storage space. There are only two regular user groups who may be interested in utilising the Residence. An EOI could be put out for not for profit organisation to apply to use the facility.

Other activities such as a Wellness Centre, Sports Medicine, Health and Therapeutic Services, occasional Creche (for users of the pool were considered). Any commercial activities would require the building to meet DDA and fire compliance, the cost to do this would be considerable. Also a Development Application for any use other than as a Residence will require development approval and DDA and fire compliance.

Option 2 - Residential Lease

The Residence was previously leased at \$734 per fortnight, until 5 July 2015.

As the Residence adjoins the swimming pool and provides visual access to the swimming pool and potential access, it is recommended that the existing cyclone fence be replaced with a 2.1m high colour bond fence. The estimated cost of the fence removal and replacement is in the vicinity of \$5,000 and this could be funded from the Land and Property budget. The

replacement of the fence will reduce the risk of tenants accessing the pool, or having visual access etc.

A lease of the residence will be subject to the provisions of the Residential Tenancies Act 1995, Council's Leasing / Licencing of Council Owned Facilities Policy. The Equal Opportunity Act 2010 also applies to discrimination against prospective tenants.

It is estimated that an annual income of \$19,000 as a residential tenancy could be achieved and expenditure would be in the vicinity of \$15,000 pa, providing a return to Council of \$4,000 per annum. The expenditure does not include staff resources.

Council needs to consider whether it wishes to manage a residential tenancy when this is not core business for Council.

Option 3 - Disposal

The disposal of the property would need to take into consideration

- Planning Approval
- Potential Liability for any site contamination
- Council's Disposal Policy
- Community Land Revocation

Details of these matters are provided in Appendix 3.

It would be a lengthy process and there would be a number of issues that would need to be managed in minimising any impact on the swimming pool or surrounding areas.

Option 4 - Demolition

The demolition of the Residence, garage, pathways, driveway and fences including removal of all asbestos and debris, is anticipated to be in the vicinity of \$10,000.

After demolition of the Residence, the land could be:

1. Retained as open space
or
2. A residential allotment or allotments can be created for disposal. The Open Space zoning of the land would need to be taken into consideration. As dwellings are not anticipated in the Open Space Zone, there would be less planning justification to allow a residential allotment if the house was demolished. If a residential allotment was created (whether the dwelling remains standing or not), the land would remain in the Open Space Zone. The land division application would be for the land division and possibly a change of use from caretaker's residence.

It is unlikely that a land division application would be supported. To re-zone a property is a lengthy process and is rarely done for one property.

Option 5 – Residential Development

A residential allotment or allotments may be considered for disposal. As dwellings are not anticipated in the Open Space Zone, there would be less planning justification to allow a residential allotment if the house was demolished. It is unlikely that a land division would be supported as the intention of the Open Space Zone is to maintain open space for recreation purposes. If a residential allotment was created (whether the dwelling remains standing or not), the land would remain in the Open Space Zone. The land division application would be for the

land division and possibly a change of use from caretaker's residence. To re-zone a property is a lengthy process and is rarely done for one property.

Option 6 - Leave Vacant

The residence would be at risk of vandalism if it is left unoccupied for a lengthy period. To reduce vandalism the alarm system would be retained, security lights installed, lawns mowed regularly etc. The estimated cost would be \$1500 per annum.

CONCLUSION

Council would not have any control over the future occupiers of the Residence if the land was severed from the swimming centre and the reserve land was sold to a third party.

It is recommended that the property is retained and provided for community use which complements the swimming centre such as, accommodation for athletes or a residential tenancy. The objective would be to minimise the cost to Council and potentially provide a positive financial return.

Appendix 1: Plan

Appendix 2: Community Land Status, Land Use/Zoning, Valuation, Development of the Precinct and Trees

Appendix 3: Disposal Considerations

Appendix 4: SA Planning Policy Library module

Swim Centre Residence



STREET VIEW



Community Land Status	The land is classified as community land and is comprised in Community Land Management Plan 4 – General Community Facilities.
Valuation	The estimated value of the Residence is approximately \$510,000.
Land Use / Zoning	<p>The land use is House.</p> <p>The zoning is Open Space.</p> <p>The objectives of the open space zone are:</p> <ol style="list-style-type: none"> 1. A zone in which the open space character is preserved to provide a visual contact to the surrounding urban area. 2. Land within the zone developed for a range of passive and active outdoor recreation activities, community and educational facilities and open space development, conservation and revegetation, in a parkland setting. <p>The residence may have been approved as a care taker's residence and therefore may enjoy 'existing use rights' as an otherwise non-complying development in the Open Space Zone.</p>
Draft Recreation / Community Zone DPA	A draft Recreation / Community Zone DPA (the draft DPA) is being developed for consideration by Council. The draft DPA is based on the South Australian Planning Policy Library modules (Appendix 4) and appears to provide greater options than the Open Space Zone.
Development of the Precinct	<p>Allotment 120 as outlined in yellow on the attached plan (Appendix 1) includes the following current and proposed improvements and facilities:</p> <p><i>Hendrie Street Reserve</i> which is bounded by Hendrie Street, Duncan Avenue and Western Avenue, Park Holme and is accessed off Oaklands Road.</p> <p>The 1.6 hectare reserve forms part of a larger 7.5 hectare site which is bounded by Oaklands Road to the south.</p> <p>The reserve is in close proximity to two greenways (shared use paths for walking and cycling that link open spaces across the Greater Adelaide) including the Sturt River Linear Park, and the Adelaide to Seaford rail corridor.</p> <p>The Reserve is classified as a 'Regional' level reserve in the Open Space Strategy and as such has been earmarked for a higher level playground upgrade. The City of Marion, and the State Government, together with the Touched by Olivia Foundation have partnered in developing a South Australian first, inclusive play space at Hendrie Street Reserve. The inclusive play space (all abilities playground) has been designed to cater for all ages and abilities, including a broad range of special needs such as mobility, vision and hearing impairments as well as spectrum disorders such as autism.</p> <p>Liaison between the project teams associated with the swimming pool master plan and the open space plan has occurred to ensure that an inclusive playspace would be a complementary facility. The project team highlighted the strengths of locating the Inclusive playspace adjacent to the pool, where assets such as the carpark would be used year round and the site would have increased activation as well as the potential to attract additional visitors to the swimming pool.</p> <p><i>Swimming Centre</i> comprising three pools, a water slide, an inflatable obstacle course, extensive lawn areas shaded by established trees, play equipment,</p>

	<p>barbecues, a building (entrance, reception, kiosk, change rooms and clubrooms) with vehicle parking with 155 spaces plus bus and motorbike spaces and bicycle racks. The centre provides a number of aquatic programs.</p> <p><i>The vineyards</i> on the allotment are listed as 'Local Heritage Places' as they display historical, economic or social themes that are of importance to the local area, is associated with a notable local personality or event and are a notable landmark in the area.</p> <p>Council has installed a <i>bore line</i> along the eastern boundary of the allotment for irrigation purposes.</p>
Trees	<p>The residence and driveway are bounded by several regulated and large trees. These trees make a significant amenity contribution to the local area, link to surrounding vegetation in Hendrie Street Reserve and Parsons Grove Reserve and provide a range of habitat and environmental services. The trees add to the amenity of the area.</p> <p>The implementation of significant root protection zones will ensure the protection of the trees that are worthy of retention. A Land Management Agreement could be registered on the Certificate of Title for the land to control/prevent vegetation removal. This type of control would be unique and difficult to enforce.</p>

Option 3 – Disposal Considerations

Planning Approval Considerations

A land division would be required to sever the Residence from the balance of the swim centre and reserve land.

The severance of the Residence may trigger a non-complying status in the Open Space Zone as the use of the Residence would alter from a 'care taker's residence' to a 'dwelling'. Further, land division in the Open Space Zone is identified as a non-complying form of development, and as such, an application to sever the dwelling from the pool site will be required. It would not be necessary to re-zone the new allotment given that the Residence enjoys existing rights. There is no identified minimum allotment area for dwellings in the Open Space Zone.

The Residence is offset from the road by approximately 37 metres. If the property was to be disposed of access would need to be provided, this could be provided by one of two methods:

1. The allotment could comprise a dwelling and a driveway. There is no applicable frontage width for dwellings in the Open Space Zone and therefore, there is no applicable assessment criteria in this regard. The allotment could have a minimum width of 4 metres (the minimum for a hammerhead allotment). This would mean that the driveway would be a private driveway. Any future owner would have the right to construct a fence along both sides of the driveway which may detract from the amenity of the area. An image of the view of the Residence from Western Avenue showing the amenity of the area is attached (Appendix 2). A Land Management Agreement may be required to control the type of fencing materials. The driveway may need to be re-sealed to standard to minimise dust and mud nuisance.
2. The current driveway could be opened as a public road. This means that the driveway would need to be widened and upgraded to public road standards, which is likely to require the removal of, or substantial damage of a number trees that align the driveway. The location of the road may also result in the dwelling presenting awkwardly to the road, in that the dwelling's façade would not 'present' to the new road, which from a 'streetscape' perspective is not ideal.

Potential liability for any site contamination

Council does not have any records that indicate that the land is contaminated.

Under the Environment Protection Act 1993, Council may be held liable for site contamination as the occupier or person in charge of the land, regardless of whether there has been a change of ownership. It is recommended that soil tests be undertaken to determine whether the Land is contaminated, what remediation works are required and to prepare a risk management plan if it is deemed necessary.

If a disposal of the Residence is contemplated, it is recommended that soil tests be undertaken to determine Council's potential liability.

Disposal Policy

The Disposal of Land and Assets Policy sets out the criteria to be considered when assessing a property for disposal. Any decision to dispose of land and assets will be made after considering these requirements.

In addition to what is provided in the policy there are several other aspects which need to be considered which include consideration of easements, contamination and native title.

It is estimated that the disposal costs would be in the vicinity of \$45k, should Council wish to progress the disposal of the property a report would be provided with the costs and anticipated income. Until the community land is revoked Council would not be able to progress the disposal of the property.

Community Land Classification Revocation

The community land classification must be revoked pursuant to Section 194 of the Local Government Act 1999 before the Residence can be sold. It is possible to revoke the classification over portion of an allotment.

Should Council opt to dispose of the Residence, the community land classification must be revoked. This requires community consultation and Ministerial approval.

Other Considerations

Once the Residence has been disposed of, Council will have little control (other than Planning requirements) over the future development, ownership and occupation of the land. There is potential for future owners to raise complaints about noise and other aspects which relate to the use of the swimming centre over the warmer months.

An easement to Council would be required over the driveway for the existing bore line.

Community Zone

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this zone.

OBJECTIVES

- 1 A zone accommodating community, educational, recreational and health care facilities for the general public's benefit.
- 2 Development that is integrated in function and provides a coordinated base to promote efficient service delivery.
- 3 *(Conversion note: core policy if a desired character statement exists for the zone)* Development that contributes to the desired character of the zone.

(Optional Local Addition) DESIRED CHARACTER

Click and type

(Conversion note: refer to the [Guide to Desired Character Statements](#) for advice on preparing Desired Character Statements)

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

- 1 The following forms of development are envisaged in the zone:
 - cemetery
 - community centre
 - consulting room
 - educational establishment
 - emergency services facility
 - hall
 - health facility
 - hospital
 - library
 - office associated with community service
 - place of worship
 - public administration office
 - recreation centre
 - theatre
 - welfare institution.
- 2 Development listed as non-complying is generally inappropriate.
- 3 Development should not be undertaken if it would inhibit or prejudice the integrated development of land within the zone for further community and institutional uses.

Form and Character

- 4 *(Conversion note: optional text (core policy if a desired character statement exists for the zone))* Development should not be undertaken unless it is consistent with the desired character for the zone.

Recreation Policy Area X

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this policy area.

OBJECTIVES

- 1 A policy area accommodating sporting, entertainment, cultural and recreational activities and associated spectator and administrative facilities.
- 2 Development of integrated recreational areas and facilities that accommodate a range of activities accessible to the community.
- 3 Buildings, facilities and car parks located and designed to blend in with existing or additional trees, vegetation and landscaping.
- 4 *(Optional - core policy if a desired character statement exists for the policy area)* Development that contributes to the desired character of the policy area.

(Optional Local Addition) **DESIRED CHARACTER**

Click and type .

The desired character statement should further detail the vision for the policy area. As a guide, imagine the policy area into the future and describe the following:

- *the role of the policy area within the council area*
- *the natural environment including major topographic features*
- *activities occurring within the policy area—types of land uses, amenity and ‘feel’ of the area*
- *the physical environment including:*
 - *built form—design, density, height*
 - *urban design issues—vistas, orientation, building edges*
 - *major landmarks/key buildings*
- *circulation/movement within the area—pedestrian and vehicular activity, transport nodes*
- *linkages to adjoining areas.*

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

- 1 *(Conversion note: select or add uses as appropriate)* The following forms of development are envisaged in the policy area:
 - car parking
 - clubroom associated with a sports facility
 - *(Optional)* community centre
 - *(Optional)* community hall
 - *(Optional)* educational establishment
 - *(Optional)* emergency services facility
 - entertainment, cultural and exhibition facility
 - golf course
 - indoor and outdoor recreation facility
 - *(Optional)* library
 - lighting for night use of facilities
 - *(Optional)* meeting hall
 - *(Optional)* office associated with community or recreation facility
 - playground
 - shops or groups of shops ancillary to recreation development
 - showground

- *(Optional)* sports ground and associated facility
 - *(Optional)* theatre
 - special event
 - spectator and administrative facilities ancillary to recreation development
 - swimming pool.
- 2 A shop or group of shops should only be developed where:
- (a) it is ancillary to recreation and sport development
 - (b) the total gross leasable area is 80 *(optional variable)* square metres or less.

Form and Character

- 3 *(Optional – core policy if a desired character statement exists for the policy area)* Development should not be undertaken unless it is consistent with the desired character for the policy area.

Land Division

- 4 No additional allotments should be created wholly or partly within the policy area.

(Conversion Note: procedure matters relating to this policy area are listed in the parent zone.)

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Rudy Tieman, Manager Infrastructure Projects

General Manager: Abby Dickson, General Manager City Development

Subject: Tonsley Greenway Shared Use Path and Streetscape Project

Reference No: GC221116R10

REPORT OBJECTIVES

To advise Council about the status of and opportunities for developing and funding a shared use off road path along or adjacent to the Tonsley rail corridor; and to seek Council's endorsement to proceed with the development of this project.

The report also discusses allied streetscape improvement opportunities for Birch Crescent and Mimosa Terrace.

EXECUTIVE SUMMARY

The Tonsley Greenway is a State Government initiative to provide a new shared use walking and cycle path along the Tonsley Rail corridor to link the State Bike Network to Tonsley and Flinders University /Medical Centre. It is a State Government 30 Year Plan priority and is a component of the works proposed in the Darlington Upgrade, Tonsley Redevelopment and Tonsley Rail Extension projects.

Council is seeking to have the remaining section from Tonsley to the Marino Rocks Greenway along Railway Terrace, Ascot Park included in the integrated development of this Greenway and registered this interest by seeking Open Space Grant funding for this section. The proposed cost to develop this section was \$1.05M to be shared on a 2/3:1/3 State Government/Council basis. Grant funding of \$350,000 from the State Planning and Development Fund has recently been approved by the Minister, (copy of letter included as Attachment 1). Council's contribution would be sourced from the annual funding allocation in the LTFFP for the implementation of the Walking and Cycling Network Program. The remaining State Government contribution is not as yet confirmed but could be from its Greenway Fund.

The proposed project works are to construct a dedicated and integrated walking and cycling shared path facility including on and off road segments along the rail corridor where possible as well as on streets and reserves, from Daws Road to the end of the extended rail line at Flinders Medical Centre.

Part of the route of the Greenway path is along Birch Crescent and there is also the opportunity to plan and design the upgrading of Birch Crescent and possibly also Mimosa Terrace so that these are integrated with the design and construction of the Darlington Upgrade and Tonsley Rail Extension. It is proposed that a design investigation be undertaken to prepare streetscape plans. This would, if approved, enable a streetscape upgrade to follow the completion of the

Darlington Upgrade Project at the end of 2018 in preparation for the anticipated demands and possible external funding opportunities that will arise once the Darlington Project is fully operational and as the future development of Flinders University precinct proceeds.

Council's endorsement is sought to proceed with the development of the Tonsley Greenway project including provision for a shared use path along Birch Crescent.

Detailed design outcomes and their funding implications will be reviewed and presented in greater detail in a further report to Council following the next step in the investigation when there is clarity about practicable alignment options and path configurations and a more exact assessment of the cost and funding arrangements is possible

RECOMMENDATIONS

DUE DATES

That:

- | | |
|---|-------------|
| 1. Council endorses the proposed project and the preparation of a concept proposal and design for the sections of Tonsley Greenway from South Road, Darlington to Daws Road, including Birch Crescent, and its connection to the Marino Rocks Greenway | 22 Nov 2016 |
| 2. The Community and other key stakeholders be consulted and their feedback considered as part of the design investigation process. | March 2017 |
| 3. Council notes this project may be constructed in stages to suit available external and Council funding and that additional Open Space Grant and other grant funding will be sought to achieve this. | 22 Nov 2016 |
| 4. A further report be presented to Council when suitable alignment options are identified and associated design details and funding requirements are available for consideration and endorsement by Council to proceed with the detailed design and construction of the project. | March 2017 |

BACKGROUND

There are a number of major State Government transport and infrastructure projects underway in Darlington which individually and collectively provide opportunities to integrate and connect the adjacent communities and precincts. These projects are:

- the Darlington Upgrade project, involving the construction of the section of the North-South motorway along South Road from the Southern Expressway to Tonsley Boulevard;
- the Tonsley Rail Extension project, involving extending the rail line to Flinders Medical Centre and Flinders University via an elevated overpass across Sturt Road, South Road service roads and the N-S motorway;
- The Tonsley Redevelopment project, involving the upgrading and development of the site as an education, innovation industry and residential hub with associated road, public transport and walking/cycling path facilities and links to the adjacent transport networks.

Marion Council as a major stakeholder along with Mitcham Council, Renewal SA and Flinders University has made both representation to and is working collaboratively with DPTI to ensure these projects achieve the best outcomes for both Council and the Community.

An important element of all these projects is the provision of high quality, safe and connected walking and cycling paths which encourage walking and cycling and associated use of public transport as preferred commuting and recreational travel modes within and between the adjacent facilities and suburbs.

The Darlington Upgrade project and the recently approved inclusion of a grade separated extension of the Tonsley Rail line across South Road to Flinders Medical Centre, will include an extensive network of off road cycling and shared use paths. The preliminary design of these by Gateway South, the Darlington project design and construction consortium, are underway and Council has initiated additional concept design work on the adjoining network connections to inform the Darlington design and enable the constructed works to suit further development of the walking/cycling network. This was presented in greater detail at the recent Council Forum on 8 November 2016.

The major walking and cycling network extension opportunity offered in the above mix of projects is the development of a Greenway along and or adjacent to the Tonsley Rail Corridor from Flinders University and Medical Centre to the Marino Rocks Greenway at Ascot Park. This is a State Government 30 Year Plan priority and is a component of the works proposed in Tonsley Redevelopment, and Tonsley Rail Extension projects. Council sought Open Space grant funding to register interest in having the section from Tonsley to Ascot Park included in the overall and integrated development of this Greenway. This funding was approved by the Minister in July 2016, (copy of the letter from the Minister included as Attachment 1).

There is also the opportunity to develop other ground level walking and cycling path connections between Tonsley and Flinders University along Birch Crescent and along Mimosa Terrace and Sutton Road. These were identified by Marion and Mitcham Councils, Renewal SA and Flinders University as part of earlier responses to the DPTI Darlington Upgrade design proposals supporting connecting community and integrating precinct development outcomes. This has encouraged a revised approach and the inclusion of off- road separate and shared cycle and pedestrian paths along the South Road service roads and over the N-S motorway at overpasses in the design of the Darlington Upgrade and Tonsley Rail Extension projects.

Further work has subsequently been undertaken by Council to add detail to the elements of design and landscaping needed to inform the design of these projects and to identify works that should follow on but are outside the immediate scope of these projects. These elements are the subject of discussion and consideration of this report.

ANALYSIS

Discussion

Tonsley Greenway

The Tonsley Greenway is a State Government initiative to provide a new shared use walking and cycle path along the Tonsley Rail corridor to link the existing Bike network to Tonsley and Flinders University /Medical Centre. The City of Marion has, as part of its Walking and Cycling Strategy, wider aspirations to extend and link this Greenway to the local walking and cycling network and community and other facilities in the area. The overall length of this greenway from the Flinders Medical Centre to the Daws Road connection with the Marino Rocks Greenway is 3.3km.

Notwithstanding the above interest there has until recently been no coordinated approach to the development of this Greenway due to the priorities and timing associated with the separate major infrastructure projects being developed which led to the Greenway being considered in segments, namely:

- 1) Flinders Medical Centre to Tonsley Redevelopment Site - proposed as part of Darlington Upgrade and Tonsley rail extension projects, but excluding the surface level path along Birch Avenue which is considered outside the scope of the Darlington Upgrade project, (length .75km).
- 2) Tonsley Redevelopment but within the boundaries of the site – this section is part of Tonsley Redevelopment project involving both Renewal SA and the residential precinct property developer PEET Group with responsibilities for development and funding; (length 1.05km).
- 3) Tonsley Redevelopment site to the Marino Rocks Greenway – this section is the Stage 1 Council has identified as necessary to provide a contiguous, safe and linked facility and for which we have sought State Government support to investigate, design and construct, (length 1.5km).

The initial aim in seeking State Government funding support for the development of the Tonsley Greenway was to assess the State Government's interest in proceeding with the development of the entire greenway as an integrated project. This has been confirmed with the success of the funding application and has given the Council the opportunity and responsibility of coordinating and project managing this investigation and thereby ensuring that the wider community interests and benefits are considered and incorporated into the design of the entire project.

Initial planning has been undertaken as part of Council's and other key stakeholder input into the design of the Darlington Upgrade Project and extension of the Tonsley rail line to Flinders Medical Centre. This has identified the scope of our interests as stakeholders in these major projects and the project elements that need to be considered and investigated in greater detail as part of the infrastructure design and construction. It also identifies those elements that are integrated with but not part of these projects that can be constructed by the relevant Council at a later time if provision for this is made in the design of these major projects. A plan, (the Darlington Links Plan), has been prepared to assist us in providing this input into the Darlington Upgrade and Tonsley Rail Extension projects (Attachment 2)

In relation to the Tonsley Greenway, a Pedestrian and Cycling Links Plan has also been prepared (Attachment 3). This shows the options and opportunities for detailed investigation and stakeholder engagement. The preferred route for the Greenway would be within or adjacent to the rail corridor, however there are space and clearance constraints associated with rail signal and overhead electrical services which may require an alternative alignment on some sections. The investigation will investigate and recommend alternative alignment and supporting link options to connect to local facilities.

The proposed project works are to construct a dedicated and integrated walking and cycling greenway facility including on and off road segments along street and reserves from Daws Road to the vicinity of the Mitchell Park Train Station. From there it will connect to the section of the Greenway along the rail corridor on the Tonsley Redevelopment site. It will then follow the rail corridor on the western side of Birch Crescent where it will connect to the shared path to be provided as part of the Tonsley Rail Extension overpass of South Road to Flinders Medical Centre. There will also be ground level shared path connections from the Greenway to Birch Crescent and other off road cycle and walking paths on South Road and Flinders Drive Extension (refer to plan Attachment 2). Components of work include construction of shared use paths, streetscape provisions including bike nodes, upgrading of lighting, provision of signage and line marking to delineate paths, provide direction and identify place.

Council's endorsement to proceed with the development of this project in partnership with other key stakeholders is sought. This will enable further detailed investigation and preliminary design of this project to progress and options for alignment and connection to community facilities to be identified and evaluated. It will enable a more reliable construction cost estimate to be prepared for additional external funding applications. It will also facilitate development as an integrated approach with greater opportunity for better community outcomes.

Birch Crescent Streetscape

There is also the opportunity to plan and design the upgrading of Birch Crescent so that this is integrated with the design and construction of the Darlington Upgrade and Tonsley Rail Extension.

Some preliminary work has been undertaken to show a preferred future street layout that would support the inclusion of an off road shared path on the western side of Birch Crescent (Refer Attachment 4 and 5). These have been prepared to inform the design of the intersection of Birch Crescent with Sturt Road and the alignment of the Rail Extension.

The additional space that can be provided within the rail corridor land will enable the existing kerblines on the western side of Birch Crescent to be shifted to widen the road reserve and allow a separate walking/cycle path to be provided as well as provide additional space for indented parking and WSUD. This arrangement will enhance the streetscape, improve on street resident car parking without restricting vehicle traffic access. Given the anticipated changes in access to and from the Tonsley Site with its growth and development, Birch Crescent and its signalised intersection connection with Sturt Road and Flinders Drive Extension will be an increasingly busy local collector road for this area.

Birch Crescent has been identified as a high priority project in Council's Streetscape Priority Matrix (GC 270916R08). It is proposed that more detailed planning and design investigation be undertaken to prepare plans that are consistent with Council's Streetscape Design Guidelines. This will enable its development to follow the completion of the Darlington Upgrade Project should this streetscape project be approved for construction, and would be preparation for the anticipated demands and possible external funding opportunities that will arise once the Darlington Project is fully operational and as the future development of Flinders University precinct proceeds.

Mimosa Terrace

Similar considerations also apply to the future development of Mimosa Terrace because of its direct access onto South Road at a signalised intersection and the connection to Sutton Road, Bedford Park on the Mitcham Council side of South Road. The proposed Mimosa Terrace/Sutton Road link to Flinders University across South Road and over the N-S Motorway presents an alternative connection for commuting between the campuses at Tonsley and Flinders. This is a project that Council could consider for inclusion in its forthcoming review of the proposed Streetscape Program of Works in December 2016 (refer GC270916R08).

Consultation

Further planning and investigation will be undertaken in consultation with project partners and stakeholders, including DPTI, Renewal SA and Flinders University as part of the next stage of this project's development. There may also be discussions with the adjacent local schools to assess their interest and support in using the Greenway and providing access to their land for possible alignment options where additional space is required.

Community and wider stakeholder consultation may also be undertaken in line with the established community engagement procedure.

Financial Implications

Council will require funding assistance to develop the section of the Tonsley Greenway from the Tonsley Redevelopment site to the Daws Road link with the Marino Rocks Greenway along Railway Terrace Ascot Park. The estimated capital cost of this project section is \$1,050,000.

An Open Space Fund grant of \$350,000 has been approved by the Minister. A further 1/3 share of \$350,000 will need to be allocated by the State Government which could be from its Greenway Fund. Council's proposed contribution to this project will be \$350,000 which includes capital and in kind funding. The capital cost component of Council's contribution can be funded by the \$200,000 p.a. allocation in the LTFP approved by Council and quarantined in the Asset Sustainability Reserve to implement the Walking and Cycling Network Program. The development of this project will involve preliminary and detailed design, as well as construction and so will be over at least two financial years.

The other sections through the Tonsley Redevelopment site and within the Darlington Upgrade Project works area, including the Rail Extension project component will be funded as part of the works undertaken in these major projects. Funding for the ground level path section of greenway from the southern boundary of Tonsley to the path provided on the rail extension overpass structure will need to be sourced separately and could be part of the proposed streetscape upgrading of Birch Crescent, it could also be eligible for external funding assistance.

There will also be an ongoing annual cost of operating and maintaining the Greenway once it is constructed. This will include the section Council is developing but may also include other segments where Council is likely to assume responsibility for care and control, such as for the path through the Tonsley Redevelopment site as well as other ground level paths that may be transferred to Council from the Darlington Upgrade Project.

In this regard Council should note that the Asset Management Plan and LTFP will need to be updated and increased accordingly to cater for annual operation, maintenance and renewal whole of life costs of this asset. These additional costs are estimated to be \$50,000 p.a. (Maintenance & Operating), to commence when the project is completed. The subsequent renewal costs to replace the asset at the end of its serviceable life will also be in the order of \$50,000 p.a. This provision was approved by Council in its endorsement of the City of Marion Walking and Cycling Network Program at the Council meeting on 8 September 2015 (refer GC080915R03).

The funding implications will be reviewed and presented in greater detail in a further report to Council following the next step in the investigation when there is clarity about practicable alignment options and path configurations and a more exact assessment of the cost and funding arrangements is possible.

Resource (capacity) Impact

The management of the project will be undertaken by Council staff as part of normal capital works program planning, design and implementation. Consultancy services will be used where needed which includes preparation of concept design drawings. Consultancy costs are an approved expenditure in the design of the Tonsley Greenway Project and can be covered as part of the Open Space grant expenditure. This arrangement will include the more detailed

investigation of the Birch Crescent Streetscape treatment to provide the off road shared path connection to the rail extension overpass.

Policy Implications

The Tonsley Greenway project and the associated proposed streetscape upgrade of Birch Crescent are consistent with the objectives and priorities of Council's endorsed Walking and Cycling and Streetscape Policies. Both are high priority projects and strongly support the Connected theme in the Community Vision >Towards 2040.

Social / Environmental Implications

The project offers innovative sustainable environmental and community health benefits by creating a landscaped greenway environment, including trees for shade and shelter and WSUD opportunities to use stormwater for irrigation. The encouragement to walk, cycle and the accessibility to public transport will also reduce the carbon footprint, support further use of low emissions transport options and promote active living travel options.

Project elements that relate to the social and environmental amenity involving public /community art, place making, signage, community engagement and education will be investigated and developed as part of the planning/design process. Implementation and funding opportunities will also be considered and reported to Council as part of this investigation.

Economic Impact

The Greenway and its associated improved landscape and streetscape features may as a consequence, have economic benefits and, as has been identified in the Heart Foundation's 'Good for Business' discussion paper, increase property values and business interest in the redevelopment of the land along the rail corridor for higher density living.

There are also the benefits of the project improving access to and encouraging the use of local facilities such as nearby schools, shops, Parkholme Library, Mitchell Park Community Sports Centre and other businesses.

CONCLUSION

A concept proposal for the development of an integrated Greenway shared use path facility along and adjacent to the Tonsley rail corridor has been prepared in line with the State Government's 30 Year Plan and the major infrastructure projects currently underway. It is supported by the key stakeholders involved including DPTI, Renewal SA and Flinders University. The State Government has also provided funding to assist Council develop the section of Greenway from Tonsley to the Marino Rocks Greenway.

Council's endorsement to proceed in the development of this project in partnership with key stakeholders is sought. This will enable further detailed investigation and preliminary design of this project to progress and options for alignment and connection to community facilities to be identified and evaluated. It will facilitate development as an integrated project with greater opportunity for external funding support and better community outcomes.

There is an allied opportunity to investigate and prepare streetscape plans for Birch Crescent which will support the provision of the ground level off road shared path link in the Tonsley

Greenway and provide for the future streetscape upgrade of Birch Crescent as a local collector road servicing the expected growth and development of this precinct.

APPENDICES

Appendix 1: Letter from the Minister dated 6 August 2016 advising Open Space Grant Funding approval.

Appendix 2: Darlington Upgrade Movement Structure Plan.

Appendix 3: Tonsley Greenway Pedestrian and Cycle Links Plan.

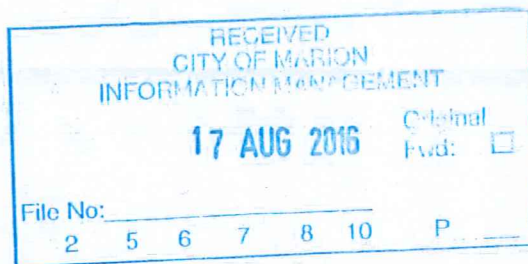
Appendix 4: Birch Crescent Proposed Cross section.

The Hon John Rau MP

10661513

6 August 2016

Mayor Kris Hanna
City of Marion
PO Box 21
OAKLANDS PARK SA 5046



**Government
of South Australia**

Deputy Premier
Attorney-General
Minister for Justice Reform
Minister for Planning
Minister for Industrial Relations
Minister for Child Protection
Reform
Minister for the Public Sector
Minister for Consumer and
Business Services
Minister for the City of
Adelaide
45 Pirie Street
ADELAIDE SA 5000
GPO Box 464
Adelaide SA 5001
Tel 08 8207 1723
Fax 08 8207 1736

Dear Mayor Hanna

I refer to Council's applications for funding under the Planning and Development Fund.

After consideration I am pleased to advise Council that I have approved funding for the following projects, as outlined in your applications.

- \$350,000 for Tonsley Greenway – Stage 1
- \$240,000 for Sturt River Linear Park – Oaklands Rd to Carlisle Ave and Finnis St to Marion Rd

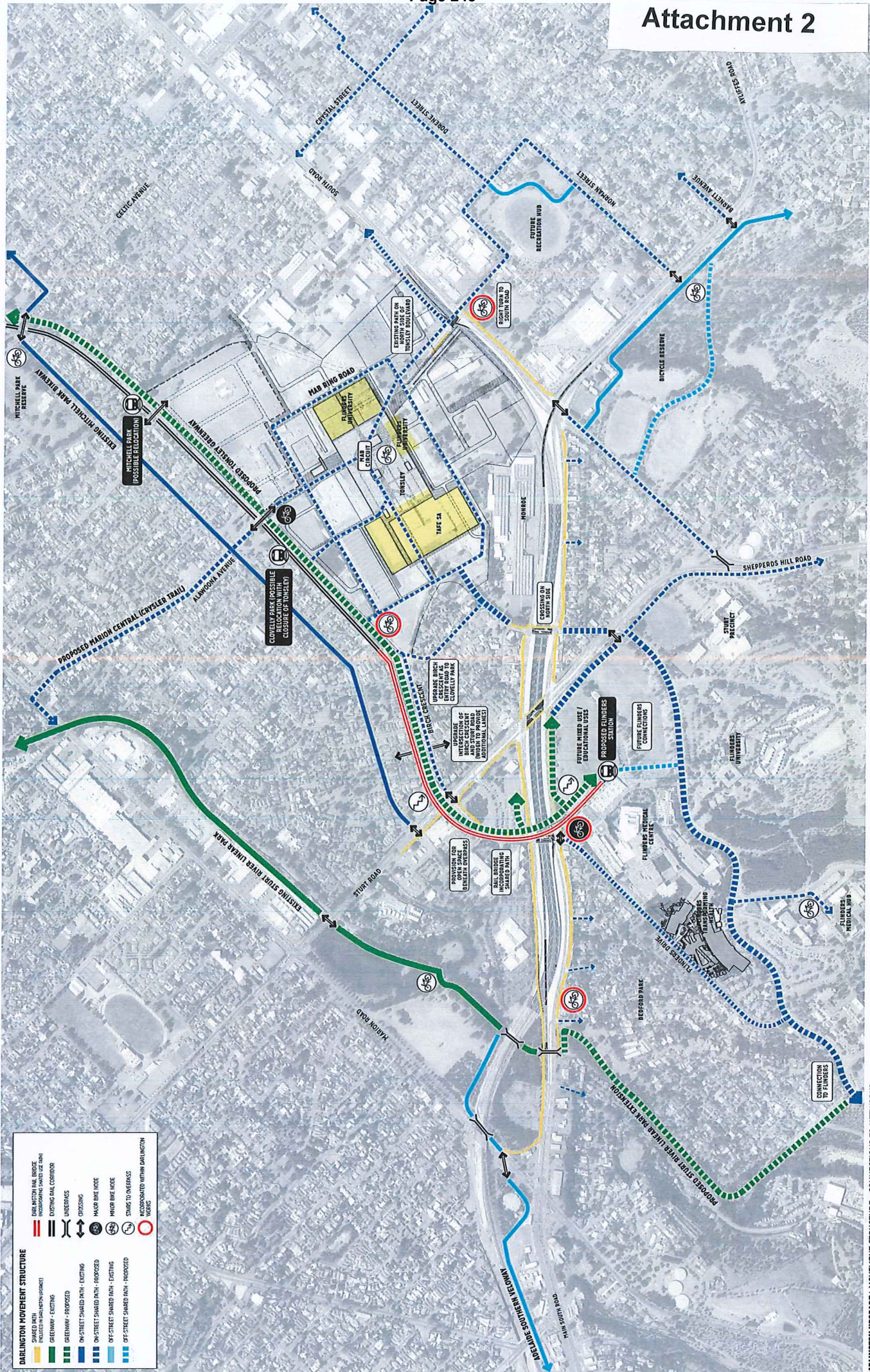
I wish to advise Council that I have not approved grant funding for the Hallett Cove Foreshore project. The grant funding was highly competitive with over \$25 million worth of applications received.

The formalisation of the funding agreement between Council and the Department of Planning, Transport and Infrastructure, including the establishment of key outcomes, funding conditions and time lines for progress reports has been arranged.

If you require any further information please do not hesitate to contact Mr Matthew Lang, on 7109 7090 at the Department of Planning, Transport and Infrastructure.

Yours sincerely

John Rau
Deputy Premier
Minister for Planning



The map illustrates the Tonsley area in Adelaide, South Australia, showing proposed and existing infrastructure. Key features include:

- Adelaide to Marino Rocks Greenway:** A red line running north-south, connecting Ascot Park to the Adelaide CBD.
- Existing Noarlunga Line:** A black line running north-south, connecting Ascot Park to the Adelaide CBD.
- Proposed Marion Central Trail:** A red line running east-west, connecting the Adelaide to Marino Rocks Greenway to the Tonsley area.
- Existing Sturt River Linear Park Greenway:** A blue line running east-west, connecting the Adelaide to Marino Rocks Greenway to the Tonsley area.
- Key Locations:** Ascot Park, Hamilton Secondary, Egan Reserve, Mitchell Park (Regional Reserve), Mitchell Park (Possible Relocation), Clovelly Park, 'Tonsley' (Possible Relocation), Tonsley, TAFE, Flinders University, and Science Park.
- Crossings:** Existing automated crossings, existing gated crossings, automated upgraded pedestrian access crossings, and automated pedestrian access crossings.
- Other Features:** Existing Mitchell Park Bikeway, Egan Reserve, and Science Park.

(City of Marion + DPTI)

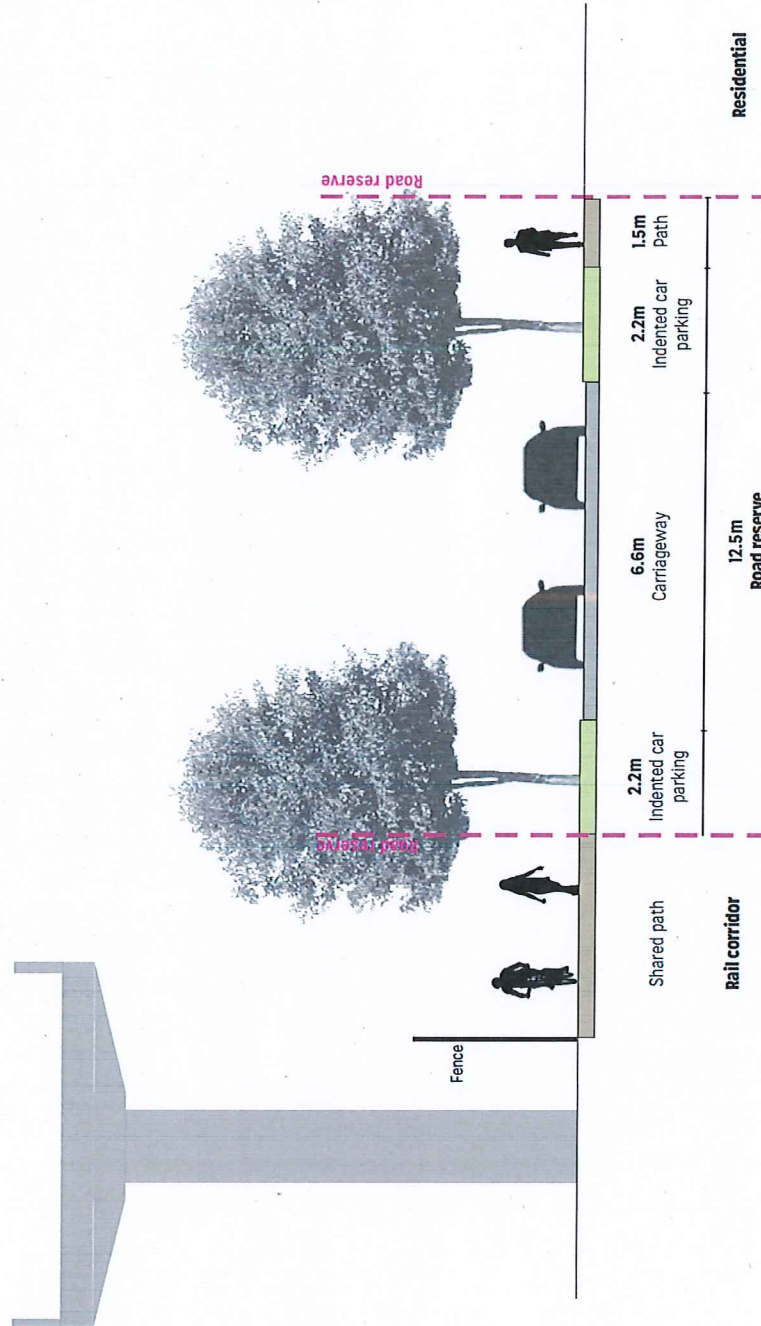
(Renewal SA)

(Darlington project + DPTI)

○ Rail corridor crossing

Birch Crescent

PROPOSED CROSS SECTION



**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: John Valentine, Manager Strategic Projects
General Manager: Abby Dickson, General Manager City Development
Subject: Edwardstown Oval – Federal Funding Deed
Report Reference: GC221116R11

REPORT OBJECTIVES AND EXECUTIVE SUMMARY

The purpose of this report is to enable Council to consider the funding deed from the Department of Infrastructure and Regional Development where they contribute up to \$4 Million towards the Edwardstown Oval Redevelopment (the Project) and seek Council's authorisation for the Chief Executive Officer to sign.

RECOMMENDATIONS

DUE DATES

That Council:

- | | |
|---|-------------|
| 1. Resolves to accept the terms and conditions associated with the \$4 million federal funding for the Edwardstown Oval Redevelopment from the Department of Infrastructure and Regional Development. | 22 Nov 2016 |
| 2. Authorises the Chief Executive Officer to sign the Federal Funding deed for \$4 million from Department of Infrastructure and Regional Development towards the cost of the Edwardstown Oval Redevelopment. | 22 Nov 2016 |
| 3. Authorises the Chief Executive Officer to review and accept any minor changes that may eventuate from the Department of Infrastructure and Regional Development's quality assurance process so long as any changes do not materially change the deed.. | 22 Nov 2016 |

BACKGROUND

At the Special Council meeting of 8 March 2016 Council considered the Section 48 Prudential Management Report (SGC080316R02) for the Edwardstown Oval Redevelopment project and it was resolved that Council:

1. *Consider the advice and feedback received from the Finance and Audit Committee on the draft Section 48 Prudential Report.*

2. *Adopt the Section 48 Prudential Report as amended including the KPMG Report on the Proposed Governance and Management Model and Financial Forecast and the Hardy Milazzo Design Concept.*
3. *Authorise Council staff to finalise and submit a bid to the National Stronger Regions Fund (NSRF) Round 3 seeking \$4 million in Federal capital funding matching a \$4 million capital funding commitment by the City of Marion.*
4. *Endorse the capital funding commitment of up to \$4 million for the redevelopment of Edwardstown Oval subject to the successful application for funding to the National Stronger Regions Fund.*
5. *Endorse the increased on-going operating, maintenance and renewal funding (i.e. Cash) requirement as identified in the Section 48 Prudential Report and note the impact to the City of Marion's adopted Long Term Financial Plan (LTFP) resulting from the additional funding requirement identified in the Section 48 report is forecast to be in the order of \$6.119 million over the 10 year term of the LTFP.*
6. *Commit to undertaking the redevelopment of Edwardstown Oval if funding is received from the National Stronger Regions Fund.*

As per Council's resolution, an application was lodged with the National Stronger Regions Fund, Round 3, seeking a \$4 million contribution to the Edwardstown Oval Redevelopment project.

During the 2016 Federal Election process the Liberal Party committed to funding \$4 million towards the project and after election the Federal Liberal Government confirmed their \$4 million funding for the project.

Federal Funding Deed

A funding deed was received on Monday 31 October 2016 from the Department of Infrastructure and Regional Development. The funding deed has been reviewed and clarifications sought and a schedule for claiming federal funds (in arrears as required by the funding deed) has been developed. The funding deed is attached as Appendix 1.

The deed is used by the Federal Government for a very broad range of projects across Australia and has a generic formula. The first part of the deed is used for all projects and then tailored for specific projects by the deed's schedule and annexures.

Schedule 1 contains 14 sections specifically relating to the Edwardstown Project and Annexure A is a table of milestones, reports and payments that relate to the Project and Annexure B relates to the overall project budget.

The generic funding document refers to a range of matters such as:

- Terms of the agreement;
- Management of the funding;
- Activity, Project and Operational Period;
- Statutory approval;
- Records;
- Intellectual Property, Acknowledgement and Confidentiality;
- Reporting;
- Assets and Property;
- Liability;
- Insurance;
- Corporate governance; and
- Compliance with laws and policies.

Under the terms of the deed 10% per cent of the Federal funds will be retained until the end of the project. Unlike previous federal funding for other projects the funds will not be paid up-front but progressively as funds are expended (i.e. paid in arrears).

The key matters dealt with in the agreement are contained in Schedule 1 and Annexure A. Some of the key performance dates associated with the agreement are described below:

Payment to Council of \$4 million	Federal funds to be claimed progressively in arrears
Design documentation finalised	August 2017
Planning approval (dependent on re-zoning process)	September 2017
Building Rules approval	October 2017
Tender completed and awarded	November 2017
Construction commenced	December 2017
Construction completed	February 2019

As per Annexure A of the deed Federal funding will be claimed through the next stages of the project (design development and then the start of construction) so that Federal funds are spent prior to Council's contribution of \$4 million.

As part of the Department of Infrastructure and Regional Development's process the deed will be reviewed as part of their quality assurance processes once Council has accepted the deed. The quality assurance process could result in changes to the deed, however such changes it has been advised, would probably be very minor and not materially impact on the deed. Accordingly, there will be a need to accept any minor changes and not delay the tendering process for the appointment of an architect to progress the project. It is recommended that the Chief Executive Officer be authorized to review and accept minor changes that may arise. If there changes of a substantial nature they would referred back to Council for consideration.

Legal Legislative and Risk Management

The funding agreement is a standard document used by the Department of Infrastructure and Regional Development to contribute funding towards projects. The agreement requires Council to obtain all necessary legislative approvals prior to commencing construction of the project.

CONCLUSION

The \$4 million federal funding from the Department of Infrastructure and Regional Development will enable Council to progress to the construction of the Edwardstown Oval Redevelopment with a start date of December 2017 and completion date of January 2019.



Australian Government

Department of Infrastructure and Regional Development

DEED OF AGREEMENT

FUNDING AGREEMENT IN RELATION TO THE REDEVELOPMENT OF
EDWARDSTOWN OVAL (CDG455)

The Commonwealth of Australia as represented by the Department of
Infrastructure and Regional Development
ABN 86 267 354 017

Corporation of the City of Marion
ABN 37 372 162 294

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FUNDING AGREEMENT (LONG FORM)

**FUNDING AGREEMENT IN RELATION TO THE REDEVELOPMENT OF
EDWARDSTOWN OVAL (CDG455)**

Parties

This Funding Agreement is made between and binds the following parties:

1. **The Commonwealth of Australia** as represented by the Department of Infrastructure and Regional Development
ABN 86 267 354 017, 111 Alinga Street, Canberra, Australian Capital Territory
(**Commonwealth**)
2. **Corporation of the City of Marion**
ABN 37 372 162 294, 245 Sturt Road, Sturt, South Australia
(**Recipient**)

Context

- A. The Commonwealth is undertaking the Community Development Grants programme, which was to support needed infrastructure that promotes stable, secure and viable local and regional economies.
- B. The Recipient submitted an application to obtain funding under the Programme to conduct the Activity. The Activity will contribute to the completion of the Project, and will help achieve the objectives of the Programme.
- C. The Commonwealth has agreed to provide Funding to the Recipient to support the carrying out of the Activity.
- D. The Recipient agrees to accept the Funding for the purposes, and subject to the terms and conditions, set out in this Agreement.
- E. The Recipient agrees that it is a precondition of entitlement to the Funding that the Recipient must:
 - a. provide to the Commonwealth with satisfactory evidence that the Recipient is registered with a Commonwealth, State or Territory Regulatory Body or satisfactory evidence of the Recipient's correct statutory authority name;
 - b. correctly use the Recipient's name on all documentation provided to the Commonwealth;
 - c. have an Australian Business Number (ABN);
 - d. immediately notify the Commonwealth if the Recipient ceases to hold an ABN;
 - e. correctly quote the Recipient's ABN on all documentation provided to the Commonwealth;
 - f. supply proof of the Recipient's GST status, if requested by the Commonwealth; and
 - g. immediately notify the Commonwealth of changes to the Recipient's GST status.

Operative provisions

In consideration of the mutual promises contained in this Agreement, the parties to this Funding Agreement agree as follows:

1. Interpretation

1.1. Definitions

1.1.1. In this Agreement, unless the context indicates otherwise:

ABN	means (Australian Business Number) as set out in section 41 of the <i>A New Tax System (Australian Business Number) Act 1999 (Cth)</i> .
Activity	means the Activity described in Item A and includes the provision to the Commonwealth of the Activity Material;
Activity Completion date	means the date that the Activity must be completed by as set out in item A.5 of the Schedule.
Activity Material	means any Material: <ul style="list-style-type: none">a. created by the Recipient for the purpose of this Agreement;b. provided or required to be provided to the Commonwealth under the Agreement; orc. derived at any time from the Material referred to in paragraphs a or b, and includes <ul style="list-style-type: none">d. any Existing Material incorporated in the Material referred to in paragraphs b or c; ande. any Reports;
Activity Objectives	means the objectives of the Activity described in Item A.6 of the Schedule;
Activity Period	means the period specified in Item A during which the Activity must be completed;
Agreement	means this document and includes any Schedules and Annexures;
Annexure	means any annexure to Schedule 1;

Approved Auditor	means a person who is: <ol style="list-style-type: none"> registered as a company auditor under the <i>Corporations Act 2001</i> (Cth) or an appropriately qualified member of the Institute of Chartered Accountants in Australia or of CPA Australia; not a principal, member, shareholder, officer, agent, subcontractor, employee or related entity of the Recipient or of a related body corporate (the terms 'related entity' and 'related body corporate' have the same meaning as in section 9 of the <i>Corporations Act 2001</i> (Cth)); and not the Recipient's Qualified Accountant;
Asset	means any item of property, purchased, leased, hired, financed, created or otherwise brought into existence either wholly or in part with use of the Funding, which has a value of over \$5,000 exclusive of GST, but excludes any Intellectual Property Rights and Real Property (including any property once it becomes part of the structure of Real Property).
Auditor-General	means the office established under the <i>Auditor-General Act 1997</i> (Cth) and includes any other entity that may, from time to time, perform the functions of that office;
Australian Accounting Standards	refers to the standards of that name maintained by the Australian Accounting Standards Board created by section 226 of the <i>Australian Securities and Investments Commission Act 2001</i> (Cth);
Australian Auditing Standards	refers to the standards made by the Auditing and Assurance Standards Board created by section 227A of the <i>Australian Securities and Investments Commission Act 2001</i> (Cth);
Australian Privacy Principle	has the same meaning as it has in the <i>Privacy Act 1988</i> (Cth).
Budget	means the budget set out in Annexure B of the Schedule;
Business Day (in a place)	means a weekday other than a public holiday in the place specified or, if no place is specified, in the State or Territory specified in Item M of the Schedule;
Capital Works	means any part of the Activity that comprises construction and building activities and includes the Capital Works listed at item E.2.2 of the Schedule.

Commence Construction	means to begin a continuous programme of on-site construction for the Activity's Capital Works. For the purposes of this definition, only significant and continuous site preparation work such as major clearing or excavation or placement or assembly, or installation of facilities or equipment at the site constitute a programme of on-site construction.
Commonwealth	where the context permits, includes officers, delegates, employees and agents and successors of the Department of Infrastructure and Regional Development;
Commonwealth Material	means any Material: <ul style="list-style-type: none"> a. provided by the Commonwealth to the Recipient for the purposes of this Agreement; or b. derived at any time from the Material referred to in paragraph a;
Completion Date	means the day after the Recipient has done all that it is required to do under clauses 2 and 6 of this Agreement to the satisfaction of the Commonwealth;
Constitution	means (depending on the context): <ul style="list-style-type: none"> a. a company's constitution, which (where relevant) includes rules and any amendments that are part of the company's constitution, or b. in relation to any other kind of body: <ul style="list-style-type: none"> i. the body's charter, rules or memorandum, or ii. any instrument or Law constituting or defining the constitution of the body or governing the activities of the body or its members.
Cost Estimate	means the estimate for the Project which is the sum of the Funding and Other Contributions specified in Annexure B to the Schedule.
Cost Item	means an item of expenditure specified in the Budget at Annexure B to the Schedule.
Confidential Information	means: <ul style="list-style-type: none"> a. the information described in Item N; and b. information that the parties agree in writing after the Date of this Agreement is confidential information for the purposes of this Agreement;

Date of this Agreement	means the date written on the execution page of this Agreement, or if no date or more than one date is written there, then the date on which the Agreement is signed by the last party to do so;
Depreciated	means the amount representing the reduction in value of an Asset calculated in accordance with Australian Accounting Standards;
Director	means any of the following: <ul style="list-style-type: none"> a. a person appointed to the position of a director or alternate director and acting in that capacity for a body corporate within the meaning of the <i>Corporations Act 2001</i> (Cth) regardless of the name given to their position; b. a member of the governing committee of an Aboriginal and Torres Strait Islander corporation under the <i>Corporations (Aboriginal and Torres Strait Islander) Act 2006</i> (Cth); c. a member of the committee of an organisation incorporated pursuant to State or Territory laws relating to the incorporation of associations; or d. a member of the board, committee or group of persons (however described) that is responsible for managing or overseeing the affairs of the body corporate;
Dispose	means to sell, licence, lease or sublease, or otherwise transfer or give up ownership or the right to occupy or use, or to enter into an agreement to do any of the preceding acts and 'Disposal' means the method of so disposing;
Existing Material	means all Material in existence prior to the Date of this Agreement: <ul style="list-style-type: none"> a. incorporated in; b. supplied with, or as part of; or c. required to be supplied with, or as part of, the Activity Material;
Financial Year	means each period from 1 July to the following 30 June occurring during the Term, or any part of such a period occurring at the beginning or end of the Term;

- Funding** means:
- a. the amount or amounts (in cash or kind) payable by the Commonwealth under this Agreement as specified in Item A.7 and Annexure A of this Agreement, and
 - b. any interest earned on the Funding once paid by the Commonwealth to the Recipient;
- GST** has the meaning that it has in the *A New Tax System (Goods and Services Tax) Act 1999 (Cth)*;
- Information Officer** means any of the information officers appointed under the *Australian Information Commissioner Act 2010 (Cth)* when performing privacy functions as defined in that Act;
- Intellectual Property** includes:
- a. all copyright (including rights in relation to phonograms and broadcasts);
 - b. all rights in relation to inventions, plant varieties, trademarks (including service marks), designs, circuit layouts; and
 - c. all other rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields;
- but does not include:
- d. Moral Rights;
 - e. the non-proprietary rights of performers; or
 - f. rights in relation to confidential information;

Law

includes:

- a. Acts of the Commonwealth and the State(s) and Territory(s) in which the Activity will be undertaken, and any other relevant State or Territory;
- b. ordinances, regulations, by-laws, orders and proclamations or other instruments of legal effect made under those Acts referred to in paragraph (a);
- c. directions by any person exercising statutory powers regarding the Recipient or the Activity, including the Real Property; and
- d. all the requirements, standard, approvals, licences, registrations or permits of any government (including local government) department, authority, agency or regulatory body that apply to the Activity, including the Real Property;

Material

means anything in relation to which Intellectual Property rights arise;

Milestone

means a milestone or stage of completion of the Activity as set out in Annexure A of this Agreement;

Moral Rights

includes the following rights of an author of copyright Material:

- a. the right of attribution of authorship;
- b. the right of integrity of authorship; and
- c. the right not to have authorship falsely attributed;

**Open Access
Licence**

means a licence to the public on broad open access terms that allows any member of the public to perform a wide range of acts in respect of the material subject to certain restrictions. An Open Access Licence includes any Australian Government open access licence and any Creative Commons Attribution licence (see <http://creativecommons.org.au/learn-more/licences>);

Operational

means that the completed Project is operating in a way that enables it to achieve its Purpose;

Operational Period

means the period during which the Recipient must keep the completed Project Operational;

Other Contributions	means financial or in-kind resources (with in-kind resources valued at cost other than the Funding, which are specified in Item C and Annexure B of the Schedule and are to be used by the Recipient to perform the Activity;
Personnel	means: <ol style="list-style-type: none"> in relation to the Recipient - any natural person who is an officer, employee, agent, or professional advisor of the Recipient or its subcontractors; and in relation to the Commonwealth - any natural person, other than a person referred to in paragraph a, who is an officer, employee, agent or professional advisor of the Commonwealth;
Privacy Act	refers to the <i>Privacy Act 1988</i> (Cth);
Programme	means the Community Development Grants programme under which the Commonwealth is able to provide Funding to the Recipient.
Programme Guidelines	refers to the guidelines for the Programme, if any, as described in Item A of the Schedule;
Programme Objectives	means the objectives of the Programme, as set out in the Programme Guidelines or otherwise in Item A of the Schedule;
Project	has the meaning given in Item A.2 of the Schedule and includes the Activity;
Project Completion Date	means the date specified in item A.2 of the Schedule, which is the date by which the Recipient must complete the Project;
Purpose	means the purpose of the Project as set out at item A.3 of the Schedule;
Qualified Accountant	means a person who is a member of the Institute of Chartered Accountants in Australia or of CPA Australia;
Recipient	includes, where the context permits, the officers, employees, agents, volunteers and subcontractors, and successors of the Recipient;
Records	includes documents, information and data stored by any means and all copies and extracts of the same;

Report	means Activity Material that is provided to the Commonwealth for reporting purposes as stipulated in Item D of the Schedule;
Real Property	means: <ol style="list-style-type: none"> any land, buildings or fixtures including the Capital Works (both during and after completion) and the Works Locations; and any interest in the property specified in paragraph (a); that are purchased, leased, upgraded or otherwise created or brought into existence wholly or in part with the use of the Funding and includes the property listed at item E.2.1 of the Schedule.
Schedule	means the schedule to this Agreement and may include Annexures and incorporate other documents by reference;
Specified Personnel	means the Recipient's Personnel specified in Item I as Personnel required to undertake all or any part of the Activity;
Term	refers to the period described in clause 1.4.1 of this Agreement;
Third Party Interest	means any legal or equitable right, interest, power or remedy in favour of any person other than the Commonwealth or the Recipient in connection with the Agreement, including any right of possession, receivership, control or power of sale, and any mortgage, charge, security or other interest;
Undepreciated	in relation to the value of an Asset, means the value of the Asset which has not been Depreciated; and
Works Location	means a location where the Capital Works are to be undertaken including any premises in, or land on, which those Capital Works are to be undertaken and includes a Works Location listed in item E.2.3 of the Schedule.

1.2. Interpretation

1.2.1. In this Agreement, unless the contrary intention appears:

- words importing a gender include any other gender;
- words in the singular include the plural and words in the plural include the singular;
- clause headings are for convenient reference only and have no effect in limiting or extending the language of provisions to which they refer;

- d. words importing a person include a partnership and a body whether corporate or otherwise;
- e. a reference to dollars is a reference to Australian dollars;
- f. a reference to any legislation or legislative provision includes any statutory modification, substitution or re-enactment of that legislation or legislative provision;
- g. if any word or phrase is given a defined meaning, any other part of speech or other grammatical form of that word or phrase has a corresponding meaning;
- h. the use of the word “includes” or “including” in relation to a right or obligation of a party, does not limit or restrict the scope of that right or obligation;
- i. a reference to a clause is a reference to a clause in this Agreement;
- j. a reference to an Item is a reference to an Item in the Schedule;
- k. the Schedule and any attachments form part of the Agreement;
- l. if any conflict arises between the terms and conditions contained in the clauses of this Agreement and any part of the Schedule (and attachments if any), the terms and conditions of the clauses prevail; and
- m. if any conflict arises between any part of the Schedule and any part of an attachment, the Schedule prevails.

1.3. **Guidance on construction of Agreement**

- 1.3.1. This Agreement records the entire agreement between the parties in relation to its subject matter.
- 1.3.2. As far as possible all provisions of this Agreement will be construed so as not to be void or otherwise unenforceable.
- 1.3.3. If any clause in this Agreement is void or otherwise unenforceable then that clause will be severed to the extent it is void and unenforceable and the rest of the Agreement remains in force.
- 1.3.4. A provision of this Agreement will not be construed to the disadvantage of a party solely on the basis that it proposed or prepared that provision.
- 1.3.5. This Agreement may be executed in counterparts. All executed counterparts constitute one document.

1.4. **Duration of Term**

- 1.4.1. The Term of this Agreement commences on the Date of the Agreement and, unless terminated earlier, it expires on the Completion Date.

2. **Activity, Project and Operational Period**

2.1. **Conduct of Activity**

- 2.1.1. The Recipient agrees to carry out the Activity:

- a. to achieve the Activity Objectives;
- b. to assist the Programme to meet the Programme Objectives;
- c. to meet the Milestones;
- d. within the Activity Period;
- e. in an efficient, effective, economical and ethical manner;
- f. in accordance with this Agreement; and
- g. diligently and to a high standard.

2.1.2. Where the Commonwealth is satisfied that the Recipient does not have the capacity to adequately:

- a. manage the Funding; or
- b. undertake the Activity in accordance with this Agreement,
the Commonwealth may by written notice immediately:
- c. suspend, reduce or cease the release of Funding to the Recipient; and/or
- d. require the Recipient to refund some or all of the Funding to the Commonwealth; or
- e. terminate the Agreement in accordance with the provisions of clause 17.

2.2. **Liaison and monitoring**

2.2.1. The Recipient agrees to:

- a. liaise with and provide information to the Commonwealth as reasonably notified by the Commonwealth; and
- b. comply with all of the Commonwealth's reasonable requests, directions or monitoring requirements.

2.2.2. In relation to conducting a review and final evaluation of the Programme, the Recipient agrees to:

- a. provide all reasonable assistance required by the Commonwealth;
- b. respond to all of the Commonwealth's reasonable requests; and
- c. provide any information the Commonwealth reasonably requires.

2.2.3. Each of the parties may nominate, from time to time, a person who has authority to receive and sign notices and written communications for each of them under this Agreement and accept any request or direction in relation to the Activity.

2.3. **Subcontractors**

2.3.1. The Recipient is fully responsible for the performance of the Recipient's obligations under this Agreement, even though the Recipient may have subcontracted any of them.

2.3.2. Unless the Commonwealth agrees otherwise, the Recipient must have a written contract with each of the Recipient's subcontractors (subcontract) and ensure

that each subcontract is consistent with, and allows the Recipient to give effect to, the Recipient's obligations under this Agreement. If requested by the Commonwealth, the Recipient must notify the Commonwealth of any subcontractors appointed to carry out any of the Recipient's obligations under this Agreement. The Recipient must notify the Commonwealth no later than 20 Business Days after the request from the Commonwealth.

- 2.3.3. The Recipient is responsible for ensuring the suitability of a subcontractor for the work proposed to be carried out and for ensuring that such work meets the requirements of this Agreement. The Commonwealth may direct the Recipient to terminate a subcontracting arrangement by notifying the Recipient in writing.
- 2.3.4. Upon receipt of a written notice from the Commonwealth directing the Recipient to terminate a subcontracting arrangement, the Recipient must, as soon as practicable (or as the Commonwealth may direct in the notice), cease using that subcontractor to perform any of the Recipient's obligations unless the Commonwealth directs that the subcontractor be replaced immediately, in which case the Recipient must comply with the direction.
- 2.3.5. If the Commonwealth directs the Recipient to terminate a subcontracting arrangement, the Recipient remains liable under this Agreement for the past acts or omissions of the Recipient's subcontractors as if they were current subcontractors.
- 2.3.6. The Recipient must, in any subcontract placed with a subcontractor, reserve a right of termination to take account of:
- a. The Commonwealth's right to direct the Recipient to terminate that subcontract under subclause 2.3; and
 - b. The Commonwealth's right of termination under clause 17,
- and the Recipient must make use of that right in the event of a termination by the Commonwealth.
- 2.3.7. The Recipient must, in any subcontract placed with a subcontractor, include a requirement for insurance that is consistent with the requirement for insurance under clause 21.5.
- 2.3.8. The Recipient must not enter into a subcontract under this Agreement with a subcontractor named by the Director of the Workplace Gender Equality Agency as an employer currently not complying with the Workplace Gender Equality Act 2012 (Cth).
- 2.3.9. For the purpose of this Agreement, 'subcontractor' includes any other member of the Recipient's consortium who is involved in the performance of the Activity.
- 2.4. **Reserve**
- 2.4.1. The Recipient agrees that the Specified Personnel will perform work in relation to the Activity in accordance with this Agreement.
- 2.4.2. If Specified Personnel are unable to perform the work as required under this clause 2.4, the Recipient agrees to notify the Commonwealth immediately.

2.4.3. The Recipient agrees, at the request of the Commonwealth acting in its absolute discretion, to remove Personnel (including Specified Personnel) from work in relation to the Activity.

2.4.4. If clause 2.4.2 or clause 2.4.3 applies, the Recipient will provide replacement Personnel acceptable to the Commonwealth at no additional cost and at the earliest opportunity.

2.5. **Responsibility of the Recipient**

2.5.1. The Recipient is fully responsible for the performance of the Activity and for ensuring compliance with the requirements of this Agreement, and will not be relieved of that responsibility because of any:

- a. involvement by the Commonwealth in the performance of the Activity;
- b. subcontracting of the Activity;
- c. acceptance by the Commonwealth of Specified Personnel; or
- d. payment of any amount of Funding to the Recipient.

2.6. **Reports**

2.6.1. The Recipient agrees to provide to the Commonwealth written Reports in the manner specified in Item D of the Schedule.

2.7. **Project**

2.7.1. The Recipient must complete the Project by the Project Completion Date.

2.8. **Operational Period**

2.8.1. The Recipient must keep the completed Project Operational during the Operational Period specified in Item A.4 of the Schedule.

2A. Capital Works

2A.1. **Performance**

2A.1.1 The Recipient must perform the Capital Works:

- a. in accordance with the designs and plans submitted by the Recipient to the Commonwealth;
- b. in a good and workmanlike manner by qualified tradespeople; and
- c. with a minimum of delay.

2A.2. **Applicable Laws**

2A.2.1 The Recipient warrants and agrees that the Capital Works (whether undertaken before, on or after the Date of this Agreement) have been (if applicable) and will be carried out in accordance with all applicable Laws including, but not limited to, all necessary planning and regulatory approvals.

2A.2.2 The Recipient agrees to ensure that:

- a. the Works Locations comply at all times with all applicable Laws regarding their use as a site for the Capital Works; and
- b. the completed Capital Works comply with all Laws relating to their ongoing use throughout the Operational Period.

2A.3. **Commence Construction**

- a. The Recipient must Commence Construction required for the Activity within twelve months of the Date of this Agreement;
- b. The Recipient must notify the Commonwealth that the Recipient has Commenced Construction for the Activity, within five (5) Business Days of Commencing Construction; and
- c. If the Recipient fails to Commence Construction required for the Activity within six months of the Date of this Agreement, the Commonwealth may give the Recipient notice requiring the Recipient to repay the Commonwealth all or part of the Funding that the Commonwealth has previously paid to the Recipient within the period specified in the notice.

2A.4. **Completion**

2A.4.1 The Recipient must:

- a. plan, control, manage, co-ordinate and carry out the Capital Works in a manner that enables completion of all activities comprising the Capital Works by the Project Completion Date;
- b. in addition to the Recipient's reporting obligations under item D of Schedule 1, the Recipient must provide the Commonwealth with written evidence satisfactory to the Commonwealth of the completion of the Capital Works, no later than 10 Business Days after the end of the Project Completion Date; and
- c. consult the Commonwealth in advance about any proposed change to, the scope or timing of the Capital Works which is likely to delay the completion of the Capital Works, detailing the extent, or likely extent, of the change and the reasons for it.

3. Funding

3.1. **Payment of Funding**

- 3.1.1. Subject to sufficient funds being available, and compliance by the Recipient with this Agreement, the Commonwealth agrees to provide the Recipient with the Funding at the times and in the manner specified in Annexure A.
- 3.1.2. The Commonwealth is not responsible for the provision of additional money to meet any expenditure in excess of the Funding.

3.2. **Commonwealth's right to suspend payment or reduce the amount of Funding**

3.2.1. Without limiting the Commonwealth's rights, the Commonwealth may suspend any payment in whole or in part until the Recipient has performed its obligations under this Agreement.

3.2.2. Reserved.

3.2.3. The Commonwealth may reduce the amount of Funding payable under this Agreement where the Recipient:

- a. owes money to the Commonwealth, or
- b. has money that the Recipient should have, but has not yet, acquitted under any arrangement with the Commonwealth (whether contractual, statutory or otherwise).

3.2.4. Notwithstanding such suspension of any payments or reduction in the amount of the Funding, the Recipient agrees to continue to perform any obligations under this Agreement.

4. Taxes, duties and government charges

4.1.1. Except as provided by clause 4, the Recipient agrees to pay all taxes, duties and government charges imposed or levied in Australia or overseas in connection with the performance of this Agreement.

4.1.2. Unless otherwise indicated, any Funding and all other consideration for any supply made under this Agreement is exclusive of any GST imposed on the supply.

4.1.3. If one party (the supplier) makes a taxable supply to the other party (the taxable supply recipient) under this Agreement, on receipt of a tax invoice from the supplier, the taxable supply recipient will pay without setoff an additional amount to the supplier equal to the GST imposed on the supply in question.

4.1.4. No party may claim or retain from the other party any amount in relation to a supply made under this Agreement for which the first party can obtain an input tax credit or decreasing adjustment.

5. Debt and Interest

5.1.1. In this clause 5, '**Interest**' means interest calculated at an interest rate equal to the general interest charge rate for a day pursuant to section 8AAD of the *Taxation Administration Act 1953* (Cth), on a daily compounding basis.

5.1.2. The Recipient agrees, upon request of the Commonwealth, to pay any amount owed or payable to the Commonwealth or which the Commonwealth is entitled to recover from the Recipient under this Agreement, including if demanded by the Commonwealth any Interest, as a debt due by the Recipient without further proof of the debt by the Commonwealth being necessary. Such payment is without prejudice to any other rights available to the Commonwealth under the Agreement, under statute, at law or in equity.

- 5.1.3. If the Commonwealth notifies the Recipient that an amount is to be refunded or otherwise paid to the Commonwealth and the amount is not refunded or paid within 20 Business Days, or as otherwise notified by the Commonwealth, the Recipient agrees to pay Interest, unless the Commonwealth notifies the Recipient otherwise, on the amount outstanding after the expiry of the date it was due, until the amount is paid in full.
- 5.1.4. In respect to any obligation the Recipient may have under this Agreement to pay the Commonwealth any Interest, the Recipient agrees that the Interest represents a reasonable pre-estimate of the loss incurred by the Commonwealth.

6. Management of Funding

- 6.1.1. The Recipient agrees to spend the Funding only for the Activity in accordance with this Agreement.

6.2. Budget

- 6.2.1. The Recipient agrees to only spend the Funding for the Activity and in accordance with the Budget.
- 6.2.2. Subject to clauses 6.2.3 and 6.2.4, the Recipient may spend the Funding on any separate category of expenditure item within the Budget.
- 6.2.3. The Recipient agrees to obtain prior written approval from the Commonwealth for any transfer of Funding between categories of expenditure items within the Budget which exceed a percentage of the total Budget as specified in Item B of the Schedule.
- 6.2.4. The total amount of transfers in any Financial Year must also not exceed the percentage of the Budget specified in Item B of the Schedule.

6.3. Account and financial records

- 6.3.1. The Recipient agrees to ensure that the Funding is held in an account in the Recipient's name and which the Recipient solely controls, with an authorised deposit-taking institution authorised under the *Banking Act 1959* (Cth) to carry on banking business in Australia and that is an account that complies with any other requirements specified in Item A.7 in the Schedule.
- 6.3.2. Reserved
- 6.3.3. The Recipient must, in relation to the account referred to in clause 6.3.1:
- a. notify the Commonwealth, prior to the receipt of any Funding, of details sufficient to identify the account;
 - b. on notification from the Commonwealth, provide the Commonwealth and the authorised deposit-taking institution with a written authority for the Commonwealth to obtain any details relating to any use of the account;
 - c. if the account changes, notify the Commonwealth within 10 Business Days of the change occurring and provide the Commonwealth with details of the new account; and
 - d. reserved.

6.3.4. The Recipient agrees to:

- a. keep financial accounts and records relating to the Funding and the Project and Activity that identify
 - i. all receipts and payments related to the Project and Activity; and
 - ii. all interest earned on the Funding.
- b. unless otherwise notified by the Commonwealth, prepare financial statements for the Project and Activity in accordance with Australian Accounting Standards including:
 - i. Reserved; and
 - ii. a register of the Assets and a register of Real Property created, acquired, written-off or Disposed of during the Financial Year to date compared with the Budget; and
- c. arrange for the audit of those accounts and records in accordance with Australian Auditing Standards.

6.4. **Use as security**

6.4.1. Except with the prior written approval of the Commonwealth, the Recipient agrees not to use any of the following as any form of security for the purpose of obtaining or complying with any form of loan, credit, payment or other interest, or for the preparation of, or in the course of, any litigation:

- a. the Funding;
- b. this Agreement or any of the Commonwealth's obligations under the Agreement; or
- c. any Assets or Intellectual Property Rights in the Activity Material.

6.5. **Refunds of unexpended and misspent Funds**

6.5.1. If at any time during the term of this Agreement (including on the Completion Date):

- a. there remains an amount of Funding that has not been spent or legally committed for expenditure in accordance with the Agreement and the period in which that Funding was expected to be spent or legally committed has passed; or
- b. an amount of Funding has been spent in contravention of the Agreement, the Commonwealth may (at its discretion and in addition to any other rights it may have) by notice in writing to the Recipient:
- c. require the Recipient to refund this amount to the Commonwealth within 20 Business Days (or other such period specified in the notice); or
- d. reduce any further payments of Funding to the Recipient (if applicable) by an amount up to this amount.

6.5.2. If clause 6.5.1.a applies, the Commonwealth may by notice in writing require the Recipient to otherwise deal with this amount in accordance with any conditions

that the Commonwealth considers appropriate, including conditions relating to the ongoing use and expenditure by the Recipient of that amount for particular goals or objectives associated with the Activity

- 6.5.3. The Recipient must immediately notify the Commonwealth in writing if any of the events in clauses 6.5.1.a or 6.5.1.b occurs.
- 6.5.4. If the completed Project ceases to be Operational during the Operational Period, the Commonwealth may give the Recipient notice requiring the Recipient to repay all or part of the Funding to the Commonwealth within the period specified in the notice and the Recipient must comply with that notice.
- 6.5.5. On completion of the Project, if the cost of the completed Project is less than the Cost Estimate, the Commonwealth may give the Recipient notice requiring the Recipient to return any unexpended Funding to the Commonwealth within the period specified in the notice and the Recipient must comply with that notice.
- 6.5.6. This clause survives termination or expiry of the Agreement.

7. Other Contributions and Cost Savings

7.1. Other Contributions

- 7.1.1. The Recipient must, within six (6) months of the date of the Agreement provide to the Commonwealth satisfactory written evidence that confirms the Other Contributions identified in Item C and detailed in Annexure B of the Schedule, including the amounts to be provided, the due dates for each of these amounts and the terms and conditions of the provision of the Other Contributions.
- 7.1.2. If, for any reason, the Recipient is not able to obtain the Other Contributions (including any part thereof) as required under this Agreement, then the Commonwealth may:
 - a. suspend payment of the Funding or an instalment of the Funding until the the Other Contributions are obtained (as the case may be);
 - b. reduce the total Funding payable under this Agreement by an amount that, in the Commonwealth's opinion, represents an equivalent proportion of the overall reduction in the total value of the Other Contributions (as the case may be) resulting from the failure; or
 - c. terminate this Agreement in accordance with clause 17.2.
- 7.1.3. The Recipient must notify the Commonwealth in writing as soon as possible after it becomes aware of any likely or actual failure (for any reason) to obtain the Other Contributions (including any part thereof) as required under this Agreement.
- 7.1.4. The Recipient agrees to notify the Commonwealth within 10 Business Days of entering into any arrangement under which the Recipient is entitled to receive any additional monetary or in-kind contributions in respect of the Project and Activity that are not identified as Other Contributions in Item C and Annexure B of the Schedule. Any such additional contribution that the Recipient becomes entitled to receive after the Date of this Agreement constitutes Other Contributions for the purposes of the Agreement (and Schedule 1 is deemed to

be varied accordingly) on the date on which the Recipient notifies the Commonwealth of that contribution under this clause 7.1.4.

7.1.5. If the Recipient is provided with or obtains (and/or was required to provide or obtain) any Other Contributions and the cost of the completed Project is less than the Cost Estimate, the Commonwealth may give the Recipient notice requiring the Recipient to return to the Commonwealth, within the period specified in the notice, an amount equal to the Commonwealth's Proportion of the Cost Savings. In this subclause 7.1.5, 'the Commonwealth's Proportion of the Cost Savings' means savings \times % where:

- a. savings = (the Cost Estimate – the actual cost of the Project - any Funds previously repaid to the Commonwealth under this Agreement); and
- b. % = (the Funding \div (the maximum Funding + the maximum Other Contributions excluding any in-kind Other Contributions).

7.1.6. If the Recipient receives a notice given by the Commonwealth under subclause 18, the Recipient must comply with the notice within the period specified within the notice.

7.2. Cost Savings

7.2.1. Subject to compliance with this Agreement, the Recipient must:

- a. continually identify any costs saving or efficiency measures in carrying out the Activity; and
- b. in consultation with the Commonwealth:
 - i. implement those costs saving or efficiency measures;
 - ii. ensure that any reductions in expenditure for the Activity that result from those costs saving or efficiency measures are accounted for and allocated equitably in proportion to the relative total values of the Funding, the Recipient Contributions and the Other Contributions (as applicable) as committed to the Activity.

8. Statutory Approvals

8.1 The Recipient must obtain all necessary statutory approvals in relation to the Project, including those specified in item K of the Schedule, and the Recipient must give the Commonwealth, within six (6) months after the Date of this Agreement, satisfactory written evidence that these statutory approvals have been obtained.

8.1A The Recipient must also provide satisfactory written evidence that the statutory approvals obtained under subclause 8.1 are sufficient for the Recipient to Commence Construction within six months after the Date of this Agreement.

8.2 If the Recipient does not comply with the requirement in subclause 8.1, the Commonwealth may at the Commonwealth's sole discretion:

- a. suspend payment of the Funding until the evidence of the statutory approvals referred to in subclause 8.1 has been received; or

- b. terminate this Agreement in accordance with clause 17.2.

9. Assets

9.1. Acquisition of Asset

- 9.1.1. The Recipient agrees not to use the Funding to acquire or create any Asset, apart from those detailed in the Item E, without obtaining the Commonwealth's prior written approval. Approval may be given subject to any conditions the Commonwealth may impose.
- 9.1.2. Unless it is specified in Item E that the Commonwealth or a third party owns the Asset or the Commonwealth provides written consent to a third party owning the Asset, then the Recipient must ensure that it owns any Asset acquired with the Funding.

9.2. Terms applicable to Asset

- 9.2.1. If the Commonwealth owns the Asset clauses 9.4 and 9.6.2 do not apply.
- 9.2.2. If the Asset is owned by a third party then the Recipient agrees to ensure that the terms of the lease, hire or finance arrangement are consistent with clause 9.3, and clauses 9.4, 9.5 and 9.6 do not apply.

9.3. Recipient's responsibilities for Asset

- 9.3.1. Throughout the Term, the Recipient agrees to:
 - a. use any Asset in accordance with this Agreement and for the purposes of the Activity;
 - b. not encumber or Dispose of any Asset, or deal with or use any Asset other than in accordance with this clause 9 without the Commonwealth's prior written approval;
 - c. hold all Assets securely and safeguard them against theft, loss, damage, or unauthorised use;
 - d. maintain all Assets in good working order;
 - e. maintain all appropriate insurances for all Assets to their full replacement cost noting the Commonwealth's interest, if any, in the Asset under the Agreement;
 - f. if required by law, maintain registration and licensing of all Assets;
 - g. be fully responsible for, and bear all risks relating to, the use or Disposal of all Assets; and
 - h. if specified in Item E, maintain an Assets register in the form and containing the details as described in Item E and as and when requested by the Commonwealth, provide copies of the Assets register to the Commonwealth.

9.4. Sale or Disposal of Asset during Term

9.4.1. If the Recipient Disposes of an Asset during the Term of this Agreement, the greater of the following proportions must, unless the Commonwealth otherwise directs, be accounted for as Funding and used for the Activity:

- a. the proportion of the sale proceeds from the Asset; or
- b. the proportion of the Undepreciated value of the Asset,

that is equivalent to the proportion of the cost of the Asset that was funded from the Funding.

9.5. Loss, damage, etc of Asset

9.5.1. If any of the Assets are lost, damaged or destroyed, the Recipient agrees to promptly reinstate the Assets including from the proceeds of the insurance, and this clause 9 continues to apply to the reinstated Assets. The proportion of any surplus from the proceeds of the insurance, which reflects the proportion of the cost of the Asset that was funded from the Funding, must be notified to the Commonwealth and accounted for as Funding and used for the Activity.

9.6. Dealing with Asset

9.6.1. On expiry of the Activity Period or earlier termination of the Agreement, the Commonwealth may require the Recipient to deal with an Asset as the Commonwealth may, at the sole discretion of the Commonwealth, notify the Recipient.

9.6.2. Subject to clause 9.6.1, if on expiry of the Activity Period or the earlier termination of this Agreement, an Asset has not been fully Depreciated, the Commonwealth may, by written notice, require the Recipient to:

- a. pay to the Commonwealth within 20 Business Days of the expiry of the Activity Period or earlier termination of the Agreement, an amount equal to the proportion of the Undepreciated value of the Asset that is equivalent to the proportion of the cost of the Asset that was funded from the Funding;
- b. sell the Asset for the best price reasonably obtainable and pay to the Commonwealth within 20 Business Days of the sale the proportion of the proceeds of the sale that is equivalent to the proportion of the cost of the Asset (less an amount equal to the reasonable Disposal costs incurred by the Recipient) that was funded from the Funding; or
- c. continue to use the Asset for the purposes, and in accordance with any conditions, notified by the Commonwealth.

10. Real Property

10.1. Approval

10.1.1 The Recipient must obtain the Commonwealth's prior written approval to spend the Funding on any Real Property that is not specifically identified in the Budget. The Commonwealth may grant that approval subject to conditions.

10.2. Outgoings

10.2.1 The Recipient must pay all rents, rates, taxes, levies and other outgoings of any nature in relation to the Real Property. The Funding must not be used to pay rent.

10.3. Recipient's Responsibilities for Real Property

10.3.1 Throughout the Term of this Agreement, including the Operational Period, the Recipient agrees to:

- a. hold the Real Property securely and safeguard it against theft, loss, damage, or unauthorised use;
- b. maintain the Real Property in good condition;
- c. maintain all appropriate insurances for the Real Property to its full replacement cost and use that insurance to rectify any damage to or destruction to the Real Property and this clause 10.3.1 continues to apply to the Real Property once rectified. The Recipient must notify the Commonwealth of any surplus from the proceeds of this insurance and the Recipient must use and account for that surplus as Funding under this Agreement;
- d. if required by any Law, maintain registration and licensing of the Real Property;
- e. be fully responsible for, and bear all risks relating to, the use or Disposal of all Real Property;
- f. if specified in item E.2 of the Schedule, maintain a Real Property register in the form and containing the details as described in that item of the Schedule; and
- g. as and when requested by the Commonwealth, provide copies of the Real Property register to the Commonwealth.

10.4. Recipient's Use of Real Property

10.4.1. The Recipient agrees to ensure that:

- a. the Real Property is used for, and is fit to be used for, the Purpose specified in item A.3 of the Schedule throughout the Operational Period; and
- b. the use of the Real Property for the Purpose specified in item A.3 of the Schedule throughout the Operational Period, does not infringe any conditions of the Recipient's ownership or occupation of the Real Property.

10.4.2. Throughout the Operational Period, the Recipient must use the Real Property for the Purpose specified in item A.3 of the Schedule.

10.4.3. If the Commonwealth requests, the Recipient must take all action necessary to grant the Commonwealth a security, including in the form of a charge or mortgage, over the Real Property and on terms acceptable to the Commonwealth.

10.5. Third Party Interests

- 10.5.1. If a third party has proprietary or other rights or interests in relation to any Real Property, the Recipient agrees to:
- a. enter into legally binding written agreements under which all such third parties agree to:
 - i. the use of the Works Locations to undertake the Capital Works throughout the Activity Period;
 - ii. the use of the Works Locations, and completed Capital Works for the Purpose specified in item A.3 of the Schedule throughout the Operational Period; and
 - iii. the use of any other Real Property for the Activity throughout the Activity Period and for the Purpose specified in item A.3 of the Schedule throughout the Operational Period;
 - b. not do anything that would give any such third party a right to rescind its agreement to one or more of the uses specified in paragraph (a); and
 - c. within 10 Business Days of a request from the Commonwealth, provide evidence to the Commonwealth that the Recipient has complied with the requirements of this subclause 10.5.

10.6. Dealing with Real Property

- 10.6.1. If:
- a. the Agreement is terminated under clause 17.2 and some or all of the Funding has been provided to the Recipient for expenditure on Real Property;
 - b. the Recipient fails to Commence Construction for the Activity within six months of the Date of this Agreement;
 - c. the Recipient Disposes of any Real Property during the Term of this Agreement; or
 - d. the Recipient fails to or ceases to use any Real Property for the Purpose specified in item A.3 of the Schedule at any time during the Operational Period
- then:
- e. the Recipient must notify the Commonwealth at least 20 Business Days prior to the event in paragraph (b), (c) or (d) occurring; and
 - f. the Commonwealth may give the Recipient a notice requiring the Recipient to repay the Commonwealth some or all of the Funding provided under this Agreement and the Recipient must repay the amount specified in any such notice within the period specified in that notice.
- 10.6.2. If the Recipient fails to pay the Commonwealth an amount as required by a notice given under subclause 10.6.1:

- a. the Recipient must pay the Commonwealth the Interest on the unpaid amount from the date it was due, for the period it remains unpaid; and
 - b. that amount, and Interest owed under this subclause 10.6.2, will be recoverable by the Commonwealth as a debt due to the Commonwealth by the Recipient.
- 10.6.3. The provisions relating to this clause 10 shall survive the termination or expiration of this Agreement.

11. Records

11.1. Keeping Records

- 11.1.1. The Recipient must create and maintain full and accurate accounts and records of the conduct of the Project and Activity including, without limitation, all:
 - a. progress against the Milestones;
 - b. receipt and use of Funding;
 - c. Other Contributions (if any); and
 - d. creation, acquisition and Disposal of Assets or Real Property.

11.2. Retention of Records

- 11.2.1. The Recipient agrees to create and maintain records and accounts under clause 11.1.1 and retain them for a period of no less than seven (7) years after the end of the Term.

12. Intellectual Property

12.1. Use of Commonwealth Material

- 12.1.1. The Commonwealth grants a royalty-free, non-exclusive licence for the Recipient to use, reproduce and adapt the Commonwealth Material for the purposes of this Agreement.
- 12.1.2. The Recipient agrees to use the Commonwealth Material strictly in accordance with any conditions or restrictions the Commonwealth may notify to the Recipient.

12.2. Rights in Activity Material

- 12.2.1. Subject to this clause 12, Intellectual Property in Activity Material vests or will vest in the Recipient.
- 12.2.2. Clause 12.2.1 does not affect the ownership of Intellectual Property in any Commonwealth Material incorporated into the Activity Material.
- 12.2.3. The Recipient grants to (or will procure for) the Commonwealth a permanent, irrevocable, royalty-free, worldwide, non-exclusive licence (including a right of sublicense) to use, reproduce, exploit, communicate, adapt and distribute the Activity Material for any purpose.

- 12.2.4. The Recipient agrees that the licence granted in clause 12.2.3 includes a right for the Commonwealth to licence the Activity Material to the public under an Open Access Licence.
- 12.2.5. The Recipient agrees, on request by the Commonwealth, to create, sign, execute or otherwise deal with any document necessary or desirable to give effect to this clause 12.
- 12.2.6. The Recipient warrants that:
- a. it is entitled; or
 - b. it will be entitled at the relevant time,
- to deal with the Intellectual Property in the Activity Material in the manner provided for in this clause 12.

12.3. **Moral Rights**

- 12.3.1. In this clause 12.3:

Permitted Acts

means any of the following classes or types of acts or omissions:

- a. using, reproducing, adapting or exploiting all or any part of the Activity Material, with or without attribution or authorship;
- b. supplementing the Activity Material with any other Material;
- c. using the Activity Material in a different context to that originally envisaged; and
- d. releasing the Activity Material to the public under an Open Access Licence;

but does not include false attribution of authorship.

- 12.3.2. Where the Recipient is a natural person and the author of the Activity Material he or she:
- a. consents to the performance of the Permitted Acts by the Commonwealth or any person claiming under or through the Commonwealth (whether occurring before or after the consent is given); and
 - b. acknowledges that their attention has been drawn to the Commonwealth's general policies and practices regarding Moral Rights.
- 12.3.3. Where clause 12.3.1 does not apply, the Recipient agrees:
- a. to obtain from each author a written consent which extends directly or indirectly to the performance of the Permitted Acts by the Commonwealth or any person claiming under or through the Commonwealth (whether occurring before or after the consent is given) and, upon request, will provide the executed original of any such consent to the Commonwealth; and

- b. to ensure that each author's attention is drawn to the Commonwealth's general policies and practices regarding Moral Rights.

12.3.4. This clause 12.3 does not apply to any Commonwealth Material incorporated in the Activity Material.

13. Confidential Information

13.1. Confidential Information not to be disclosed

13.1.1. Subject to clause 13.2.1, a party must not, without the prior written consent of the other party, disclose any Confidential Information of the other party to a third party.

13.2. Written Undertakings

13.2.1. The Recipient must, on request by the Commonwealth at any time, arrange for:

- a. its Personnel; or
- b. any person with a Third Party Interest,

to give a written undertaking in a form acceptable to the Commonwealth relating to the use and non-disclosure of the Commonwealth's Confidential Information.

13.3. Exceptions to Obligations

13.3.1. The obligations on the parties under this clause 13.3 will not be taken to have been breached to the extent that Confidential Information:

- a. is disclosed by a party to its Personnel solely in order to comply with obligations, or to exercise rights, under this Agreement;
- b. is disclosed to a party's internal management Personnel, solely to enable effective management or auditing of Agreement-related activities;
- c. is disclosed by the Commonwealth to the responsible Minister;
- d. is disclosed by the Commonwealth, in response to a request by a House or a Committee of the Parliament of the Commonwealth of Australia;
- e. is shared by the Commonwealth (including other agencies), where this serves the Commonwealth of Australia's legitimate interests;
- f. is authorised or required by law to be disclosed; or
- g. is in the public domain otherwise than due to a breach of this clause 13.3.

13.3.2. Where a party discloses Confidential Information to another person pursuant to clauses 13.3.1.a - 13.3.1.e, the disclosing party must notify the receiving person that the information is confidential.

13.3.3. In the circumstances referred to in clauses 13.3.1.a, 13.3.1.b and 13.3.1.e, the disclosing party agrees not to provide the information unless the receiving person agrees to keep the information confidential (subject to the exceptions in this clause 13.3).

- 13.3.4. The Recipient agrees to secure all of the Commonwealth's Confidential Information against loss and unauthorised access, use, modification or disclosure.

13.4. **Period of Confidentiality**

- 13.4.1. The obligations under this clause 13.4 will continue, notwithstanding the expiry or termination of this Agreement:
- a. in relation to an item of information described in Item N – for the period set out in respect of that item; and
 - b. in relation to any item of information agreed after the Date of this Agreement to be Confidential Information – for the period agreed by the parties in writing in respect of that item, and if no such period is agreed by the parties, in perpetuity.

13.5. **No reduction in Privacy Obligations**

- 13.5.1. This clause 13 does not detract from any of the Recipient's obligations under the Privacy Act or under clause 21.2.

14. Acknowledgement and publicity

14.1. **Acknowledgement of support**

- 14.1.1. Unless otherwise notified by the Commonwealth, the Recipient agrees, in all publications, promotional and advertising materials, public announcements and activities by the Recipient or on the Recipient's behalf in relation to the Activity, or any products, processes or inventions developed as a result of it, to acknowledge the financial and other support the Recipient has received from the Australian Government, in the manner set out in Item H of the Schedule, or as otherwise approved by the Commonwealth prior to its use.
- 14.1.2. Where the Recipient has been provided with Funding to produce any publication, a copy of the publication must, on request, be provided to the Commonwealth.

14.2. **Right to publicise Funding**

- 14.2.1. The Commonwealth reserves the right to publicise and report on the awarding of Funding to the Recipient. The Commonwealth may do (but is not limited to doing) this by including the Recipient's name, the amount of the Funding given to the Recipient, the date the Agreement commences and its term, and the title, location, purpose and a brief description of the Activity in media releases, general announcements about the Funding, annual reports or through any other means as determined by the Commonwealth.

14.3. **No restriction on advocacy activities**

- 14.3.1. The Commonwealth confirms that, subject to clause 14.3.2:
- a. no right or obligation arising under this Agreement should be interpreted as limiting the Recipient's ability to enter into public debate or criticism of the Commonwealth of Australia or its agencies, employees, servants or agents;

- b. the Commonwealth does not require the Recipient to obtain advance approval of any involvement by the Recipient in public debate or advocacy activities.

14.3.2. Nothing in this clause 14.3 limits or derogates from the Recipient's obligations under clauses 13 and 21.2.

15. Liability

15.1. Proportionate liability regime

15.1.1. To the extent permitted by law, the operation of any legislative proportionate liability regime is excluded in relation to any claim against the Recipient under or in connection with this Agreement.

15.2. Indemnity

15.2.1. The Recipient indemnifies the Commonwealth from and against any:

- a. cost or liability incurred by the Commonwealth;
- b. loss of or damage to property of the Commonwealth; or
- c. loss or expense incurred by the Commonwealth in dealing with any claim against it, including legal costs and expenses on a solicitor/own client basis and the cost of time spent, resources used, or disbursements paid by the Commonwealth,

arising from:

- d. any breach by the Recipient of the Agreement;
- e. any act or omission involving fault by the Recipient in connection with this Agreement;
- f. the use of Assets or Real Property; or
- g. the use by the Commonwealth of the Activity Material, including any claims by third parties about the ownership or right to use the Intellectual Property in the Activity Material.

15.2.2. The Recipient's liability to indemnify the Commonwealth under clause 15.2.1 will be reduced proportionally to the extent that any act or omission involving fault on the part of the Commonwealth or its Personnel contributed to the relevant cost, liability, loss, damage or expense.

15.2.3. The right of the Commonwealth to be indemnified under this clause 15.2 is in addition to, and not exclusive of, any other right, power or remedy provided by law, but the Commonwealth is not entitled to be compensated in excess of the amount of the relevant cost, liability, loss, damage or expense.

15.3. Meaning of 'fault'

15.3.1. In this clause 15, 'fault' means any negligent or unlawful act or omission or wilful misconduct.

16. Dispute resolution

16.1. Procedure for dispute resolution

- 16.1.1. The parties agree that a dispute arising under this Agreement will be dealt with as follows, and that, subject to clause 16.4, neither party will commence legal proceedings in relation to that dispute until this procedure is completed:
- a. the party claiming that there is a dispute will give the other party a notice setting out the nature of the dispute;
 - b. within five (5) Business Days (or such other period as agreed by the parties in writing) each party will nominate a representative not having any prior involvement in the dispute;
 - c. the representatives will try to settle the dispute by direct negotiation between them;
 - d. failing settlement within a further 10 Business Days or such other period as agreed by the parties in writing (or failure of one or both parties to nominate a representative within the period set out in clause 16.1.1.b), the parties may agree to refer the dispute to an independent third person with power:
 - i. to intervene and direct some form of resolution, in which case the parties will be bound by that resolution; or
 - ii. to mediate and recommend some form of non-binding resolution;
 - e. the parties will co-operate fully with any process instigated under clause 16.1.1.d in order to achieve a speedy resolution; and
 - f. if the parties have been unable to agree to refer the dispute to an independent third person, or they have agreed and a resolution is not reached within a further 20 Business Days (or such other period as the parties) may agree in writing), either party may commence legal proceedings.

16.2. Costs

- 16.2.1. Each party will bear its own costs of complying with this clause 16 Dispute resolution, and the parties will bear equally the cost of any third person engaged under clause 16.1.1.d.

16.3. Continued performance

- 16.3.1. Despite the existence of a dispute, the Recipient will (unless requested in writing by the Commonwealth not to do so) continue to perform the Recipient's obligations under this Agreement.

16.4. Application of clause

- 16.4.1. This clause 16 does not apply to:
- a. legal proceedings by either party for urgent interlocutory relief; or
 - b. action by the Commonwealth under or purportedly under clauses 3, 6, 17 and 21.2.

17. Termination or reduction in scope of Agreement

17.1. Termination for convenience

- 17.1.1. The Commonwealth may by notice, at any time and in its absolute discretion, terminate this Agreement or reduce the scope of the Agreement immediately.
- 17.1.2. The Recipient agrees, on receipt of a notice of termination or reduction, to:
- a. stop or reduce the performance of the Recipient's obligations as specified in the notice;
 - b. take all available steps to minimise loss resulting from that termination or reduction;
 - c. continue performing any part of the Activity not affected by the notice; and
 - d. immediately return to the Commonwealth any Funding in accordance with clause 17.1.5, or deal with any such Funding as directed by the Commonwealth.
- 17.1.3. In the event of termination under clause 17.1.1, the Commonwealth will be liable only:
- a. to pay Funding due and owing to the Recipient under the payment provisions of the Agreement before the date of the notice of termination; and
 - b. to reimburse any expenses the Recipient unavoidably incurs that relate directly and entirely to the Activity and not covered by clause 17.1.3.a.
- 17.1.4. The Commonwealth will not be liable to pay amounts under 17.1.3.a and 17.1.3.b which would, added to any payments already paid to the Recipient under this Agreement, together exceed the Funding set out in Item A.7 of the Schedule and Annexure A.
- 17.1.5. The Commonwealth will be entitled to recover from the Recipient any part of the Funding which:
- a. is not legally committed for expenditure by the Recipient in accordance with the Agreement and due and payable by the Recipient by the date that the notice of termination is received; or
 - b. has not, in the Commonwealth's opinion, been spent by the Recipient in accordance with the Agreement.
- 17.1.6. In the event of a reduction in the scope of the Agreement under clause 17.1.1, the Commonwealth's liability to pay any part of the Funding will, unless there is agreement in writing to the contrary, reduce in accordance with the reduction in the Activity.
- 17.1.7. The Commonwealth's liability to pay any compensation under or in relation to this clause 17.1 is subject to:
- a. the Recipient's compliance with this clause 17.1; and
 - b. the Recipient's substantiation of any amount claimed under clause 17.1.3.b.

- 17.1.8. The Recipient will not be entitled to compensation for loss of prospective profits or loss of any benefits that would have been conferred on the Recipient.

17.2. **Termination for fault**

- 17.2.1. If the Recipient does not comply with any of its obligations under this Agreement, then the Commonwealth:

- a. *if it considers that the non-compliance is not capable of remedy* - may by notice terminate this Agreement immediately;
- b. *if it considers that the non-compliance is capable of remedy* - may, by notice require that the non-compliance be remedied within the time specified in the notice, and if not remedied within that time, may terminate the Agreement immediately by giving a second notice.

- 17.2.2. The Commonwealth may also by notice terminate this Agreement immediately if:

- a. the Recipient comes under one of the forms of external administration referred to in Chapter 5 of the *Corporations Act 2001* (Cth) or equivalent provisions in legislation of the States and Territories pertaining to incorporated associations or Chapter 11 of the *Corporations (Aboriginal and Torres Strait Islander) Act 2006* (Cth) or has an order made against it for the purpose of placing it under external administration;
- b. the Recipient is unable to pay all its debts as and when they become due and payable or it fails to comply with a statutory demand within the meaning of sections 459E and 459F of the *Corporations Act 2001* (Cth);
- c. proceedings are initiated with a view to obtaining an order for winding up the Recipient, or any shareholder, member or director convenes a meeting for the purpose of considering or passing of any resolution for winding up the Recipient;
- d. in relation to this Agreement, the Recipient breaches any law of the Commonwealth of Australia, or of a State or Territory;
- e. the Recipient becomes bankrupt or enters into a scheme of arrangement with creditors;
- f. another clause of this Agreement allows for termination under this clause 17.2; or
- g. the Commonwealth is satisfied that any statement made in the Recipient's application for Funding is incorrect, incomplete, false or misleading in a way which would have affected the original decision to approve the Funding.

- 17.2.3. Where the Commonwealth terminates this Agreement under clause 17.2 the Commonwealth:

- a. will be liable only to pay Funding due and owing to the Recipient under the payment provisions of the Agreement before the date of the notice of termination; and
- b. will be entitled to recover from the Recipient any part of the Funding which:

- i. is not legally committed for expenditure by the Recipient in accordance with the Agreement and payable by the Recipient by the date that the notice of termination is received; or
- ii. has not, in the Commonwealth's opinion, been spent by the Recipient in accordance with the Agreement.

17.3. Preservation of other rights

- 17.3.1. Clause 17.2 does not limit or exclude any of the Commonwealth's other rights under this Agreement.

18. Notices

18.1. Format, addressing and delivery

- 18.1.1. A notice under this Agreement is only effective if it is in writing, and addressed as follows:
- a. *if given by the Recipient to the Commonwealth* - addressed to the Commonwealth at the address specified in Item L of the Schedule, or other address as notified by the Commonwealth; or
 - b. *if given by the Commonwealth to the Recipient* - given by the Commonwealth and addressed as specified in Item L of the Schedule, or other address as notified by the Recipient.
- 18.1.2. Any such notice must be delivered to the other party by hand, prepaid post or transmitted electronically (via email or facsimile) and be signed by the sending party. For the avoidance of doubt, an electronic signature on an email will be taken to be a signed notice for the purpose of this clause 18.

18.2. When received

- 18.2.1. Subject to clause 18.2.2, a notice is deemed to be received:
- a. *if delivered by hand* - upon delivery to the relevant address;
 - b. *if sent by prepaid post* - upon delivery to the relevant address; or
 - c. *if transmitted electronically* - upon receipt by the sender of either an electronic receipt notification (generated by the system transmitting the notice) or an acknowledgement from the other party that it has received the notice (whichever is earlier).
- 18.2.2. If a notice is received:
- a. after 5.00 pm on any Business Day; or
 - b. on a day that is not a Business Day,
- it is deemed to be received at 9:00am on the next Business Day for the purposes of this clause 18.

19. Reserved**20. Work Health and Safety**

20.1. Use of Commonwealth's premises

20.1.1. The Recipient agrees, when using the Commonwealth's premises or facilities, to comply with all reasonable directions and procedures relating to work health and safety and security in effect at those premises or in regard to those facilities, as notified by the Commonwealth or as might reasonably be inferred from the use to which the premises or facilities are being put.

20.2. Assistance to the Commonwealth

20.2.1. Without limiting clause 2.2 of this Agreement, the Recipient agrees to, on request, give all reasonable assistance to the Commonwealth, by way of provision of information and documents, to assist the Commonwealth and its officers (as defined in the *Work Health and Safety Act 2011* (WHS Act)) to comply with the duties imposed on them under the WHS Act.

20.2.2. The Recipient acknowledges that the Commonwealth may direct the Recipient to take specified measures in connection with the Recipient's work under this Agreement or otherwise in connection with the Activity that the Commonwealth considers reasonably necessary to deal with an event or circumstance that has, or is likely to have, an adverse effect on the health or safety of persons. The Recipient must comply with the direction. The Recipient agrees that it is not entitled to an adjustment to the Funding merely because of compliance with the direction.

20.3. Reserved**21. General Provisions**

21.1. Reserved**21.2. Obligations of Recipient in relation to privacy**

21.2.1. The Recipient agrees, in conducting the Activity:

- a. not to do any act or engage in any practice which, if done or engaged in by the Commonwealth, would be a breach of an Australian Privacy Principle; and
- b. to comply with any directions, guidelines, determinations or recommendations of the Commonwealth, to the extent that they are consistent with the Australian Privacy Principles.

21.2.2. The Recipient agrees to notify the Commonwealth immediately if it becomes aware of a breach or possible breach of any of its obligations under this clause 21.2.

21.2.3. The provisions of this clause 21.2 survive the termination or expiration of this Agreement.

21.3. **Audit and Access**

21.3.1. The Recipient agrees:

- a. to give the Commonwealth, or any persons authorised in writing by the Commonwealth, access to premises where obligations under this Agreement are being carried out; and
- b. to permit those persons to inspect and take copies of any Material relevant to this Agreement.

21.3.2. The rights referred to in clause 21.3.1. are subject to:

- a. the Commonwealth providing reasonable prior notice; and
- b. the reasonable security procedures in place at the premises.

21.3.3. The Auditor-General and Information Officer (and their delegates) are persons authorised for the purposes of clause 21.3.1.

21.3.4. This clause 21.3 does not detract from the statutory powers of the Auditor-General or Information Officer.

21.4. **Access to Documents**

21.4.1. In this clause 21.4, 'document' and 'Commonwealth contract' have the same meaning as in the *Freedom of Information Act 1982* (Cth). This clause 21.4 only applies if this Agreement is a 'Commonwealth contract', as defined in the *Freedom of Information Act 1982* (Cth).

21.4.2. Where the Commonwealth has received a request for access to a document created by, or in the possession of, the Recipient or any subcontractor that relates to the performance of this Funding Agreement (and not to the entry into the Funding Agreement), the Commonwealth may at any time by written notice require the Recipient to provide the document to the Commonwealth and the Recipient must, at no additional cost to the Commonwealth, promptly comply with the notice.

21.4.3. The Recipient must include in any subcontract relating to the performance of this Agreement provisions that will enable the Recipient to comply with its obligations under this clause 21.4.

21.5. **Insurance**

21.5.1. The Recipient agrees:

- a. to effect and maintain the insurance specified in Item F and
- b. on request, to provide proof of insurance acceptable to the Commonwealth.

21.5.2. This clause 21.5 continues in operation for so long as any obligations remain in connection with this Agreement.

21.6. **Extension of provisions to subcontractors and Personnel**

21.6.1. In this clause 21.6:

Requirement means an obligation, condition, restriction or prohibition binding on the Recipient under this Agreement.

- 21.6.2. The Recipient agrees to ensure that:
- a. its subcontractors and Personnel comply with all relevant Requirements; and
 - b. any contract entered into in connection with this Agreement imposes all relevant Requirements on the other party.

- 21.6.3. The Recipient agrees to exercise any rights it may have against any of its subcontractors, Personnel or third parties in connection with a Requirement in accordance with any direction by the Commonwealth.

21.7. **Conflict of interest**

- 21.7.1. In this clause 21.7:

Conflict means any matter, circumstance, interest or activity involving or affecting the Recipient, its Personnel or subcontractors which may or may appear to impair the ability of the Recipient to perform the Activity diligently and independently.

- 21.7.2. The Recipient warrants that, to the best of its knowledge after making diligent inquiry, at the Date of this Agreement no Conflict exists or is likely to arise in the performance of the Recipient's obligations under the Agreement.

- 21.7.3. If during the Term a Conflict arises, the Recipient agrees to:

- a. notify the Commonwealth immediately;
- b. make full disclosure of all relevant information relating to the Conflict; and
- c. take any steps the Commonwealth reasonably requires to resolve or otherwise deal with that Conflict.

21.8. **Relationship of parties**

- 21.8.1. The Recipient is not by virtue of this Agreement an officer, employee, partner or agent of the Commonwealth, nor does the Recipient have any power or authority to bind or represent the Commonwealth.

- 21.8.2. The Recipient agrees:

- a. not to misrepresent its relationship with the Commonwealth; and
- b. not to engage in any misleading or deceptive conduct in relation to the Activity.

21.9. **Waiver**

- 21.9.1. A failure or delay by a party to exercise any right or remedy it holds under this Agreement or at law does not operate as a waiver of that right.

- 21.9.2. A single or partial exercise by a party of any right or remedy it holds under this Agreement or at law does not prevent the party from exercising the right again or to the extent it has not fully exercised the right.

21.10. **Variation of Agreement**

- 21.10.1. No variation of this Agreement is binding unless it is agreed in writing and signed by both parties.

21.11. **Assignment**

- 21.11.1. The Recipient cannot assign its obligations, and agrees not to assign its rights, under this Agreement without the Commonwealth's prior written approval.
- 21.11.2. The Recipient agrees not to enter into negotiations with any other person for the purposes of entering into an arrangement that will require novation of this Agreement without first consulting the Commonwealth.

21.12. **Survival**

- 21.12.1. Unless the contrary intention appears, the expiry or earlier termination of this Agreement will not affect the continued operation of any provision relating to:
- a. Intellectual Property;
 - b. confidentiality;
 - c. security;
 - d. privacy;
 - e. dealing with copies;
 - f. books and records;
 - g. audit and access;
 - h. an indemnity;
 - i. acknowledgement and publicity;
 - j. rights or obligations following termination or expiry of the Agreement; or
 - k. any other provision which expressly or by implication from its nature is intended to continue.

21.13. **Compliance with Legislation and Policies**

- 21.13.1. In this clause 21.13:

Legislation means a provision of a statute or subordinate legislation of the Commonwealth of Australia, or of a State, Territory or local authority.

- 21.13.2. The Recipient agrees to comply with any Legislation applicable to its performance of this Agreement.
- 21.13.3. The Recipient agrees, in carrying out its obligations under this Agreement, to comply with any of the Commonwealth's policies as notified, referred or made available by the Commonwealth to the Recipient (including by reference to an internet site), including those listed in Item J.

21.14. **Applicable law and jurisdiction**

- 21.14.1. This Agreement is to be construed in accordance with, and any matter related to it is to be governed by, the law of the Australian Capital Territory specified in Item M.
- 21.14.2. The parties submit to the jurisdiction of the courts of the Australian Capital Territory.

DRAFT

Executed as a deed

Executed by the parties as evidence of their agreement.

SIGNED for and on behalf of the
COMMONWEALTH OF)
AUSTRALIA, as represented by and)
 acting through the **Department of**)
Infrastructure and Regional)
Development: ABN 86 267 354 017

 Name of signatory

Signature

 Position

Insert Date

In the presence of:

 Name of witness

Signature of witness

Executed on behalf of
CORPORATION OF THE CITY OF)
MARION, ABN 37 372 162 294 by)
 Adrian Skull, who by signing warrants)
 they are authorised to bind the)
Corporation of the City of Marion

Signature

Insert Date

In the presence of:

 Name of witness

Signature of witness

SCHEDULE 1 PARTICULARS**A. Programme, Project, Purpose, Activity and Funding and Payment
(Recital A, clauses 1.1.1 and 2.1.1)****A.1. Programme**

The Commonwealth is undertaking the Community Development Grants programme, which was to support needed infrastructure that promotes stable, secure and viable local and regional economies.

A.2. Project

The project to be undertaken by the Recipient is the Redevelopment of Edwardstown Oval at 93 Raglan Avenue, South Plympton, SA, 5034. The Project will include the Activity that the Programme will fund, defined in more detail in item A.5 of the Schedule.

The Project Completion Date is **28 February 2019**.

A.3. Purpose

The Purpose for which the completed Project is required to be used is:

To provide accessible and modern community facility to increase sporting participation, generate long term economic and employment growth and enhance community interaction and cohesion.

A.4. Operational Period

The Operational Period commences on the date the Commonwealth accepts the Project Completion Report, to the Commonwealth's satisfaction. The duration of the Operational Period is dependent on the amount of Funding provided by the Commonwealth under this Agreement. The thresholds are set out in the table below:

Amount of Funding	Duration of Operational Period
Over \$1,000,000	Five (5) years

During the Operational Period, the Recipient must, if requested by the Commonwealth to do so, promptly provide evidence satisfactory to the Commonwealth that the Project is Operational.

A.5. Activity

The Activity to be undertaken by the Recipient is the Redevelopment of Edwardstown Oval which includes:

Demolition of three existing buildings comprising:

- single storey masonry community hall of at least 160m²;
- two storey masonry football club of at least 320m²; and
- single storey masonry lawn bowl club of at least 385m².

Construction of a two-storey function centre comprising:

- at least two change rooms of at least 90m² combined area connected to two amenities rooms of 30m² each with at least three toilets and at least three showers in each room;
- bowling club and bar of at least 138m²;
- community share space of at least 92m²;
- gym of at least 24m²;
- café and lobby – ground floor of at least 96m²;
- office space of at least 28m²;
- football club, bar, function room, satellite kitchen and central kitchen of at least 282m²; and
- verandah of at least 78m².

External reconfiguration works comprising:

- Bitumen resurfacing of the velodrome;
- redevelopment of spectator area; incorporating seating for at least 15 persons,
- upgrade and widening of pedestrian access pathway to at least 8 metres in length and 3 metres in width in compliance with the Disability Discrimination Act (DDA);
- purchase and installation of at least two cricket nets;
- expansion of existing car park to accommodate at least 97 vehicles; and
- storage area for track bikes of at least 50m².

Upgrade of Memorial Garden comprising:

- landscaping of at least 2000m²;
- increased lawn area of at least 80m²;
- shelter and picnic area of at least 60m²;
- DDA compliant access ramp of at least 80 m².

The Activity Period commences on the Date of this Agreement and ends on the Activity Completion Date which is **28 February 2019**.

A.6. Reserved

**A.7. Funding and Payment
(clauses 1.1.1, 3.1, 6)**

The total Funding for the Activity is **\$4,000,000** GST exclusive. The Funding will be paid as follows:

1. The first payment of Funding specified in the table at Annexure A will not be made until:
 - a) this Agreement has been executed by all Parties and all Milestones specified in the table at Annexure A that relate to the first payment have been achieved to the Commonwealth's satisfaction; and
 - b) all Reports identified in item D of the Schedule as being due on or before the due date for the first payment have been received and accepted by the Commonwealth; and
2. The second and each subsequent payment specified in the table at Annexure A will not be made until:

- a) all Milestones specified in the table at Annexure A that relate to the relevant payment have been achieved to the Commonwealth's satisfaction;
- b) all Reports identified in item D of this Schedule as being due on or before the due date for the relevant payment have been received and accepted by the Commonwealth; and
- c) the Recipient has provided the Commonwealth with evidence that all previously paid Funds have been expended or committed.

Invoicing

The Commonwealth must receive a properly rendered invoice or, if required a tax invoice which meets the requirements of the Australian Taxation Office for the amount of the payment and;

The Recipient must provide the Commonwealth with evidence that all previous paid Funding has been expended or committed.

B. Budget

(clause 6.2)

The Budget for the Activity, identifying the Funding and Other Contributions, is at Annexure B.

The percentage of the Budget (Total Cost) below which Funding may be transferred between Cost items without the Commonwealth's approval is 10%.

The percentage of the Budget (Total Cost) which must not be exceeded in total transfers between expenditure items per Financial Year is 20%.

C. Other Contributions

(clause 7)

C.1. Other Contributions

Other Contributions are specified at the table titled "Other Contributions" in Annexure B. Any financial or in-kind assistance that the Recipient has received from the Commonwealth of Australia or a State, Territory or local government and which the Recipient intends to, or is required to, use to perform the Activity must be identified in Other Contributions.

D. Reporting

(clauses 1.1.1, 2.6)

D.1. Progress Reports, Activity Completion Report and Project Completion Report

D.1.1 The Recipient must give the Commonwealth the Progress Reports, the Activity Completion Report and Project Completion Report by the times specified in the Table of Milestones, Reports and Payments relating to the Activity at Annexure A.

D.1.2 Each Progress Report must contain:

- a. details of progress and performance against the Activity, and the Project (to

the extent that it is directly related to the relevant part of the Activity which is being covered by that Progress Report) and evidence of completion of the Milestones listed in Annexure A of the Schedule that are due for completion (including but not limited to photographs to demonstrate completion of Milestones) during the period between the Recipient's previous Progress Report and the due date of this Progress Report (or in the case of the first Progress Report, the period between the Date of this Agreement and the due date of the first Progress Report);

- b. details of mitigating circumstances and remedial action undertaken in the event a Milestone is not met or completed in the manner and/or by the time specified;
- c. copies of any published reports, promotional material, media publicity, pamphlets or other documentation relevant to the Project;
- d. evidence that the Recipient has obtained and/or utilised in-kind Other Contributions specified in the table at Annexure B;
- e. a statement of receipts (which separately identifies any interest earned on the Funding) and expenditure to date in respect of the Funding; and
- f. a statement of receipts and expenditure to date in respect of Other Contributions (excluding in-kind).

D.1.3 The Activity Completion Report must contain:

- a. evidence that the Activity and the Milestones have been completed;
- b. an analysis of the planning, implementation and overall process the Recipient followed to deliver the Activity;
- c. any recommendations on improved practice, relevant to the Recipient's and the Commonwealth's practices, that may assist in the delivery of future projects;
- d. a copy of the current Assets register described in item E.1.2 of this Schedule and a copy of the Real Property register described in item E.2.4 of this Schedule;
- e. evidence that the Recipient has obtained in-kind Other Contributions for the Activity specified in the table at Annexure B;
- f. an up to date Audited Financial Report in respect of the Activity; and
- g. copies of any published reports, promotional material, media publicity, pamphlets or other documentation relevant to the Activity, not already included in the Progress Report/s.
- h. a copy of the Assets register described in item E.1 of this Schedule and a copy of the Real Property register described in item E.2 of this Schedule.

D.1.4 The Project Completion Report must contain:

- a. evidence that the Project has been completed;
- b. an analysis of the planning, implementation and overall process the Recipient followed to deliver the Project;
- c. any recommendations on improved practice, relevant to the Recipient's and the Commonwealth's practices, that may assist in the delivery of future projects;

- d. a copy of the Assets register described in item E.1 of this Schedule and a copy of the Real Property register described in item E.2 of this Schedule.
- e. evidence that the Recipient obtained in-kind contributions specified in the table at Annexure B;
- f. an Audited Financial Report; and
- g. copies of any published reports, promotional material, media publicity, pamphlets or other documentation relevant to the Project, not already included in the Progress Report/s.

In addition, the Project Completion Report must also:

- h. describe the Recipient's activities during the Term;
- i. discuss in detail the conduct, benefits and outcomes of the Activity as a whole and the Activity's results and findings; and
- j. Reserved; and

The Recipient must also include in the Project Completion Report a discussion of any other matters relating to the performance of the Project and Activity, which the Commonwealth notifies the Recipient is required to be included in the Project Completion Report. Any such requirement will be notified to the Recipient at least 20 Business Days before the Project Completion Report is due.

- D.1.5. Unless otherwise agreed by the Commonwealth in writing, all Reports must be:
- a. supplied in hard copy or electronic form;
 - b. supplied in a format that is acceptable to the Commonwealth; and
 - c. signed by the Recipient's Chief Executive Officer, Chief Financial Officer or other person authorised by the Recipient to execute documents and legally bind the Recipient by their execution.

D.2. Audit and certification

- D.2.1. The Activity Completion Report and Project Completion Report must be accompanied by a copy of a letter to the Recipient from the Approved Auditor, or a report from the Approved Auditor, that includes:
- a. separate audited statements of receipts and expenditure in respect of the Funding and Other Contributions (excluding in-kind), which must:
 - i. comply with all relevant Australian Accounting Standards
 - ii. separately identify any interest earned on the Funding
 - iii. include a definitive statement made by an Approved Auditor as to whether:
 - 1. the statements of receipts and expenditure are fair and true
 - 2. Funding and Other Contributions (excluding in-kind) were held and expended in accordance with this Agreement
 - b. a certificate, signed by the Recipient's Chief Executive Officer, Chief Financial Officer or a person authorised by the Recipient to execute documents and legally bind the Recipient by their execution, that:

- i. all Funding and Other Contributions (excluding in-kind) received was expended for the purpose of the Activity and Project and expended and held in a manner in accordance with this Agreement
- ii. salaries and allowances paid to persons involved in the Activity are in accordance with any applicable award or agreement in force under any relevant Law on industrial or workplace relations.

D.3. Other Reports

Throughout the Term, the Commonwealth may require the Recipient to provide ad-hoc Reports concerning:

- a. any significant developments concerning the Activity;
- b. any significant delays or difficulties encountered in performing the Activity in accordance with the Agreement; and
- c. the outcomes and outputs of the project as listed in the application.

The Recipient must provide any such ad-hoc Reports within the timeframe notified by the Commonwealth.

E. Assets and Real Property

(clauses 1.1.1 and 9)

E.1. Assets

None Specified

E.1.2. The Recipient must for the Term of this Agreement maintain an Asset Register in the following form and containing the following information:

- a. Asset description;
- b. acquisition, upgrade or creation price or total lease cost;
- c. date of acquisition, creation, upgrade or lease;
- d. if leased, type and term of lease;
- e. location of Asset;
- f. date of Disposal;
- g. disposal method; and
- h. if the Asset was partly created, acquired or upgraded using the Funding, the proportion of that creation, acquisition or upgrade that was paid for with the Funding.

E.1.3. The Recipient must use the Assets created, acquired, or upgraded under this Agreement for the Purpose set out in item A.3 of the Schedule for the duration of the Operational Period.

E.2. Real Property

E.2.1. The Real Property includes Redevelopment of Edwardstown Oval.

E.2.2 The Capital Works includes construction of the Real Property at the Works Location.

- E.2.3 The Works Location includes 93 Raglan Avenue South, Plympton, SA, 5034.
- E.2.4. The Recipient must for the Term of this Agreement maintain a Real Property Register in the following form and containing the following information:
- a. Real Property description;
 - b. acquisition, upgrade or creation price or total lease cost;
 - c. date of acquisition, creation, upgrade or lease;
 - d. if leased, type and term of lease;
 - e. location of Real Property;
 - f. date of Disposal;
 - g. disposal method; and
 - h. if the Real Property was partly created, acquired or upgraded using the Funding, the proportion of that creation, acquisition or upgrade that was paid for with the Funding.
- E.2.5. The Recipient must use the Real Property created, acquired, or upgraded under this Agreement for the Purpose set out in item A.3 of the Schedule for the duration of the Operational Period.

F. Insurance
(clause 21.5)

The Recipient must maintain:

- a. workers compensation insurance as required by law where the Recipient carries out activities under this Agreement;
- b. public liability insurance to the value of at least \$10 million for each and every claim, or occurrence giving rise to a claim, in respect to activities undertaken under this Agreement, where occurrence means either a single occurrence or a series of occurrences if these are linked or occur in connection with one another from one original cause, as the case may be; and
- c. insurance against any loss or damage to an Asset or Real Property for its full replacement cost including where relevant the costs of demolition and removal of debris and the cost of architects, engineers and other consultants.

G. Reserved

H. Acknowledgement and publicity
(clause 14)

- H.1.1 If the Recipient erects or maintains any signage in relation to the Project, the signage must be approved by the Commonwealth prior to use and contain an acknowledgement of the Funding as required under Clause 14 of this Agreement. Any signage must remain in place during the Operational Period for the Project as specified in Item A.4. Signage for the Activity may be paid from

the Budget if approved by Us. Signage for any other part of the Project must be at the Recipient's own cost.

- H.1.2 If a Federal, State or Local Government election is announced, the Recipient must cover any sign that is displayed within 100 metres of a polling place with an opaque (impenetrable to sight), durable and water repellent material from a period not less than 48 hours before the commencement of polling at that polling place until the polls close.
- H.1.3 The Recipient must include the Commonwealth logo in all signage, publications and promotional activities related to the Activity.
- H.1.4 The Recipient must not use the Commonwealth's logo without the Commonwealth's approval. If the Commonwealth provides approval for the Recipient's use of the Commonwealth's logo, the Recipient must use it in accordance with the Commonwealth's Print Style Guidelines (as advised by the Commonwealth).
- H.1.5 All the Recipient's publicity, announcements and media releases relating to the Activity must be cleared through the Commonwealth's contact officer specified at item L of the Schedule with at least 10 Business Days' notice, before release.
- H.1.6 The Commonwealth reserves the right to publicise and report on the provision of Funding to the Recipient, including progress on completing the Activity and the Project. The Commonwealth may do this by including the information specified in clause 14.2 in media releases, general announcements about the Funding and in annual reports and in electronic media.
- H.1.7 The Recipient must conduct an official opening of the completed Activity and Project unless otherwise agreed by the Commonwealth.
- H.1.8 The Recipient must provide to the Commonwealth with at least 3 options for dates for the official opening, or any other milestone events that the Recipient chooses to conduct (e.g. stage completion), for the Activity and the Project. These dates must be provided at least 56 days prior to the first proposed date for each event to be conducted.
- H.1.9 The date of official openings or other official public function for the completed Activity and Project must be agreed by the Commonwealth.
- H.1.10 The Recipient must invite the Commonwealth's representative to officiate at any official opening or other official public function relating to the Activity or the Project.
- H.1.11 The Commonwealth Minister's prior agreement must be sought, to invite any other Commonwealth or State elected official or other officials to attending either function. This invitation must be provided to the Commonwealth no later than 56 days before the date of the official opening or other official public function relating to the Activity or the Project.
- H.1.12 The Recipient must coordinate requests for the Commonwealth's agreement to the date of official openings and requests for Commonwealth representation at

official openings or other official functions relating to the Activity or the Project through the Commonwealth's contact officer specified at item L of the Schedule.

I. Reserved

**J. Compliance with laws and policies
(clause 21.13)**

The Recipient must comply with the following laws and policies in carrying out the Activity:

- *Crimes Act 1914;*
- *Criminal Code of Conduct 1995;*
- *Disability Discrimination Act 1992;*
- *Workplace Gender Equality Act 2012;*
- *Fair Work Act 2009;*
- *Racial Discrimination Act 1984;*
- *Sex Discrimination Act 1984;*
- *Work Health and Safety Act 2011.*

For the purposes of clause 21.13, the following policies are identified:

Community Development Grants Programme – Grant Programme Guidelines

**K. Statutory Approvals
(clause 2A.2)**

For the purposes of subclause clause 2A.2, the Recipient must obtain statutory approvals for the Project.

L. Notices**(clause 18.1)**

The Commonwealth's details for notices are as follows:

Name: General Manager
Regional Programmes Branch

Address: Department of Infrastructure and Regional Development
GPO Box 594
CANBERRA ACT 2601

Email: CDG@infrastructure.gov.au

The Recipient's details for notices are as follows:

Name: Adrian Skull

Position: Chief Executive Officer

Address: Corporation of the City of Marion
PO Box 21
OAKLANDS PARK SA 5046

Telephone: 08 8375 6604

E-mail: Adrian.skull@marion.sa.gov.au

M. Applicable Law
(clause 21.14)

The Laws of the Australian Capital Territory apply to this Agreement.

N. Confidential Information
(clause 13)**Commonwealth's Confidential Information**

Agreement Provisions/Schedules/Attachments

None Specified

Agreement related material

None Specified

Recipient's Confidential Information

Agreement Provisions/Schedules/Attachments

None Specified

Agreement related material

None Specified

ANNEXURE A

Table of Milestones, Reports and Funding payments relating to the Activity

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Report	Milestone(s) / Information covered by the Report	Milestone Completion Date	Payment amount (GST Exclusive)	Due Date for Report	Due Date for Funding Payment
Progress Report 1	<p>Evidence acceptable to the Commonwealth that the following have been achieved:</p> <ul style="list-style-type: none"> • 50% design works completed; • confirmation of construction will commence on 11 December 2017; and • 5% of the Project is completed and certified by the Project Manager, Quality Surveyor, or similar. 	30 April 2017	\$200,000	31 May 2017	14 June 2017
Progress Report 2	<p>Evidence acceptable to the Commonwealth that the following have been achieved:</p> <ul style="list-style-type: none"> • final designs have been completed; • final project costs have been confirmed; • confirmation of construction will commence on 11 December 2017; and • 12% of the Project is completed and certified by the Project Manager, Quality Surveyor, or similar. 	30 August 2017	\$280,000	30 September 2017	14 October 2017

Progress Report 3	<p>Evidence acceptable to the Commonwealth that the following have been achieved:</p> <ul style="list-style-type: none"> • construction tender has been awarded; • confirmation of construction will commence on 11 December 2017; and • 15% of the Project is completed and certified by the Project Manager, Quantity Surveyor, or similar. 	31 November 2017	\$120,000	31 December 2017	14 January 2018
Progress Report 4	<p>Evidence acceptable to the Commonwealth that the following have been achieved:</p> <ul style="list-style-type: none"> • 40% of the Project is completed and certified by the Project Manager, Quantity Surveyor, or similar. 	31 March 2018	\$1,000,000	31 April 2018	14 May 2018
Progress Report 5	<p>Evidence acceptable to the Commonwealth that the following have been achieved:</p> <ul style="list-style-type: none"> • 65% of the Project is completed and certified by the Project Manager, Quantity Surveyor, or similar. 	31 July 2018	\$1,000,000	31 August 2018	14 September 2018
Progress Report 6	<p>Evidence acceptable to the Commonwealth that the following have been achieved:</p> <ul style="list-style-type: none"> • an Event Invitation has been submitted to the Department as required at Item H of the Schedule; and • 90% of the Project is completed and certified by the Project Manager, Quantity Surveyor, or similar. 	30 November 2018	\$1,000,000	22 December 2018	14 January 2019

Project Completion Report	<p>Evidence acceptable to the Commonwealth that the following has been achieved:</p> <ul style="list-style-type: none"> the Activity, at Item A.5 of the Schedule, is complete; the Project, at Item A.2 of the Schedule, is complete; all approvals required to enable public access and use of the facility have been met; and the Project is fully Operational. 	28 February 2019	\$400,000	30 May 2019	14 June 2019
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ANNEXURE B

BUDGET FOR THE EXPENDITURE OF CDG FUNDING		
Cost item	Description	Amount (GST exclusive)
Construction	Redevelopment of Edwardstown Oval	\$4,000,000
Funding (A)		\$4,000,000

OTHER CONTRIBUTIONS (FINANCIAL)			
Name of Contributor	Cost Item	Description of item	Amount (GST exclusive)
Corporation of the City of Marion	Construction	Redevelopment of Edwardstown Oval	\$4,000,000
Other Contributions (Financial) (B)			\$4,000,000

TOTAL COST ESTIMATE (A + B) (GST exclusive):	\$8,000,000
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OTHER CONTRIBUTIONS (IN-KIND)	
Name of Contributor	Description of Other Contribution (In-kind)
N/A	N/A

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Adrian Skull, Chief Executive Officer
Subject: Round House – Rescission Motion
Report Reference: GC221116R12

REPORT OBJECTIVES &

To rescind the Council resolution made on 22 March 2016 to pursue the disposal (*from the State Government to the City of Marion*) of unencumbered titles over Allotments 1 and 2, DP55941 for a nominal consideration (Report: 'Round House at Oaklands Wetland', Ref: GC220316R09)

EXECUTIVE SUMMARY:

The Oaklands Round House, wetland and recreation plaza are located on State owned land (Crown Land) which is under the care and control of Council for the purposes of a 'wetland and recreation'. The legal instrument that transferred the care and control of the land to Council specifically allows Council to demolish existing improvements (structures / buildings) on the land.

At the 25 October 2016 General Council meeting it was resolved that Council '*Supports the demolition of the building known as the 'Round House' at Oakland's Reserve*'. (Report Reference GC251016M02).

As a result of this decision it is recommended that Council rescinds the resolution made at the 22 March 2016 General Council meeting that '*Council pursues option 1 – Disposal of unencumbered titles over Allotments 1 and 2, DP55941 for a nominal consideration.*' (Report reference: GC220316R09).

RECOMMENDATIONS:

DUE DATES

That:

- | | | |
|----|--|-------------|
| 1. | The following resolution made at the 22 March 2016 General Council meeting regarding the item 'Round House at Oaklands Wetland' (Report Reference: GC220316R09) be rescinded:

<i>'Council pursues option 1 – Disposal of unencumbered titles over Allotments 1 and 2, DP55941 for a nominal consideration.'</i> | 22 Nov 2016 |
| 2. | The Minister for Sustainability, Environment and Conservation and Member for Elder be advised of this resolution. | 30 Nov 2016 |

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Jaimie Thwaites, Unit Manager Governance and Records

Corporate Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: Appointment of Date, Time and Place of Council Meetings

Report Reference: GC221116R13

EXECUTIVE SUMMARY

As an aid to provide open, responsive and accountable government, the *Local Government Act 1999*, requires Council to resolve the times and places at which ordinary meetings of the Council will be held.

The manner in which Council can do this is by the adoption of a Schedule of Meeting dates, which can also be used to relay the dates and times of meetings to the community.

The purpose of this report is therefore to provide a draft Schedule of Meeting dates until December 2017 for Council consideration.

RECOMMENDATIONS

DUE DATE

That Council resolves to:

22 Nov 16

1. **Adopt the following meeting cycle to facilitate open, responsive and accountable government as well as the timely conduct of Council's business:**
 - i. **General Council Meeting to be held on Tuesday, 24 January 2017;**
 - ii. **General Council meetings to be held on the 2nd and 4th Tuesday of the months in February, March, May, June, August and October 2017;**
 - iii. **General Council meeting to be held the 2nd Tuesday of the month in April 2017**
 - iv. **General Council meeting to be held the 4th Tuesday of the month in July, September and November 2017**
 - v. **General Council meeting to be held on Tuesday, 12 December 2017.**
 - vi. **General Council meetings will be held in the Chamber, at the City of Marion Administration Centre, 245 Sturt Road, Sturt commencing at 6.30pm.**

- | | | |
|----|---|------------------|
| 2. | Adopts the schedule of meeting dates for 2017 provided at Appendix 1 to the report. | 22 Nov 16 |
| 3. | Publish the Schedule of Meetings for 2017 in the Guardian Messenger the week commencing Monday 5th December 2016. | 9 Dec 16 |

BACKGROUND

Sections 81 of the *Local Government Act 1999* (the Act) requires Council to appoint the times and places for ordinary meetings of Council.

DISCUSSION

The proposed Schedule of Meetings 2017 provided at **Appendix 1** identifies meeting dates and times from January to December 2017.

Matters to be noted in considering the Schedule include:

- The schedule complies with the requirements of the Act which provide that there must be at least one ordinary (General) meeting of the Council in each month.
- The proposed meeting dates and times allow Council to meet the objective of providing open, responsive and accountable government.
- It is proposed the meeting start time is 6.30 pm.
- The holding of two General Council meetings some months and only one for others allows Council to balance formal decision making meetings with informal gathering time to focus on planning/strategies, training, etc.
- The 4th Tuesday in April is a public holiday (ANZAC day).
- Meetings have not been included for the Section 41 Committees & Development Assessment Panel as these Committees/Panels have either been set by separate resolution or they set their own schedule of meetings in accordance with their Terms of Reference.

Implementation

The Schedule of Meetings for 2017 will be published in the Guardian Messenger and will be available at the Administration Centre and via Council's website. Details of Council's upcoming meetings will also be placed on the sign at the front of the Administration Centre.

CONCLUSION

Adoption of the Schedule of Meeting Dates for 2017 ensures compliance with the requirements of the *Local Government Act 1999* and enables Council to relay the dates and times of Council meetings to the community.

Appendix 1

SCHEDULE OF GENERAL COUNCIL MEETINGS – 2017		
All meetings will be held at the City of Marion Administration Centre, 245 Sturt Road, Sturt		
Date	Time (PM)	Meeting
24 January	6.30 – 9.30	General Council
14 February	6.30 – 9.30	General Council
28 February	6.30 – 9.30	General Council
14 March	6.30 – 9.30	General Council
28 March	6.30 – 9.30	General Council
11 April	6.30 – 9.30	General Council
25 April		Public Holiday
9 May	6.30 – 9.30	General Council
23 May	6.30 – 9.30	General Council
13 June	6.30 – 9.30	General Council
27 June	6.30 – 9.30	General Council
25 July	6.30 – 9.30	General Council
8 August	6.30 – 9.30	General Council
22 August	6.30 – 9.30	General Council
26 September	6.30 – 9.30	General Council
10 October	6.30 – 9.30	General Council
24 October	6.30 – 9.30	General Council
28 November	6.30 – 9.30	General Council
12 December	6.30 – 9.30	General Council

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Corporate Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: Deputy Mayor, DAP Elected Member Representative and Committee Elected Member Representatives for 2017

Report Reference: GC221116R14

REPORT OBJECTIVES AND EXECUTIVE SUMMARY

The objective of this report is for Council to appoint Elected Members to various positions of Council, Council Committees and the Development Assessment Panel for the 2017 calendar year.

The appointment of Elected Members to these positions is required to fulfil Council's governance and legislative obligations.

Nominations will be sought during the meeting and a ballot will be held if more nominations than vacancies occur. The process for the ballot is provided in **Appendix 1**.

The following provides a summary of the positions available.

Deputy Mayor (1 position)

The current term of the Deputy Mayor is due to expire on 25 November 2016. It is recommended the new term be 26 November 2016 to 30 November 2017.

Development Assessment Panel (3 positions)

The current Elected Members appointed to the Development Assessment Panel (DAP) are due to expire on 1 December 2016. Council is required to appoint three (3) Elected Members to the DAP. It is recommended that the new term be 2 December 2016 to 1 December 2017. A sitting fee of \$200 per meeting is paid to Elected Members on the DAP.

Finance and Audit Committee (2 positions)

The current Elected Members appointed to the Finance and Audit Committee (FAC) are due to expire on 25 November 2016. Council is required to appoint two (2) Elected Members to the FAC. It is recommended that the new term be 26 November 2016 to 30 November 2017.

Section 41 Committees

At the Special Council Meeting of 1 November 2016 (SGC011116R04), the Council established and adopted Terms of Reference for a number of Section 41 Committees. Council is required to appoint the following positions:

- 3 elected members to the Urban Planning Committee
- The Presiding Member to the Urban Planning Committee
- 3 elected members to the Review and Selection Committee
- 5 elected members to the Infrastructure and Strategy Committee
- The Presiding Member to the Infrastructure and Strategy Committee
- The expert member to the Infrastructure and Strategy Committee

RECOMMENDATIONS**DUE DATES**

That Council:

- | | |
|--|---------------|
| 1. Appoints Councillor, as the Deputy Mayor from 26 November 2016 until 30 November 2017; | November 2016 |
| 2. Appoints Councillor, Councillor, and Councillor to the Development Assessment Panel for a term commencing on 2 December 2016 and concluding on 1 December 2017. | November 2016 |
| 3. Appoints Councillor and Councillor to the Finance and Audit Committee for a term commencing on 26 November 2016 and concluding on 30 November 2017. | November 2016 |
| 4. Appoints Councillor, Councillor, and Councillor to the Urban Planning Committee for a term commencing on 1 January 2017 and concluding on 31 December 2017. | November 2016 |
| 5. Appoints Councillor as the Presiding Member of the Urban Planning Committee for a term 1 January 2017 to 31 December 2017. | November 2016 |
| 6. Appoints Councillor, Councillor and Councillor to the Review and Selection Committee for a term commencing on 1 January 2017 and concluding on 31 December 2017. | November 2016 |
| 7. Appoints Councillor, Councillor, Councillor, Councillor and Councillor to the Infrastructure and Strategy Committee for a term commencing on 1 January 2017 and concluding on 31 December 2017. | November 2016 |
| 8. Appoints Councillor as the Presiding Member of the Infrastructure and Strategy Committee for a term 1 January 2017 to 31 December 2017. | November 2016 |
| 9. Appoints as the expert member of the Infrastructure and Strategy Committee for a term of 1 January 2017 to 31 December 2017 | |

or

Requests the People and Culture Committee/Review and Selection Committee (whichever is the current Committee) to undertake a recruitment and selection process as outlined with the terms of reference for the expert member of the Infrastructure and Strategy Committee.

Appendix 1 - Process for meeting ballot

At its meeting of 8 September 2015 (GC080915R05), Council resolved to adopt preferential voting as the method to apply when conducting ballots for positions selected by Council.

The process to apply will be as follows:

- Nominations will be sought.
- If more nominations than positions are received, a secret ballot will be held.
- Council members will be provided with ballot papers and requested to indicate their first preference by placing the name of the candidate next to number one of the ballot paper.
- Council members may place the name of the second preference next to number two and continue this process until all candidates are named on the ballot paper.
- As a minimum, Council members must vote for candidates equal to the number of positions. For example, the DAP has three positions. If there are six candidates, members must vote for at least three. If members fail to vote for the minimum number, the vote will be declared invalid.

Counting

- The first candidate to reach quota will be elected.
- The quota is calculated as follows:

$$\frac{\text{Total number of formal ballots papers}}{\text{Number of vacancies} + 1} + 1$$

If a fraction occurs, it will be rounded up. This formula is the same applied to the calculations of quotas within Local Government Elections.

- The ballot papers will be sorted by first preference votes.
- The candidate with the least votes is excluded.
- The excluded candidate's votes are distributed to the next candidate on the ballot paper.
- In the case where there are equal votes at the conclusion of re-distribution of votes, they will both be excluded.
- This process will continue until there is a clear winner.
- In the event that there is a tie at the conclusion of the process, Council will be requested to vote again for one of the two final candidates.

Once a nominee is identified, this will then be voted upon as a formal council resolution under the Local Government (Procedures) Regulations at meetings.

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Tania Baldock, Executive Assistant to CEO & Mayor

Corporate Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: Election of Board and Deputy Board Members representing the Metropolitan Local Government Group to the LGA Board

Report Reference: GC221116R15

REPORT OBJECTIVES:

To notify Council that a ballot has been called by the Local Government Association of SA (LGA) seeking Council's preferences for current nominations for the election of Board and Deputy Board Members representing the Metropolitan Local Government Group (MLGG) on the LGA Board.

EXECUTIVE SUMMARY:

On 19 August 2016, Councils were invited by the LGA to submit nominations for metropolitan representatives on the LGA Board.

12 nominations were received for the 12 positions available comprising of eight members and four deputy members.

RECOMMENDATIONS

DUE DATES

That:

- | | |
|--|--------------------------------|
| <p>1. Council votes in the order of preference for appointment of Board Members and Deputy Board Members representing the Metropolitan Local Government Group to the LGA Board as follows:</p> <p>1.</p> <p>2.</p> <p>3.</p> <p>4.</p> <p>5.</p> <p>6.</p> <p>7.</p> <p>8.</p> <p>9.</p> <p>10.</p> <p>11.</p> <p>12.</p> | <p>22 November 2016</p> |
| <p>2. Council authorises the Chief Executive Officer to complete the Ballot Paper in accordance with Council's resolution.</p> | <p>9 December 2016</p> |

- | | | |
|----|--|------------------------|
| 3. | Administration forwards the completed Ballot Paper to the Local Government Association by 5pm Friday 9 December 2016. | 9 December 2016 |
|----|--|------------------------|

OR

- | | | |
|----|--|------------------------|
| 1. | Council authorises the Mayor as Council's LGA voting delegate to complete the ballot paper as he sees fit. | 9 December 2016 |
| 2. | Administration forwards the completed Ballot Paper to the Local Government Association by 5pm Friday 9 December 2016. | 9 December 2016 |

BACKGROUND / ANALYSIS

As stated in the ¹*LGA Constitution* the LGA Board has the following duties:

Board's duties

The Board must ensure:

- 85.1 The LGA acts in accordance with applicable laws, mandatory codes of practice and this Constitution;
- 85.2 The LGA acts ethically and with integrity;
- 85.3 The activities of the LGA are conducted efficiently and effectively and that the assets of the LGA are properly managed and maintained; and
- 85.4 subject to any overriding duty of confidence, the affairs of the LGA are undertaken in an open and transparent manner.

The Board must endeavour to ensure the LGA performs its business plan and achieves or better the financial outcomes projected in its budget.

The LGA Constitution outlines the process and timeline for the conduct of Board elections. It includes provision for the calling of nominations for the office of President, Board Members and Deputy Board members by no later than 1 September before officers are to retire in every second year.

12 nominations were received by the LGA from Councils for the 12 positions available as follows:

- Mayor Robert Bria, City of Norwood Payneham & St Peters
- Mayor Bill Spragg, Adelaide Hills Council
- Mayor Karen Redman, Town of Gawler
- Mayor David Parkin, City of Burnside
- Mayor David O'Loughlin, City of Prospect
- Mayor Gillian Aldridge, City of Salisbury
- Councillor Arthur Mangos, City of West Torrens
- Councillor Rosalina (Mikki) Bouchee, City of Holdfast Bay
- Mayor Glen Spear, City of Mitcham
- Mayor Angela Evans, City of Charles Sturt
- Councillor Susan Clearihan, Adelaide City Council
- Mayor Kevin Knight, City of Tea Tree Gully

Ballot papers have been received along with information on the candidates attached as **Appendix 1**. Council must determine its first and subsequent preferences until a vote has been indicated for 12 candidates. The ballot paper will be informal and not counted should a preference not be indicated for all nominees, or where there is a break in the sequence of the numbers, or where any number is repeated.

¹ Constitution of the Local Government Association of South Australia, Local Government Association October 2014

The vote must be completed in accordance with the LGA Constitution, Part 9 Clause 64.1.3 as follows:

- 1) A copy of the minutes of the meeting held by the Council in relation to the election duly certified by the Chief Executive Officer of the Council or a person acting in the position of Chief Executive Officer; or
- 2) A certified copy of a decision of a delegate*

* Council's delegate is the person appointed by the Council to vote at LGA general meetings (or in his/her absence, a councillor authorised by the council).

An Elected Member may wish to move a recommendation that lists the candidates' names in the preferred order in the first instance. If a ballot is required to determine the preferred order of candidates, it may be necessary to have multiple ballots to obtain the candidates in order of 1 to 12.

The counting of votes will take place at Local Government House on Monday 12 December 2016, commencing at 9.00am.

Rule 59.5.3 of the Constitution determines that, the eight candidates with the highest number of votes will be elected as Board Members and the four candidates with the next highest votes will be elected as Deputy Board Members.

Correspondence providing additional information and seeking support from the Council has been received in relation to the following candidates and is attached as **Appendix 2**.

- Mayor Gillian Aldridge – City of Salisbury
- Mayor Kevin Knight – City of Tea Tree Gully
- Mayor Karen Redman – Town of Gawler
- Councillor Susan Clearihan – City of Adelaide
- Mayor Glenn Spear – City of Mitcham
- Mayor David O'Loughlin – City of Prospect

CONCLUSION:

Once Council has determined its order of preference for the ballot, the appropriate administrative documentation will be completed and forwarded to the LGA before 5pm on Friday 9 December 2016.

Appendix 1 – Candidate Information

Appendix 2 – Correspondence requesting support



Local Government Association
of South Australia

The voice of local government.

2016 Nomination Form

Representative of Metropolitan Local Government Group

The City of Norwood Payneham & St Peters

(Name of council making the nomination)

hereby nominates Mayor Robert Bria

(Full Name)

of City of Norwood Payneham & St Peters

(Name of council of which the nominee is a member)

being a Member of such council to the position of **Board Member** representing the Metropolitan Local Government Group

Dated this 19th day of September 2016

(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination and consent to act as a
Board Member or Deputy Board Member if so elected

(Signature of Candidate)

Close of Nominations: 5:00pm 6 October 2016



LGA Board Member

Candidate Information

Position Sought (tick whichever position applicable):

- ☐ **LGA President or**
☒ **Board Member Representative of Metropolitan Local Government Group**

Word limit is strictly 1,000 words (pursuant to clause 64.2 of the Constitution)

Name: Robert Bria
Council: City of Norwood Payneham & St Peters
Current council position(s) Mayor

Local Government Experience / Knowledge

I have 19 years experience as an Elected Member for the City of Norwood Payneham & St Peters, having been a Councillor representing Torrens Ward from 1997 – 2005, and serving as Mayor since 2005. During my time as Mayor, I have held a number of senior positions in Local Government, including:

- Chair of the Metropolitan Local Government Group (2008);
- Chair of the Eastern Region Alliance (ERA) of councils (2010); and
- Member of the Local Government Association of SA Board (2009-2010) and (2013-Present).

Current Committee membership includes:

- Business and Economic Development Committee (Chair) (2006 to present);
- St Peters Child Care Centre Committee (Chair) (2011 to present);
- Norwood Parade Precinct Committee (2012 to present); and
- Audit Committee (past Chair).

I also served as my Council's Board Member on the East Waste Management Authority (2006-2009).

Local Government Policy Views & Interests

As Chair of the Norwood Payneham & St Peters Business & Economic Development Committee and Norwood Parade Precinct Committee, I have a very strong interest and understanding of the role that Local Government can play in economic development at a regional and state level. I have a particular passion for mainstreets and the working relationship between Council, traders and property owners to create new opportunities and attract investment.

My work in this area has been recognised at the national level by Economic Development Australia (EDA), where I was a finalist for the 2015 EDA Excellence in Economic Development Award (Elected Member category).

I have long supported regional collaboration amongst Councils and believe this is an area where more work can be done to encourage Councils to undertake projects, share resources, skills and develop other opportunities to support and service communities.

I am also committed to ensuring that children and young people are meaningfully engaged in consultation processes on issues that affect them (eg Council strategic plans, playground design, etc), to build their capacity as active young citizens in our communities and Local Government leaders of tomorrow.



More recently I have championed reforms to Council rates. In September 2015, I presented before State Parliament's Economic and Finance Committee to argue against rate capping. I have won the support of my Council to urge the LGA to introduce a formal benchmarking framework for Councils and a standardised methodology for reporting information about rates. I believe the LGA should pursue an agenda of systematic reform with regard to Council rates.

I believe that with nearly two decades of experience as an Elected Member, of which the last 11 years have been as Mayor, I have the credibility, skills and knowledge to add value, strength and guidance to the Board in its deliberations on behalf of the Local Government sector in South Australia.

Other Information

- Graduate Certificate in Public Sector Management, Flinders University.
- Bachelor of Arts (Honours), Flinders University.
- Board Member - St Joseph's Memorial School, Norwood (2012 to present).
- Honorary Member of Norwood Rotary Club (since 2010).
- Number One Ticket Holder, Norwood Football Club (since 2012).
- Married to Pina with three children.

This information is to accompany a nomination form and must be received by the Returning Officer of the Region by 5.00pm on 6 October 2016



2016 Nomination Form

Representative of Metropolitan Local Government Group

The

ADELAIDE HILLS COUNCIL

(Name of council making the nomination)

hereby nominates

MAYOR BILL SPRAGG

(Full Name)

of

ADELAIDE HILLS COUNCIL

(Name of council of which the nominee is a member)

being a Member of such council to the position of **Board Member or Deputy Board Member**
representing the Metropolitan Local Government Group

Dated this


28

day of

SEPTEMBER 2016


(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination and consent to act as a
Board Member or Deputy Board Member if so elected


(Signature of Candidate)**Close of Nominations: 5:00pm 6 October 2016**

LGA Board Member

Candidate Information

Position Sought

☐ LGA President

✓ Board Member Representation of Metropolitan Local Government Group

Word limit 1,000 words (pursuant to clause 64.2 of the Constitution)

Name: Bill Spragg

Council: Adelaide Hills Council

Current Council Positions:

- Mayor
- LGA Deputy Board member
- SHLGA Board member
- MLGG Executive

Local Government Experience/Knowledge

- Mayor, November 2010 to present
- Ward Councillor, March 2000 to November 2010
- Member of the Strategic Planning and Development Policy Committee, 2004 – (Presiding Member 2010 – 2014)
- Member Council's DAP, May 2000 – February 2007, February 2008 – 2010 (Presiding Member, July 2003 – December 2005)
- Member of Audit Committee, 2008 – 2010
- Member of CEO Performance Review Committee (Presiding member 2010 – 2014)
- Chair of the Townships committee, 2001 – 2002
- Member of Adelaide Watershed Water Quality Improvement Steering Committee
- Hills Face Zone review reference group, 2003 – 2005
- LGA Board member (2012 -) as both a Deputy and Full member

After 16 years on council I have an excellent understanding of the *Local Government Act 1999 & Regulations*, the *Development Act 1993* and regulations and a number of other pieces of legislation impacting on the operations of council. I am actively involved in local government activities at local, state and national levels and frequently engage with Mayors of metropolitan and regional councils.

Local Government Policy Views and interests

I have a keen interest in ensuring the voice of local government is heard in the preparation of any legislation which impacts on local government operations. I believe State Government should ensure that Councils are adequately funded to deliver services that the State Government mandates as local government responsibility through legislation. I strongly support the continued presence of Councillors on development assessment panels. I believe the State Government should take responsibility for collecting the NRM levy and start spending the hard waste levy on initiatives to reduce waste landfill.

Other information

I am a life-long learner and am continually looking to challenge and improve myself. I have a number of tertiary qualifications: Bachelor of Science; a Graduate Diploma in Education; a Graduate Diploma in Computer and Information Science and a Graduate Certificate in Business Administration.



Local Government Association
of South Australia

2016 Nomination Form

Representative of Metropolitan Local Government Group

The Town of Gawler
(Name of council making the nomination)
hereby nominates Mayor Karen Redman
(Full Name)
of the Town of Gawler
(Name of council of which the nominee is a member)

being a Member of such council to the position of **Board Member or Deputy Board Member**
representing the Metropolitan Local Government Group

Dated this 5th day of October 2016

[Signature]
(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination and consent to act as a
Board Member or Deputy Board Member if so elected

[Signature]
(Signature of Candidate)

Close of Nominations: 5:00pm 6 October 2016



**Local Government Association
of South Australia**

LGA Board Member

Candidate Information

Position Sought (tick whichever position applicable):

- ☐ LGA President or
☒ Board Member Representative of Metropolitan Local Government Group

Word limit is strictly 1,000 words (pursuant to clause 64.2 of the Constitution)

Name: **Mayor Karen Redman**
 Council: **Town of Gawler**
 Current council position(s) **Mayor of the Town of Gawler.**

Local Government Experience / Knowledge

As an Elected Member for the Town of Gawler since 2010 and subsequently in 2014 elected as Mayor, I believe I have the experience and knowledge needed to be an effective Board Member of the Local Government Association. Despite the economic climate and slower than anticipated growth in South Australia, Gawler continues to be one of the fastest growing areas in the State with the town earmarked for growth in the State Government's 30 year plan. Significant work has occurred during my time on Council and as such I have contributed to the development of important strategic policy relating to growth and been involved in key Council decisions including:

- Development plan amendments as it relates to growth
- Town character DPA
- Urban design centre studies
- Community Plan reviews
- CEO selection and interview panel process- selection panel
- Membership of committees (past and present) including:
 - CDAP, Audit, Infrastructure and Environmental, Corporate and Community, Youth, External funds.
- Current Member of the MLGG executive committee- champion for efficiency and effectiveness annual priority

Local Government Policy Views & Interests

It is most important to have a range of views on the Board and representation from different areas of Greater Adelaide as well as the regions. At present, there are no Board members representing Northern Adelaide Councils, and as Mayor of the most Northern Council in the metropolitan local government group I hope to address this imbalance.

My interests are broad although as the champion of the MLGG efficiency and effectiveness (an annual priority project) initiative I believe this represents a great opportunity for local government to demonstrate its commitment to excellence but also its willingness to improve and potentially make the big decisions when required.

Councils have a critical role in Economic development, with northern Adelaide under pressure in this regard. To this end I have advocated and led the discussion in my community, actively participated in the local government China strategy, with a key outcome being an exciting business relationship emerging with the city of Penglai. Local government has been a strong player in this space and demonstrated that an integrated, coordinated team approach delivers important outcomes to our respective communities. The LGA mission of providing leadership that benefits all of SA fits well with this program.

In closing, my strong communication skills and background in health have held me in good stead when working with Council Members, CEO and staff, different community groups and individuals and the wider community so I ask for your support in my nomination for the Board.

Other Information

This information is to accompany a nomination form and must be received by the Returning Officer of the Region by 5.00pm on 6 October 2016



Local Government Association
of South Australia

2016 Nomination Form

Representative of Metropolitan Local Government Group

The City of Burnside

(Name of council making the nomination)

hereby nominates Mayor David Parkin

(Full Name)

of City of Burnside

(Name of council of which the nominee is a member)

being a Member of such council to the position of **Board Member or Deputy Board Member**
representing the Metropolitan Local Government Group

Dated this 22nd day of September 2016

(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination and consent to act as a
Board Member or Deputy Board Member if so elected

(Signature of Candidate)

Close of Nominations: 5:00pm 6 October 2016



Local Government Association
of South Australia

LGA Board Member

Candidate Information

Position Sought (tick whichever position applicable):

- LGA President or**
☒ **Board Member Representative of Metropolitan Local Government Group**

Word limit is strictly 1,000 words (pursuant to clause 64.2 of the Constitution)

Name: David Parkin
Council: City of Burnside
Current council position(s) Mayor

Local Government Experience / Knowledge

Mayor 2010 to present

LGA Board 2013 to present

MLGG Executive 2013 to present

Eastern Regional Alliance 2010 to present

Local Government Policy Views & Interests

A corporate background at a senior level has given me a depth of experience and interest in matters of procedure, governance, finance and organisational management. I approach Local Government issues from a perspective which I believe has made an effective contribution to the LGA Board. I initiated the current governance review of the LGA and I am the board representative on the inaugural LGA Audit Committee. I have an interest in encouraging volunteering throughout the community and promoting a healthy lifestyle through the provision of facilities that encourage active community participation.

Other Information

My professional background includes Directorships of four public companies and Chairmanship of numerous private companies and community committees. I am honoured that the Elected Members of Burnside have again nominated me for the LGA Board. I offer Local Government in South Australia rigour, accountability and a valuable perspective on this important representative role.

This information is to accompany a nomination form and must be received by the Returning Officer of the Region by 5.00pm on 6 October 2016



2016 Nomination Form

Representative of Metropolitan Local Government Group

The CITY OF PROSPECT
(Name of council making the nomination)

hereby nominates DAVID ANDREW O'LOUGHLIN
(Full Name)

of CITY OF PROSPECT
(Name of council of which the nominee is a member)

being a Member of such council to the position of **Board Member or Deputy Board Member**
representing the Metropolitan Local Government Group

Dated this 4TH day of OCTOBER 2016

(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination and consent to act as a
Board Member or Deputy Board Member if so elected

(Signature of Candidate)

Close of Nominations: 5:00pm 6 October 2016



LGA Board Member

Candidate Information

Position Sought (tick whichever position applicable):

☒ Board Member Representative of Metropolitan Local Government Group

Word limit is strictly 1,000 words (pursuant to clause 64.2 of the Constitution)

Name:	David O'Loughlin
Council:	City of Prospect
Current council position(s)	Mayor City of Prospect, 2006-current

City of Prospect CEO Performance Development Review Committee 2006-current
 City of Prospect Audit Committee, 2007-current
 City of Prospect Gallery Advisory Group, 2003-current

Local Government Experience / Knowledge

Extensive experience across many roles from local ward councillor through to LGA Board representative and LGA President. I have been happy to assist in many areas of need ranging from local issues to statewide reforms such as developing a better boundary reform process and now actively involved in developing and lobbying for a better planning process and a heritage listing process that is more locally driven, less onerous to operate, more accessible and transparent for all involved.

Previous roles include:

LGA SA: Immediate Past President, 2015-current; President, 2013-2015; State Executive Committee, 2006-current
 ALGA: Board Member, 2013-current
 Metropolitan Local Government Group Executive Committee, 2007-2014
 Chair LGA Development Plan Reform Committee, 2012-2014
 Chair of Metropolitan Local Government Group 2009, 2010, 2011
 Founding Member, Eastern Region Alliance
 Member, Capital City Committee 2011-2012
 Ward Councillor, 2003-2006, including membership of several Section 41 committees
 Presiding Member Development Assessment Panel 2005-2006
 Chair Local Government Procurement Board
 Commissioner Development Assessment Commission

Local Government Policy Views & Interests

Local communities are the very foundation of our nation and local government forms the heart of them. The LGA has a pivotal role in representing the concerns and aspirations of local government and advocating for improvements across the sector, state and nation.

By working collaboratively across council boundaries we present a stronger voice when negotiating with industry and other levels of Government. I am a strong advocate for us being the masters of our own destiny because we are the experts in our field - provided that we can see and grasp the opportunities in front of us.

I have always been motivated by the influential role Councils have in stimulating community growth, e.g. community arts and events, local economic development, changes in community behaviour such as waste recycling and energy sustainability measures. The LGA encourages Councils to look beyond their borders, share ideas and learn from each other for the benefit of our local communities - it is the primary reason I joined the Board and with to continue serving.

Other Information

30 years of community service in Adelaide and Whyalla including Kiwanis, Young Christian Workers movement (Branch President, Diocesan President, Youth Worker, Chaplain), Knights of the Southern Cross, Lions, parish council, Blackfriars Priory School Board Chair, university organisations Art Deco and Modernism Society (Convenor), Diocesan Finance Council, Reconciliation SA and the UniSA Architecture Museum.

Executive roles in the private and public construction industry for over 30 years.

This information is to accompany a nomination form and must be received by the Returning Officer of the Region by 5.00pm on 6 October 2016



Local Government Association
of South Australia

The voice of local government.

2016 Nomination Form

Representative of Metropolitan Local Government Group

The City of Salisbury

(Name of council making the nomination)

hereby nominates Gillian Aldridge

(Full Name)

of the City of Salisbury

(Name of council of which the nominee is a member)

being a Member of such council to the position of **Board Member or Deputy Board Member**
representing the Metropolitan Local Government Group

Dated this

4th

day of

October

2016

(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination and consent to act as a
Board Member or Deputy Board Member if so elected

(Signature of Candidate)

Close of Nominations: 5:00pm 6 October 2016



**Local Government Association
of South Australia**

The voice of local government.

LGA Board Member

Candidate Information

Position Sought (tick whichever position applicable):

- ☐ **LGA President or**
☒ **Board Member Representative of Metropolitan Local Government Group**

Word limit is strictly 1,000 words (pursuant to clause 64.2 of the Constitution)

Name: Mayor Gillian Aldridge

Council: City of Salisbury

Current council position(s) Mayor

Local Government Experience / Knowledge

28 years at the City of Salisbury in the following roles:

October 1988 - March 2008	Councillor
1997-2007	Deputy Mayor
March 2008 - Current	Mayor

Local Government Policy Views & Interests

Local Government at its' best can make a real and positive difference to people's lives, and we have an obligation as a sphere of Government to develop a united and coherent approach in the interests of our communities.

South Australian and Northern Adelaide is positioned for change and together as Local Government we can influence and shape that change to ensure South Australia continues to prosper. To that end Councils of the north are committed to working together with other councils, governments, businesses and the entire community to make sure South Australia reaches its full potential.

First and foremost we must have a focus on jobs for all South Australians – jobs for people coming out of the automotive sector, jobs for school leavers, jobs for our unemployed and jobs for people seeking to re-enter the workforce.

We must invest and lobby for infrastructure. Infrastructure that links our businesses to interstate and global markets.

We must also support small business within our state, small business support our economy and we need to increase the range of programs to help them survive and grow. We need to build a positive image for Local Government, one that gives our community confidence in the future and one that positions ourselves as an attractive industry for growth and opportunities.

At the last LGA Board elections there were no appointments to the Board from northern Adelaide metro councils. When voting I urge Councils to consider the impact not only for their council but the state as a whole ensuring that the north can be represented on the LGA.

The City of Salisbury and Northern Adelaide has long been a supporter of the LGA and we look forward to continuing to support and grow our State together

Other Information

- Voting Representative, Local Government Association
- Local Government Association Metropolitan Mayors' Group
- Northern Economic Leaders Champions Group
- Mawson Lakes Community Trust Fund Committee



Local Government Association
of South Australia

The voice of local government.

2016 Nomination Form

Representative of Metropolitan Local Government Group

The City of West Torrens

(Name of council making the nomination)

hereby nominates Arthur Con Mangos

(Full Name)

of City of West Torrens

(Name of council of which the nominee is a member)

being a Member of such council to the position of **Board Member or Deputy Board Member**
representing the Metropolitan Local Government Group

Dated this

26th

day of

September 2016

Terry Buss

Terry Buss
Chief Executive Officer
City of West Torrens

(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination and consent to act as a
Board Member or Deputy Board Member if so elected

Arthur Con Mangos

(Signature of Candidate)

Close of Nominations: 5:00pm 6 October 2016



Local Government Association
of South Australia

The voice of local government.

LGA Board Member

Candidate Information

Position Sought (tick whichever position applicable):

- ☐ LGA President or
☒ Board Member Representative of Metropolitan Local Government Group

Word limit is strictly 1,000 words (pursuant to clause 64.2 of the Constitution)

Name: Arthur Con Mangos
Council: City of West Torrens
Current council position(s) Councillor
Local Government Experience / Knowledge

As attached

Local Government Policy Views & Interests

As attached

Other Information

As attached

This information is to accompany a nomination form and must be received by the Returning Officer of the Region by 5.00pm on 6 October 2016

Candidate Information

Position Sought Board Member Representative of Metropolitan Local Government Group

Name: Arthur Con Mangos
Council: City of West Torrens
Current Council Position: Councillor

Local Government Experience / Knowledge

Board/Committee Experience:

- Chairperson of CWT Audit and Risk Committee (Current)
- St Martins Aged Care Facility Advisory Board Member and Chairperson (1997 - 2014) - Non Current
- Treasurer of Athletics SA board (2009 - 2013)
- Vice President of Region 7 Murray Darling Association (2000 - current)
- South Australian Australia Day Committee Member (2012 - 2016)
- Treasurer of South Australian Australia Day Committee - 2016
- Chairperson of Climate Change Adaptation Committee Western Region (3 councils)
- Technical Official Commonwealth Games (Melbourne) 2006
- Technical Official at National and Junior Athletics Meetings (Local and National) - Current (15 years' experience)
- Patrolling Member at West Beach Surf Lifesaving Club (Current)
- Honourary Life Member at Camden Athletics Club

Key Expertise:

- [Refer to linkedin](#)
- Strategic Planning
- Liaise with relevant Council Health Officers regarding local public health issues such as immunisation and food quality

Local Government Policy View and Interests

As a Councillor for the City of West Torrens, Arthur has been a tireless worker for the Plympton Ward since his election in 1989. He has special interest in the infrastructure of our City particularly ensuring Adelaide Airport meets its safety obligations to the community and complies with Commonwealth Government regulations. He is also the vice president of the Murray Darling Association Region 7 Committee and takes a keen interest in ensuring this valuable waterway remains viable for the people of South Australia.

Other Information

- Justice of the Peace for 25 years



Local Government Association
of South Australia

The voice of local government.

2016 Nomination Form

Representative of Metropolitan Local Government Group

The City of Holdfast Bay

(Name of council making the nomination)

hereby nominates Cr Rosalina (Mikki) Bouchee

(Full Name)

of City of Holdfast Bay

(Name of council of which the nominee is a member)

being a Member of such council to the position of **Board Member or Deputy Board Member**
representing the Metropolitan Local Government Group

Dated this 16th day of September 2016

(Signature of Chief Executive Officer) - Acting

and I, the person nominated, hereby accept such nomination and consent to act as a
Board Member or Deputy Board Member if so elected

(Signature of Candidate)

Close of Nominations: 5:00pm 6 October 2016



Local Government Association
of South Australia

The voice of local government.

LGA Board Member

Candidate Information

Position Sought (tick whichever position applicable):

- ☐ **LGA President or**
☐ **Board Member Representative of Metropolitan Local Government Group**

Word limit is strictly 1,000 words (pursuant to clause 64.2 of the Constitution)

Name:	Rosalina (Mikki) Bouchee
Council:	City of Holdfast Bay
Current council position(s)	Councillor and Deputy Mayor

Local Government Experience / Knowledge

Over 20 years experience as an Alderman and Councillor.
 Various decision making roles re: policy and strategic planning in waste management/planning/community services/aged care/marketing/events/ environment and finance.

Board Member- Western Region Waste Management Authority (2001 - present)
 Audit Committee - Western Region Waste Management Authority (2012 - present)
 Board Member - Southern Region Waste Management Authority (2006 - 2010)
 Board Member - Meals on Wheels South Australia (2010 -2012)
 Board Member - NRM (2008 -2010)
 Member - DAP City of Holdfast Bay (2014 - 2015)
 Member - Executive Committee City of Holdfast Bay (2015 - present)
 Member - Mainstreet Committee (2015 - present)

Local Government Policy Views & Interests

Lobby for more control/input on planning issues as this has major impact on amenities/infrastructure and financial viability of Councils
 Continue to facilitate discussions with State Government in relation to the ever changing swathe of regulations which inundate Councils creating staffing stressors and increased financial burdens.
 Continue the pressure on Federal Government to formally recognise Local Government as the third tier of Government.
 If State Government initiate more regulations....eg... Dog/Cat Management /Hoarding.....more control and power must be delegated to Local Government to manage compliance so as to ensure that it does not create an added impost financially.
 I do not support Council collecting NRM Levy.
 Totally support the LGA's position on the Waste Levy.....most monies collected (since the demise of Zero Waste) are not put into the EPA but into general revenue.

Other Information

I believe my broad experience within the ever changing environment of Local Government and other Board/Committee positions could be of great value to the dynamic of the decision making process of this Board.

This information is to accompany a nomination form and must be received by the Returning Officer of the Region by 5.00pm on 6 October 2016



Local Government Association
of South Australia

The voice of local government.

2016 Nomination Form

Representative of Metropolitan Local Government Group

The City of Mitcham

(Name of council making the nomination)

hereby nominates Mayor Glenn William Spear

(Full Name)

of City of Mitcham

(Name of council of which the nominee is a member)

being a Member of such council to the position of **Board Member** representing the Metropolitan Local Government Group

Dated this 29th day of September 2016

A handwritten signature in black ink, appearing to be 'M. Spear', written over a horizontal line.

(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination and consent to act as a Board Member or Deputy Board Member if so elected

A handwritten signature in black ink, appearing to be 'Glenn Spear', written over a horizontal line.

(Signature of Candidate)

Close of Nominations: 5:00pm 6 October 2016



**Local Government Association
of South Australia**

The voice of local government.

LGA Board Member

Candidate Information

Position Sought (tick whichever position applicable):

- ☐ **LGA President or**
☒ **Board Member Representative of Metropolitan Local Government Group**

Word limit is strictly 1,000 words (pursuant to clause 64.2 of the Constitution)

Name: Glenn William Spear
Council: City of Mitcham
Current council position(s) Mayor

Local Government Experience / Knowledge

- Elected Mayor of the City of Mitcham in November 2014
- Deputy Board Member representing the Metropolitan Local Government Group from November 2014 to April 2015
- Currently a serving Local Government Association Board Member
- Have had a long term interest in local government issues and community affairs especially in regards to education, sporting facilities and active participation and communication with the community
- Strong business background and strong financial skills
- Centennial Park Cemetery Authority Board Member

Local Government Policy Views & Interests

- Open lines of communication between all levels of government
- Effectiveness and efficiencies in local government
- Commercial common sense
- Effective, equitable and transparent planning system
- Economic and Environmental Sustainability

Other Information

- I am a current Justice of the Peace
- I serve as Patron to a Hills Choral Society, Mitcham Hawks Football Club and Unley Jets Football Club
- Extensive experience in the chairing of committees of both professional and voluntary organisations
- Chairman of Central Audio Visual employing 40 people with an annual turnover of \$5million
- A commercial pilot and qualified to act as a chief pilot for over 20 years
- A company director for 32 years

This information is to accompany a nomination form and must be received by the Returning Officer of the Region by 5.00pm on 6 October 2016



Local Government Association
of South Australia

2016 Nomination Form

Representative of Metropolitan Local Government Group

The CITY OF CHARLES STURT

(Name of council making the nomination)

hereby nominates MAYOR ANGELA EVANS

(Full Name)

of THE CITY OF CHARLES STURT

(Name of council of which the nominee is a member)

being a Member of such council to the position of **Board Member or Deputy Board Member**
representing the Metropolitan Local Government Group

Dated this FOURTH day of OCTOBER 2016

(Signature of Chief Executive Officer) (Acting)

and I, the person nominated, hereby accept such nomination and consent to act as a
Board Member or Deputy Board Member if so elected

(Signature of Candidate)

Close of Nominations: 5:00pm 6 October 2016



**Local Government Association
of South Australia**

The voice of local government.

LGA Board Member

Candidate Information

Position Sought (tick whichever position applicable):

- ☐ LGA President or
☒ **Board Member Representative of Metropolitan Local Government Group**

Word limit is strictly 1,000 words (pursuant to clause 64.2 of the Constitution)

Name:	<u>Mayor Angela Evans</u>
Council:	<u>City of Charles Sturt</u>
Current council position(s)	<u>Mayor</u>

Local Government Experience / Knowledge

Mayor of the City of Charles Sturt (from 2014 Elections)
 Deputy Mayor of the City of Charles Sturt (2010/11, 2013/14)
 8 years as Councillor for West Woodville Ward City of Charles Sturt (2006-2014)

Committees:

- City Services Committee (2006-2014) - Chair (2011-2013)
- Audit Committee
- Strategic Development Committee (2006-2014) - Deputy Chair (2010-2014)
- Policy & Delegation Committee - Deputy Chair (2010-2014)
- Gender Matters Panel/Committee (2010-2014) - Chair (2012- 2014)
- SALGWA (2006-2013)

Local Government Policy Views & Interests

I believe the following represents my keys areas of interest and commitment to local Government. In my term as Mayor I plan to:

- Build strong relationships between Councillors
- Develop an effective Governance framework for Council
- Implement long term Financial sustainability for Council
- Facilitate Local Economic Development
- Focus Council more directly on Infrastructure Planning and Asset Management
- Contribute to Planning Reform so that Council still plays a primary role in developing planning policy and decision making.
- Give greater recognition to Community Engagement as an effective tool for assist good decision making
- Create partnerships with other levels of Government, the community and the private sector to better serve the local area.

In the current economic and political climate Councils need to work together and where possible hold a common voice on things that affect our sector. After 10 years on Council and LGA Board Member I believe I have the experience to contribute more broadly to advancing the Local Government agenda. The chance to again represent my peers on the Board of the LGA will allow me to provide new ideas, policy rigour and a collaborative approach all designed to ultimately improve the quality of life of communities we represent as Councillors.

This information is to accompany a nomination form and must be received by the Returning Officer of the Region by 5.00pm on 6 October 2016

Other Information

Apart from Local Government interests I have experience as a small business operator and have extensive experience working within the Community Service sector. I am well connected within the community including patron of various sporting clubs and community organisations.



2016 Nomination Form

Representative of Metropolitan Local Government Group

The ADELAIDE CITY COUNCIL

(Name of council making the nomination)

hereby nominates COUNCILLOR SUSAN MARGARET CLEARIHAN

(Full Name)

Of ADELAIDE CITY COUNCIL

(Name of council of which the nominee is a member)

being a Member of such council to the position of **Board Member or Deputy Board Member**
representing the Metropolitan Local Government Group

Dated this SIXTH day of OCTOBER 2016

(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination and consent to act as a
Board Member or Deputy Board Member if so elected

(Signature of Candidate)

Close of Nominations: 5:00pm 6 October 2016



LGA Board Member

Candidate Information

Position Sought (tick whichever position applicable):

- ☐ LGA President or
☒ Board Member Representative of Metropolitan Local Government Group

Word limit is strictly 1,000 words (pursuant to clause 64.2 of the Constitution)

Name: Councillor Susan Clearihan
Council: Adelaide City Council
Current council position(s) City Councillor – North Ward
Local Government Experience / Knowledge

Susan has 19 years of Local Government experience and an extensive track record in community affairs. A former teacher and coordinator of the Local Crime Prevention and Community Safety Program, at the City of Charles Sturt (1995-2004) she was elected to Adelaide City Council in 2003.

Susan has served as the Deputy Lord Mayor (2007-2008) and the Presiding Member of various Council committees, including Council's Community Services, Events & Facilities Committee; the Finance and Business Services Committee; the Adelaide Park Lands Committee and the Main Street / Precinct Reference Group. She has been a member of Council's Development Assessment Committee, the Capital City Development Assessment Commission (CCDAC) and is a representative on Council's Community Emergency Risk Management Committee (CERM).

Susan also represents the Adelaide City Council on various external Boards and Committees, including the Adelaide Festival Centre Trust and Education / Study Adelaide. She is the Adelaide City Council's voting representative for both the LGA of SA's AGM and ALGA's National General Assembly in Canberra.

In 2015, Susan was elected to the Board of the LGA as a Representative of the Metropolitan Local Government Group. She is also the LGA's representative on the Adelaide Cemeteries Authority, which oversees the West Terrace, Cheltenham, Enfield and Smithfield Cemeteries and is the Chair of the Authority's Heritage and Monument Committee. Until last month, Susan was the LGA's representative on the State Mitigation Advisory Group in Emergency Management.

Local Government Policy Views & Interests

As a new member of the LGA Board, Susan has been working with the LGA President, fellow Board Members, the new CEO, Matt Pinnegar and our LGA Officers to develop and implement a new Strategic Plan, establish an Audit Committee, undertake a Governance Review and importantly, an external and thorough review of our LGA Mutual Schemes.

Many matters raised by members of late will be picked up in this Governance Review. Other matters being addressed include: How do we bring everyone together to develop clear policy while also acknowledging and representing the different communities of interest? What structure will serve our Association best? Who should represent our Members? How will the LGA engage with and respond to the needs of our diverse membership?

This extensive planning, review and restructure exercise is being undertaken in conjunction with the busy day to day business of the LGA. This year, there have been many wins for Local Government including the defeat of the Rate Capping Bill and the extensive Local Government's participation in the China/Shandong business mission. We can now look forward to a refreshed and more effective organisation, better able to provide the leadership and advocacy our LGA members deserve and expect.

Many issues are still on the table for our local government family, at the Local, State and National levels, and these will require our ongoing attention and timely response.

Some of these issues include:

What will be the impacts of the reduced participation of Local Government and local communities in local planning matters?

What are the unspecified cost impacts for Local Government on the implementation of the new Planning, Development and Infrastructure Act?

How can we improve State Government relations to bring about improved and earlier engagement with Local Government on proposed legislative matters? eg The Heritage Review Paper, as well as address the issue of State Government using Councils to raise and collect revenue eg the NRM levy, the increased waste levies and rubble royalties? ?

How do we progress the ALGWA agenda and encourage more women to participate in Local Government elections and senior administration?

How can we address the financial relationship between different levels of Government and the Vertical Fiscal Imbalance resulting in Local Government expected to pick up more with less, eg Climate Change and Emergency management?

What are the continuing impacts for Local Government on the loss of indexation on Financial Assistance Grants from the Federal Government's three year freeze?

When can we push forward on the recognition of Local Government in the Australian Constitution?

If re-elected to the LGA Board, I will continue to work collaboratively with fellow Board members, the LGA Administration and our LGA Members to create a 21st Century Association we can all be proud of and ultimately ensure our communities continue to be prosperous and resilient.



Local Government Association
of South Australia

2016 Nomination Form

Representative of Metropolitan Local Government Group

The City of Tea Tree Gully

(Name of council making the nomination)

hereby nominates Mayor Kevin John Knight

(Full Name)

Of City of Tea Tree Gully

(Name of council of which the nominee is a member)

being a Member of such council to the position of **Board Member or Deputy Board Member**
representing the Metropolitan Local Government Group

Dated this 6

day of October 2016

(Signature of Chief Executive Officer)

and I, the person nominated, hereby accept such nomination and consent to act as a
Board Member or Deputy Board Member if so elected

(Signature of Candidate)

Close of Nominations: 5:00pm 6 October 2016



**Local Government Association
of South Australia**

LGA Board Member

Candidate Information

Position Sought (tick whichever position applicable):

- **LGA President or**
- ✓ **Board Member Representative of Metropolitan Local Government Group**

Word limit is strictly 1,000 words (pursuant to clause 64.2 of the Constitution)

Name: Mayor Kevin Knight

Council: City of Tea Tree Gully

Current council position(s) Mayor

Local Government Experience / Knowledge

Mayor Knight's service to local government in the City of Tea Tree Gully has spanned over 19 years. He was first elected to position of Councillor in 1993. Served on Council continuously until 2006.

Re-elected as a councillor in 2010 after 4 years off. Elected as Mayor in 2014, Mayor Knight is the current full-time Mayor at the City of Tea Tree Gully. Mayor Knight has been a member of numerous boards and committees both locally (including Audit Committee and Traffic Management subcommittee) and at a State level. Importantly, he has shown clear leadership, knowledge and expertise in his previous roles as Deputy Mayor and chairman of the City of Tea Tree Gully, Council Development Assessment Panel.

Local Government Policy Views & Interests

Prudent financial management has been a priority, and planning has always been one of his major interests. Good governance policies have also been a strong interest as well as Traffic management and open space.

Mayor Knight has a strong vision to make local government more meaningful to the everyday person in the street. He is a keen supporter of reducing unnecessary red tape and making it simpler for businesses to engage in meaningful outcomes with local government. He is passionate about supporting appropriate development and local government's role in assisting development.

He is a strong believer in the word "Local", it is what separates us from the other tiers of government. If elected, Mayor Knight is committed to representing the interests of metropolitan and regional councils of South Australia in accordance with their needs and the LGA's vision and strategic directions. He came to his new role as Mayor with an enormous amount of energy and enthusiasm in representing his local community and the local government community more generally within this state.

Other Information

Prior to retirement Mayor Knight held the position of State Manager for Simplex International in Adelaide and State manager for Micropay. He has an IT background along with Sales and management responsibility. He took a package at a reasonably young age and is now a self funded retiree.

This information is to accompany a nomination form and must be received by the Returning Officer of the Region by 5.00pm on 6 October 2016



Ref: HI:kr
CC16/175

7 November 2016

Mayor Kris Hanna
City of Marion
PO Box 1
OAKLANDS PARK SA 5046

Town of Gawler
89 Murray Street
PO Box 130
Gawler SA 5118
Phone: (08) 8522 9211
Fax: (08) 8522 9212
council@gawler.sa.gov.au
gawler.sa.gov.au

Dear Mayor Hanna

**Re: Local Government Association Board Member – Nomination of Mayor
Karen Redman**

I write in energetic support of Mayor Karen Redman's nomination for membership of the board of the LGA.

As an Elected Member for the Town of Gawler since 2010 and as Mayor from 2014, I have no doubt that Karen Redman possesses the experience, skills and knowledge required of a very effective LGA Board Member.

An LGA Board Member must bring to the position the capacity to contribute intelligently and strategically to public policy. Karen has demonstrated this capacity by virtue of her contributions to:

- Community Plan Reviews
- CEO recruitment and appointment
- Town Character DPA
- Urban Design Centre Studies

Karen is an intelligent and focused contributor to the committees of which she is a member. These committees include but are not limited to:

- CDAP
- Audit
- Infrastructure
- Environment
- Corporate
- Community and Youth

Karen's commitment to efficient and effective Local Government is demonstrated by her membership of and contribution to the MLGG Executive Committee which has, as one of its foci, the continued efficiency and effectiveness of local government for all South Australians.

Despite the economic climate and sluggish growth in South Australia, Gawler continues to be one of the fastest growing areas in the State. Karen's contribution to this strategic growth has been, and continues to be, significant. Her understanding of and commitment to economic development is amply demonstrated by her capacity to lead community in the development of an exciting business relationship with the Chinese city of Penglai.

Equally, her outstanding work in obtaining Federal funding for the regional infrastructure development known as the 'Gawler-Connect Project' will significantly revitalise Gawler's civic and tourism facilities and reinforce Gawler's role as the economic hub of the region.

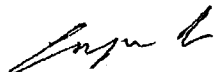
Councils have a critical role to play in the economic development of their own regions and the State as a whole. In this context, it is important to note that, currently there are no Board members representing Northern Adelaide Councils. I suggest that Karen's appointment would redress this imbalance and contribute to the LGA's mission providing leadership and benefits to all of South Australia.

Significantly, Karen's successful nomination to the LGA's Board would also make a statement about redressing the imbalance of gender representation on such boards.

Karen is, above all, a strong community leader with well-honed communication skills. Her Women's Leadership initiatives are well regarded in the community and her capacity to engage, lead and inspire her community in times of disaster was demonstrated during the Pinery bushfires and again during the recent floods.

Karen is a highly regarded, respected community leader. She is experienced, intelligent, strategic, measured and empathetic. I have no hesitation in asking for your support of her nomination for a position on the LGA Board and believe it is time the Northern Adelaide Councils were fairly represented

Yours faithfully



Henry Inat
Chief Executive Officer

Direct line: (08) 8522 9221
Email: Henry.Inat@gawler.sa.gov.au



7 November 2016

OFFICE OF THE LORD MAYOR

Mayor K Hanna
City of Marion
PO Box 21
Oaklands Park SA 5108

Dear Mayor Hanna

**LOCAL GOVERNMENT ASSOCIATION BOARD MEMBER RE-NOMINATION –
COUNCILLOR SUSAN CLEARIHAN**

On behalf of the City of Adelaide I write to seek your support in the upcoming LGA (SA) Board election for the reappointment of our Council's nominee, Councillor Susan Clearihan.

A former educator, with an extensive track record in community affairs, Susan has a continuous 19 year association with local government, beginning in 1997 when she began working at the City of Charles Sturt and then in 2003, when she was elected to Adelaide City Council.

Susan has served the City of Adelaide as an Area Councillor (2003-07), a Ward Councillor (2007 -) and as Deputy Lord Mayor (2007-2008).

She has chaired numerous Council Committees, has also served on Council's Development Assessment Panel (DAP) and more recently represented Council on the Capital City Development Assessment Commission (CCDAC).

Susan has extensive Board experience, and is Council's representative on the Study Adelaide Board and the Adelaide Festival Centre Trust.

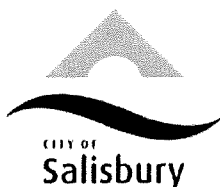
She also represents the Local Government Association on the Adelaide Cemeteries Authority (Smithfield, Enfield, Cheltenham and West Terrace Cemeteries) and until last month was the LGA's representative on the State Mitigation Advisory Committee in Emergency Management. Susan has been and is currently Adelaide City Council's voting delegate for the Local Government Finance Authority (LGFA).

Susan has been a metropolitan representative on the LGA Board of SA since 2015. Susan's extensive and broad local government experience and involvement at the local, state and national level positions her well to represent the Capital City Council, metropolitan councils and SA councils generally on the LGA Board.

If re-elected to the LGA Board, Susan will continue to work collaboratively with fellow Board members, and LGA members to ensure our association is representative, responsive and resilient to our 21st century challenges.

Yours sincerely

Martin Haese
LORD MAYOR



City of Salisbury
ABN 82 615 416 895

12 James Street
PO Box 8
Salisbury SA 5108
Australia

Telephone 08 8406 8222
Facsimile 08 8281 5466
city@salisbury.sa.gov.au

TTY 08 8406 8596
(for hearing impaired)

www.salisbury.sa.gov.au

12 October 2016

Mayor Kris Hanna
City of Marion
PO Box 21
OAKLANDS PARK SA 5046

RECEIVED	
CITY OF MARION	
INFORMATION MANAGEMENT	
17 OCT 2016	
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Dear Mayor Hanna

Re: Nomination of Mayor Gillian Aldridge to the Local Government Association Board

At its meeting on Monday 26 September 2016, Council resolved to nominate Mayor Gillian Aldridge as a member of the Local Government Association Board representing the Metropolitan Local Government Group.

Mayor Aldridge has a wealth of Local Government experience having served as an Elected Member of the City of Salisbury since 1988, Mayor since 2008, Deputy Mayor from 1997 to 2007 and Councillor prior to that.

As past Member and currently Deputy Member of the LGA Board and current member of the Metropolitan Local Government Group, Mayor Aldridge has served the Association well and with dedication. She is a strong advocate of Local Government is passionate about furthering the relationship between Government of all levels and the residents within our communities.

Mayor Aldridge has extended her work in Local Government by being a past member of various associations within the community and as Council representative on the Mawson Lakes Community Trust Fund and Reconciliation Action Plan Working Group. She is also strongly involved in the development of the Northern Economic Plan, an initiative aimed at creating jobs and empowering local communities.

I commend Council's nomination of Mayor Aldridge as a MLGG representative on the LGA Board to you and seek your support in placing her at the highest order on your ballot, second only to any representative you may have nominated.

Yours sincerely

A handwritten signature in black ink, appearing to be "John Harry".

John Harry
Chief Executive Officer
Phone: 08 8406 8212
Email: jharry@salisbury.sa.gov.au



CITY OF
TEA TREE GULLY
Naturally Better

19 October 2016

Refer Enquiries: Ilona Cooper, Manager Governance & Policy
8397 7310 (Our Ref: D16/60231)

Dear CEO, Mayor, and Elected Members

Local Government Association Board Member – Nomination of Mayor Kevin Knight

I write seeking your support for the City of Tea Tree Gully's nomination of Mayor Kevin Knight for the position of Board Member on the Local Government Association of South Australia (LGA) representing the Metropolitan Local Government Group. Mayor Knight was unanimously voted by his fellow Elected Members as the City of Tea Tree Gully's nomination.

Mayor Knight's service to local government has spanned over 19 years and he now serves as a full-time Mayor at the City of Tea Tree Gully. Mayor Knight has been a member of numerous boards and committees both locally and at a State level. Importantly, he has shown clear leadership in his previous roles as Deputy Mayor and chairman of our Council's Development Assessment Panel.

If elected, Mayor Knight is committed to representing the interests of metropolitan and regional councils of South Australia in accordance with their needs and the LGA's vision and strategic directions. He came to his new role with an enormous amount of energy and enthusiasm in representing his local community and the local government community more generally within this state.

Mayor Knight has a strong vision in making local government more meaningful to the everyday person in the street. He is a keen supporter of reducing unnecessary red tape and making it simpler for businesses to engage in meaningful outcomes with local government. He is passionate about supporting appropriate development and local governments role in assisting development.

I commend Mayor Knight to you as an excellent candidate, having all the credentials required to serve on the LGA Board, and I would appreciate your council giving favourable consideration to his nomination.

Yours sincerely

John Moyle
Chief Executive Officer



14 November 2016

Dear Mayor and Elected Members

Re: Local Government Association Board Member Nomination – Mayor Glenn Spear

On behalf of the City of Mitcham we seek your support towards our recent nomination of Mayor Glenn Spear for the position of Board Member on the Local Government Association of SA (LGA).

On 27th September 2016 at the City of Mitcham's Council meeting, Council voted unanimously to support Mayor Glenn Spear's nomination.

Mayor Glenn Spear was elected as the Mayor for the City of Mitcham in November 2014 and since March 2015 has been a Board Member representing the Metropolitan Local Government Group.

Mayor Spear has had a long term interest in local government issues and community affairs especially in regards to education, sporting facilities and community engagement. He is passionate about the opportunities for greater regional collaboration amongst councils.

As a company founder and director for thirty four years, Glenn comes to local government with a strong business background and strong financial skills. If elected he would continue to offer an independent perspective to the LGA.

The LGA have circulated ballot papers and candidates profiles to all metropolitan councils seeking your Council's endorsed vote for Board Members to the Local Government Association. Voting will close on 9 December 2016.

I ask for your consideration of Mayor Spear's nomination to the LGA Board and I fully support his commitment to the role.

Yours sincerely

MATTHEW PEARS
CHIEF EXECUTIVE OFFICER



15 November 2016

City of Marion
PO Box 21
OAKLANDS PARK SA 5046

Dear Mayor/Elected Members/CEO,

**LOCAL GOVERNMENT ASSOCIATION BOARD MEMBER
NOMINATION - MAYOR DAVID O'LOUGHLIN**

I write to you seeking your support for my candidacy in the upcoming Local Government Association (SA) Board Member election.

In considering my nomination, I appreciate that you may wish to gain some insight into my background, and my involvement in local government since 2003.

I have held executive positions in the private and public sectors of the construction industry for over 27 years, after studying Architecture and Project Management at university. Following some years of success and being recognised by peak industry awards I undertook the position as Director Major Projects at Housing SA and then Australia's largest program of urban renewal for over five years. Through this experience I cultivated strong relationships with successive ministers in order to achieve support for our programs in suburban, regional and remote locations.

My commitment to the community is also evident through the numerous boards and committees I sit on, including the the Advisory Board of the Uni SA Architecture Museum and convenor of the Adelaide Chapter of the Art Deco and Modernism Society.

In 2003 I was elected as a Councillor for City of Prospect and 2006 I was elected as Mayor, and have been re-elected twice.

On Council I initiated an economic development reform agenda that has led to a transformation of our city, reducing dependence on residential rates, developing an award winning 'Village Heart' with record low vacancies and implementing 'Australia's best' digital economy strategy. We are now fully fibered and have won ICF Smart 21 City status four years running and again in 2017. We have a burgeoning small business sector, doubled our heritage listings and have the largest number of new apartment developments outside the CBD.

In 2008 I ran for the LGA Board and have been an active participant since, serving with honour as President for the metropolitan cycle between 2013-15 and since as Immediate Past President. It was in this role that I first joined Australian Local Government Association Board and on the 10th November 2016 I was elected as the President of ALGA, our peak industry body, to represent the interests of local communities and Councils at the Federal level.

As President of the LGA SA I initiated our largest ever campaign, which we won, in defence of pensioner concessions. We provided template resolutions, campaign strategies and materials for local Councils, with all but one of them passing formal resolutions of protest and action. In turn they motivated thousands of pensioners to lobby their Federal and State members, to call radio, write letters, seek appointments with their local members, and win the hearts of our communities. It was a turning point in our relationship with other levels of government, when they realised how effective we could be at mobilising local communities.

Another significant achievement was elevating our relationship with State government from junior ministry status to one where we meet quarterly with the Premier in a joint forum. We have established a reputation as skilled partners in government and community leadership - a far cry from our reputation only four years ago.

Aside from successfully encouraging metropolitan Councils to focus more on economic development, I advocated for reforms to our dated and convoluted planning system, reforms which are now underway and are subject to our close scrutiny. Continuing the theme of self-determination wherever possible, I requested and we were granted the ability to rewrite our boundary reform legislation, driven by our sector and for our communities, and am delighted that our preferred model has been adopted by the government, with the draft bill receiving broad support.

These are just some of the commitments to reform and improvement that I seek to continue to offer to you in the role as a Board Member of the Local Government Association (SA).

With your support it would be an honour and a privilege to continue to serve on the LGA (SA) Board, where I can also provide a strong and direct link to ALGA and the work it does at the Federal level on our behalf

Yours sincerely

A handwritten signature in dark ink, consisting of a large, stylized loop followed by a long horizontal stroke that tapers off to the right.

David O'Loughlin
Mayor, City of Prospect
President, Australian Local Government Association
0408 598 863

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Jaimie Thwaites, Unit Manager Governance and Records
Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, General Manager Corporate Services
Subject: Conflict of Interest and Informal Briefings Policy
Report Reference: GC221116R16

REPORT OBJECTIVES:

For Council to be notified of the *Local Government (General) Variation Regulations 2016* and to adopt the revised Informal Briefing Policy.

EXECUTIVE SUMMARY:

The *Local Government (General) Variation Regulations 2016* were gazetted on 27 October 2016 and will commence operation on 24 November 2016. These Variation Regulations amend the *Local Government (General) Regulations 2013*, in particular, with regards to what will be prescribed as "ordinary business" for the purposes of sections 74(6) and 75A(6) of the *Local Government Act 1999*, in addition to prescribing requirements for inclusion in council policies dealing with the holding of informal gatherings and discussions. The Regulations also contain variations to some minor procedural matters.

A copy of the *Local Government (General) Variation Regulations 2016* is attached as Appendix 1.

The Hon Geoff Brock MP, Minister for Local Government has written to the Mayor regarding the *Local Government (General) Variation Regulations 2016*.

A copy of this letter is attached as Appendix 2.

Council's Informal Briefing Policy has been amended in light of the variation amendments and a 'marked up' version of the policy is attached as Appendix 3.

RECOMMENDATIONS:

DUE DATES

That Council:

- | | |
|---|-----------------|
| <ol style="list-style-type: none">1. Notes the report '<i>Conflict of Interest and Informal Briefings Policy</i>'2. Adopts the revised Informal Briefings Policy as outlined in Appendix 3, with the following amendments:
- | <p>Nov 2016</p> |
|---|-----------------|

DISCUSSION:

Conflict of Interest

Provisions under the *Local Government Act 1999* (the Act) regulate material, actual and perceived conflicts of interest for Council members, Council Committee members and the members of subsidiary boards.

The *Local Government (General) Variation Regulations 2016* provides for additional matters of the ordinary business of councils being prescribed modifying the consequences of a conflict of interest for council members. The ordinary matters of business for council committees and subsidiaries have now also been prescribed.

Informal Gatherings

Section 90(1) of the *Local Government Act 1999* (the Act) there is a general requirement that all Council and Committee meetings are to be held in a place open to the public (except in special circumstances). Section 90(8) of this Act does allow council and committee members to meet outside of formally constituted meetings on the following provision:

‘provided that a matter which would ordinarily form part of the agenda for a formal meeting of a council or council committee is not dealt with in such a way as to obtain, or effectively obtain, a decision on the matter outside a formally constituted meeting of the council or council committee.’

Section 90(8a) of the Act provides that an informal gathering or discussion can only be held if it complies with a Council adopted policy on the holding of the informal gathering or discussion. On 22 March 2016 Council adopted an ‘Informal Gatherings Policy’ in order to comply with this Section of the Act (Report Reference GC220316R07).

The *Local Government (General) Variation Regulations 2016* provides some mandatory requirements for Council’s Informal Gatherings Policy and essentially provides for two types of informal gatherings, ‘designated informal gatherings and discussions’ and other informal gatherings or discussions. Both types of informal gatherings need to be contemplated in, and comply with Council’s Informal Gatherings Policy.

The Hon Geoff Brock MP, Minister for Local Government has written to the Mayor regarding the *Local Government (General) Variation Regulations 2016*.

A copy of this letter is attached as Appendix 2.

The Informal Briefings Policy has been updated taking into consideration the following:

- the *Local Government (General) Variation Regulations 2016*,
- the Minister’s letter,
- the updated model policy produced by the Local Government Association

The ‘marked up’ Policy is attached as Appendix 3.

CONCLUSION:

The *Local Government (General) Variation Regulations 2016* will come into force on 24 November 2016, and will amend the *Local Government (General) Regulations 2013*.

South Australia

Local Government (General) Variation Regulations 2016

under the *Local Government Act 1999*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Local Government (General) Regulations 2013*

- 4 Substitution of regulation 8AAA—Conflicts of interest—ordinary business matters etc
 - 8AAA Conflicts of interest—ordinary business matters etc
 - 8AAB Conflicts of interest—special provisions relating to subsidiaries and committees
- 5 Insertion of regulation 8AB
 - 8AB Informal gatherings and discussions
- 6 Variation of Schedule 1—Forms
- 7 Variation of Schedule 3—Local government sector employers

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Local Government (General) Variation Regulations 2016*.

2—Commencement

These regulations will come into operation on 24 November 2016.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Local Government (General) Regulations 2013*

4—Substitution of regulation 8AAA—Conflicts of interest—ordinary business matters etc

Regulation 8AAA—delete the regulation and substitute:

8AAA—Conflicts of interest—ordinary business matters etc

- (1) For the purposes of sections 74(6) and 75A(6) of the Act, the following matters are prescribed:
 - (a) the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act;

- (b) the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders);
- (c) the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act;
- (d) the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act;
- (e) the adoption or revision of an annual business plan;
- (f) the adoption or revision of a budget;
- (g) the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration;
- (h) a discussion or decision of a matter at a meeting of a council if the matter—
 - (i) relates to a matter that was discussed before a meeting of a subsidiary or committee of the council; and
 - (ii) the relevant interest in the matter is the interest of the council that established the committee or which appointed, or nominated for appointment, a member of the board of management of the council subsidiary or regional subsidiary.

- (2) For the purposes of section 75(3)(b) of the Act, a member of a council who is a member, officer or employee of an agency or instrumentality of the Crown (within the meaning of section 73(4) of the Act) will not be regarded as having an interest in a matter before the council by virtue of being a member, officer or employee of the agency or instrumentality if the matter does not directly concern the agency or instrumentality.

8AAB—Conflicts of interest—special provisions relating to subsidiaries and committees

For the purposes of sections 74(6) and 75A(6) of the Act, the following matters are prescribed:

- (a) a matter to be discussed, or in relation to which a recommendation or decision is to be made, at a meeting of a council subsidiary if—
 - (i) the discussion, recommendation or decision relates to the purpose for which the subsidiary is established; and
 - (ii) the relevant interest in the matter is the interest of the council which appointed, or nominated for appointment, a member of the board of management of the subsidiary;
- (b) a matter to be discussed, or in relation to which a recommendation or decision is to be made, at a meeting of a regional subsidiary if—
 - (i) the discussion, recommendation or decision relates to the purpose for which the subsidiary is established; and
 - (ii) the relevant interest in the matter is the interest of a council which appointed, or nominated for appointment, a member of the board of management of the subsidiary; and
 - (iii) the relevant benefit or loss would be enjoyed or suffered in common with all or a substantial proportion of the constituent councils of the subsidiary;
- (c) a matter to be discussed, or in relation to which a recommendation is to be made, at a meeting of a committee of a council established under section 41 of the Act if—
 - (i) the discussion or recommendation relates to the purpose for which the committee is established; and
 - (ii) the relevant interest in the matter is the interest of the council that established the committee.

5—Insertion of regulation 8AB

After regulation 8AA insert:

8AB—Informal gatherings and discussions

- (1) For the purposes of section 90(8b) of the Act, a council must ensure that its policy on the holding of informal gatherings or discussions—
 - (a) provides that designated informal gatherings or discussions must be held at a place open to the public, unless the designated informal gathering or discussion is one that the council or chief executive officer has declared may be held in confidence; and
 - (b) provides that the council or chief executive officer will only declare that a designated informal gathering or discussion may be held in confidence—
 - (i) on a case by case basis; and
 - (ii) if the designated informal gathering or discussion—
 - (A) is a planning session of a general or strategic nature; or
 - (B) is a briefing relating to—
 - information; or
 - a matter,of a confidential nature within the ambit of section 90(3) of the Act; and
 - (c) provides for procedures relating to the holding of designated informal gatherings or discussions; and
 - (d) provides for publication on the council's website of details relating to designated informal gatherings or discussions, including—
 - (i) in all cases—
 - (A) the place, date and time at which the designated informal gathering or discussion will be held; and
 - (B) the matter that is to be discussed at the designated informal gathering or discussion; and
 - (C) whether or not the designated informal gathering or discussion is to be held at a place open to the public; and
 - (ii) in the case of a designated informal gathering or discussion that will be held in confidence—the reason for the designated informal gathering or discussion being held in confidence.

(2) In this regulation—

designated informal gathering or discussion means an event organised and conducted by or on behalf of the council or chief executive officer to which members of the council or council committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the council or council committee.

6—Variation of Schedule 1—Forms

(1) Form 1—delete the Form and substitute:

Form 1—Notice of proposal

Local Government Act 1999
(section 28)

PUBLIC NOTICE is given of a proposal submitted under section 28 of the *Local Government Act 1999*.

The proposal relates to the following councils and their areas:

The following information is provided in relation to the proposal:

The *Local Government Act 1999* provides that a poll of electors must be conducted in relation to the proposal if the required number of electors request a poll. To request a poll, the following steps must be taken:

You should direct any questions concerning the matters contained in this notice to:

(2) Forms 8 and 9—delete Forms 8 and 9 and substitute:

Form 8—Removal of vehicles—warning notice (section 237(1))

Date and time of issue:

Name and contact details of authorised officer:

Council:

Description of vehicle (registration number, make, model, etc):

Location of vehicle:

Warning—

- (a) this vehicle has been left at the stated location for at least 24 hours; and
- (b) if the vehicle is not moved within 24 hours of the time of issue of this notice—
 - (i) the vehicle may be removed by an authorised officer to an appropriate place; and
 - (ii) notification of the removal of the vehicle will be given to the owner of the vehicle; and

- (iii) if the owner of the vehicle does not, within 1 month after service of the notice referred to in subparagraph (ii)—
 - (A) take possession of the vehicle; and
 - (B) pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice,
 the council will take steps to sell or dispose of the vehicle in accordance with section 237 of the *Local Government Act 1999*.

Form 9—Removal of vehicles—notice (section 237(4))

Date and time of service/postage (person-to-person registered post):

Name and contact details of authorised officer:

Council:

Description of vehicle (registration number, make, model, etc):

Date and time of removal of vehicle:

Location from which vehicle was removed:

Take note—

- (a) your vehicle has been removed; and
- (b) if you do not, within 1 month after service of this notice—
 - (i) take possession of the vehicle; and
 - (ii) pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing this notice,

the council will take steps to sell or dispose of the vehicle in accordance with section 237 of the *Local Government Act 1999*.

7—Variation of Schedule 3—Local government sector employers

- (1) Schedule 3, list of councils—delete "District Council of Yorke Peninsula" and substitute:

Yorke Peninsula Council
- (2) Schedule 3, list of Regional subsidiaries established under section 43 of Act—after "Highbury Landfill Authority" insert:

Limestone Coast Local Government Association
- (3) Schedule 3, list of Regional subsidiaries established under section 43 of Act—delete "Provincial Cities Association of South Australia"
- (4) Schedule 3, list of Regional subsidiaries established under section 43 of Act—delete "South East Local Government Association Inc"
- (5) Schedule 3, list of Regional subsidiaries established under section 43 of Act—delete "Waste Care SA"

- (6) Schedule 3, list of Regional subsidiaries established under section 43 of Act—delete
"Western Region Waste Management Authority"

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

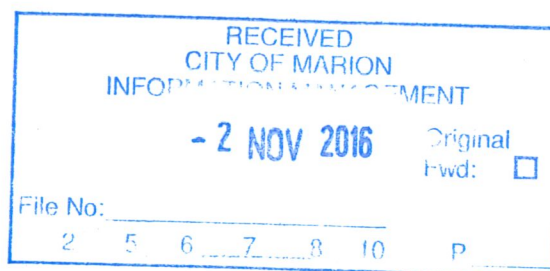
with the advice and consent of the Executive Council
on 27 October 2016

No 253 of 2016

16LG08CS

Government
of South Australia

eA180286



Mayor Kris Hanna
Corporation of the City of Marion
PO Box 21
OAKLANDS PARK SA 5046

Dear Mayor ~~Hanna~~ *KRIS*

I write to advise that the *Local Government (General) Variation Regulations 2016* (the Regulations) were made on Thursday 27 October 2016.

The intent of the Regulations is to prescribe the matters that must be included in Council informal gatherings and discussion policies, and clarify the application of the conflict of interest provisions in the *Local Government Act 1999* (the Act) in relation to certain prescribed bodies.

You will recall that I wrote to all Mayors on 7 June 2016 to inform Councils of my intention to make regulations prescribing certain requirements that must be included in a Council's informal gathering and discussion policy, which is required under section 90(8A) of the Act. The Regulations also clarify what should be considered as an informal gathering or discussion for the purposes of the policy—a "designated information gathering or discussion"—that is, a meeting organised by a Council or Chief Executive Officer, to which members are invited to discuss a matter that is intended to later form part of a Council meeting agenda.

At the request of the Local Government Association, I have delayed the commencement of the Regulations to 24 November 2016 to allow Councils that have not yet amended their informal gathering and discussion policies additional time to do so and be compliant with the Regulations.

Following feedback from the local government sector, I became aware of a need to clarify the application of the conflict of interest provisions of the Act, particularly in regard to the operation of subsidiaries and Council committees.

The Regulations clarify that members do not have a conflict of interest due only to their position both as an elected member or Council employee and a member of a subsidiary or Council committee.

SCANNED

Minister for Regional Development
Minister for Local Government

Level 17, 25 Grenfell Street Adelaide SA 5000 | GPO Box 2557 Adelaide SA 5001 DX 667
Tel 08 8226 1300 | Fax 08 8226 0316 | pirlsa.MinisterBrock@sa.gov.au



In order to gain the benefit of the exemption, the general proviso is that the matter must be related to the purpose for which the body has been established and that the relevant interest is the Council's interest (that is, it is not a personal interest of the member).

Regulation 8AAB clarifies that no conflict of interest exists in these circumstances.

Regulation 8AAB also extends an "ordinary business matter" exemption to Council committees, to the extent that the committee is having a discussion or making a recommendation. This should enable Council committees to continue their operation as determined by their Council.

Concerning regional subsidiaries, Regulation 8AAB adds to the proviso to prescribe that the relevant benefit or loss must be shared in common with all or a substantial proportion of the constituent Councils of the subsidiary (i.e. that the benefit or loss does not only involve one Council or a small number of Councils that are members of the subsidiary).

Regulation 8AAA varies some of the existing "ordinary business matter" exemptions and clarifies that the preparation, discussion, adoption or revision of allowances and benefits policies that a Council may provide to elected members, is also a matter of ordinary business, and therefore exempt from conflict of interest considerations, where the relevant matter affects all Council members equally.

The Regulation 8AAA also contains a clarification that an elected member, who is also a member of a subsidiary or Council committee, does not attract the conflict of interest provisions at Council where the matter has been previously discussed at a meeting of the other body and the interest in the matter is the interest of the Council that established the committee or appointed, or nominated the appointment of, the member to the subsidiary.

Finally, the Regulations contain variations of some minor procedural matters (including variation required due to the winding up of some subsidiaries and a Council name change). The Regulations also now reflect the Act in regard to the forms that must be provided to a vehicle's owner when their vehicle has been impounded by a Council, namely, that the requirement to stipulate the place to which the vehicle has been impounded has been removed.

SCANNED

I trust that these Regulations will address a number of concerns that have been raised with me regarding the application of the new conflict of interest provisions of the Act, and I thank all Councils for their continuing feedback on these important matters.

Yours sincerely



Hon Geoff Brock MP
Minister for Regional Development
Minister for Local Government

sh
30 October 2016

cc SA Ombudsman, Ombudsman SA

SCANNED

Informal Gatherings Policy



1. INTRODUCTION

Open and transparent meetings of Council underpin representative democracy and ensure public confidence in council's decision-making processes. Informal gatherings, where appropriate, provide a valuable opportunity to enhance the decision-making processes by providing opportunities for council members to become better informed on issues and seek further clarification.

2. SCOPE

This policy applies to informal gatherings of the Council or a Council committee, including designated informal gatherings or discussions.

The *Local Government (General) Regulations 2013* defines 'designated informal gathering or discussion' as:

an event organised and conducted by or on behalf of the council or chief executive officer to which members of the council or council committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the council or council committee.

An informal gathering which does not involve discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the Council or Council committee, is not a 'designated informal gathering or discussion'.

2.3. POLICY STATEMENT

This Policy provides for council members to have sufficient opportunity to conduct planning sessions, to receive informal briefings and educational sessions, and convene other informal gatherings without prejudicing the requirements for openness and transparency as required by the *Local Government Act 1999* (the Act).

Section 90(8) of the Act allows informal gatherings to be held provided that the discussion does not lead to a decision, or effectively obtain a decision, on a matter that would ordinarily be dealt with at a meeting of Council. This policy reflects the intention of the legislation for informal gatherings to be used for briefing, planning and educational sessions and is aimed at avoiding any perception that informal gatherings will be used to build consensus for council agenda items.

3.4. PRINCIPLES

"Informal gatherings" are gatherings of some or all Elected Members to discuss council business that are arranged by the council (either by the CEO or by the elected council) other than proceedings which are subject to formal notification and minuting e.g. General Council and Committee Meetings. Section 90(8) of the Act provides a list of examples of informal gatherings:

- Planning sessions associated with the development of policies or strategies
- Briefing or training sessions
- Workshops
- Social gatherings to encourage informal communication between members or between members and staff.

Informal gatherings will be used solely for the purpose of generating ideas, sharing information and seeking further information on issues. Staff may receive guidance from informal gatherings as to what topics and information is to be presented to formal meetings but informal gatherings are not to be used for building consensus positions, or making council decisions in any way.

4.5. POLICY SCOPE AND IMPLEMENTATION

General Business of the Council

Informal gatherings of Council Members, or Council Members and Council staff are, by their nature, a non-compulsory meeting of the council. All council members are however encouraged to attend these sessions. Attendance will be noted and included in the annual report.

Informal gatherings will not be used for making council decisions or to stifle debate on issues that may subsequently be dealt with by the council at a formal meeting.

Timing of, and Access to, Informal Gatherings of Council

~~(i) Notification of planned briefing sessions will be published on the council's website. The notification may include topics which are planned to be discussed at the informal gathering.~~

~~For all designated informal gatherings or discussions, the following information will be published on the Council's website:~~

- ~~(i) the place, date and time at which the designated informal gathering or discussion will be held;~~
- ~~(ii) the matter that is to be discussed at the designated informal gathering or discussion;~~
- ~~(+)(iii) whether or not the designated informal gathering or discussion is to be held at a place open to the public.~~

~~Where a confidential informal discussion declaration applies to a designated informal gathering or discussion, the reason for the designated informal gathering or discussion being held entirely or partially in confidence must be published on the Council's website. The declaration must be made prior to the commencement of the designated informal gathering or discussion by the Council or Chief Executive Officer.~~

~~(ii) For all designated informal gatherings public access will be determined on a case by case basis. The council is aware of the need to balance openness and transparency with opportunities for private discussions between council members and council members and staff to progress Council business.~~

~~The Council or Chief Executive Officer may declare a designated informal gathering or discussion to be a 'confidential informal discussion' where the designated informal gathering or discussion is either:~~

- ~~(i) a planning session of a general or strategic nature; or~~
- ~~(ii) is a briefing session relating to information or a matter of a confidential nature within the ambit of section 90(3) of the Local Government Act (see attachment).~~

~~An informal gathering or discussion of the Council or a Council committee which is not a designated gathering or discussion will not be open to the public, unless otherwise determined by the Council or Chief Executive Officer.~~

Chairing, Agendas and Minute Taking Procedures applying to designated informal gatherings or discussions

Informal gatherings may nominate the Mayor, any other elected member or any staff member to chair the gathering. Informal gatherings will be chaired informally.

Both the CEO and the person chairing the meeting are responsible for ensuring informal gatherings are conducted in accordance with the Act.

If a designated informal gathering or discussion has been declared to be a 'confidential informal discussion', then the designated informal gathering or discussion may be attended by Council

members, relevant staff as required and any other person invited to attend by the Council or the Chief Executive Officer.

If a confidential informal discussion declaration has been made in respect of only some of the matters to be discussed at a designated informal gathering or discussion, then the informal gathering or discussion will only be closed to the public while these confidential matters are considered. The designated informal gathering or discussion will be open to the public for any non-confidential items that are considered.

Documentation relating to informal gatherings

Information / draft documentation may be provided to Elected Members to accompany the discussion. Such documents are considered internal working documents of council, and therefore any requests for copies of the documentation will be considered on a case by case basis.

Informal gatherings will not involve a formal minute taking process.

Interpretation

This Policy must be enacted in conjunction with any legislative change or regulations.

5-6. AVAILABILITY OF THE POLICY

The public may inspect a copy of this Policy, without charge, at the Council offices during office hours.

A copy of the Policy will be made available on the Council Website (www.marion.sa.gov.au).

Further enquiries about the Policy should be directed to the Manager Governance or by telephoning Council on 8375 6600.

6-7. REFERENCES

Local Government Act 1999

Local Government (Accountability and Governance) Amendment Bill 2015

Code of Practice – Access to Council Meetings and Documents

7-8. REVIEW AND EVALUATION

This Policy will be reviewed within 12 months after a General Election and as required.

Adopted by Council:
(GC220316R07)

Next Review:

Previous Version:

Owner:

Version:

22 ~~November~~ March 2016

November 2019

~~NH~~GC220316R07

Manager Corporate Governance

Two

Attachment

Information and matters within the ambit of section 90(3), Local Government Act

- (a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- (b) information the disclosure of which:
 - (i) could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council; and
 - (ii) would, on balance, be contrary to the public interest;
- (c) information the disclosure of which would reveal a trade secret;
- (d) commercial information of a confidential nature (not being a trade secret) the disclosure of which:
 - (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and
 - (ii) would, on balance, be contrary to the public interest;
- (e) matters affecting the security of the Council, members or employees of the Council, or Council property, or the safety of any person;
- (f) information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;
- (g) matters that must be considered in confidence in order to ensure that the Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;
- (h) legal advice;
- (i) information relating to actual litigation, or litigation that the Council or Council committee believes on reasonable grounds will take place, involving the Council or an employee of the Council;
- (j) information the disclosure of which:
 - (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the Council, or a person engaged by the Council); and
 - (ii) would, on balance, be contrary to the public interest;
- (k) tenders for the supply of goods, the provision of services or the carrying out of works;
- (l) information relating to a proposed amendment to a Development Plan under the *Development Act 1993* before a Development Plan Amendment proposal relating to the amendment is released for public consultation under that Act;
- (m) information relevant to the review of a determination of a Council under the *Freedom of Information Act 1991*.

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Yvette Zaric, Governance Officer

Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: Premier's Climate Change Council Nomination

Report Reference: GC221116R17

REPORT OBJECTIVES AND EXECUTIVE SUMMARY

The purpose of this report is to determine if Council wish to submit any nominations in response to the Local Government Association of SA (LGA) call for a Local Government Member on the Premier's Climate Change Council.

The call for nominations is at the request of the Environment, Water and Natural Resources (DEWNR). Appointments to the Premier's Climate Change Council (PCCC) are for a three year term commencing on the date of appointment.

Ann Gibbons, Manager Environmental Sustainability has indicated an interest in nominating for the PCCC. It is possible for Council to put forward multiple nominations to the LGA for their consideration if any Elected Members are also keen to nominate.

Councillor Nick Westwood has indicated that he wishes to nominate for the PCCC.

BACKGROUND / ANALYSIS

The primary function of the Council is to provide independent advice to the Minister about matters associated with reducing greenhouse gas emissions and adapting to climate change, including by achieving energy efficiencies, increasing the use of renewable energy, developing methods to remove greenhouse gases from the atmosphere, and establishing and achieving relevant targets.

In the performance of its functions, the Council should seek to:

(a) provide advice to the Minister on:

- (i) the impact of climate change on business and the wider community, and the development or implementation of policies or programs relevant to addressing climate change, including by the initiation of specific projects and plans
- (ii) the impact of the operation and implementation of this Act on business and the wider community and, as appropriate, any amendments to relevant legislation (including this Act) that, in the opinion of the Council, should be considered or promoted by the Minister
- (iii) costs associated with reducing or limiting climate change or greenhouse gas emissions, or with mitigating the effects of climate change or greenhouse gas emissions
- (iv) costs associated with failing to take action to address climate change

- (v) commercial or other opportunities associated with climate change or reducing or limiting greenhouse gas emissions, with mitigating the effects of climate change or greenhouse gas emissions or with increasing the use of renewable energy sources
 - (vi) the effectiveness of any determination or target under section 5, and the need to revise any such determination or target
 - (vii) any other matter on which the Minister requests the advice of the Council
- (b) take a leadership role in consulting with business, the environment and conservation movement and the wider community about issues associated with climate change and to assist in disseminating information to business and other groups in order to encourage the implementation of practices that will assist in addressing climate change or adapting to the effects of climate change.

The Council can also have other functions not defined in the Act as conferred by the Minister.

Appointments to the PCCC are for a period of three years, commencing on the date of the appointment. The LGA was represented by Ms Michelle Tucker, who resigned from the position in September 2016. The Local Government Members' position is therefore vacant, hence this call for nominations.

A member of the Council is entitled to fees, allowances and expenses as determined by the Minister (subject to the provisions of the Act), however if a staff member is successful in their nomination, they are not entitled to any fees, allowances or expenses - these entitlements will be made directly to the City of Marion and not the staff member.

The PCCC meets quarterly in Adelaide. Meeting dates are to be determined once a Local Government Member has been appointed.

LGA nominations on outside bodies will (unless determined otherwise by the LGA Board) be a currently serving council staff member or council member.

If Council chooses to submit a nomination, the appropriate form provided at **Appendix 1** will be completed using the selection criteria provided in **Appendix 2** and forwarded to the LGA by 2 December 2016.

RECOMMENDATIONS

DUE DATES

That Council:

- | | |
|---|-------------|
| 1. Notes the report <i>Nominations sought for the Premier's Climate Change Council</i> report reference GC221116R0 | 22 Nov 2016 |
| 2. Nominates Councillor Westwood and Ann Gibbons, Manager Environmental Sustainability to the LGA for consideration as the Local Government Member on the Premier's Climate Change Council. | 22 Nov 2016 |
| 3. Administration forwards the above nominations to the Local Government Association by 2 December 2016. | 2 Dec 2016 |

APPENDICES

Appendix 1: Application Form
Appendix 2: Selection Criteria

Nominations to Outside Bodies



PART A

Name of Body	Premier's Climate Change Council
Legal Status of Body	Council established under the Climate Change and Greenhouse Emissions Reduction Act 2007 (statutory body).
Summary Statement	The Premier's Climate Change Council will provide the Government with an independent stream of advice on the impacts of climate change on Local Government, business and the wider community and on the effectiveness of policy responses.
<u>SELECTION CRITERIA FOR MEMBERSHIP ON OUTSIDE BODIES</u> The following selection criteria must be addressed when completing Part B	
Qualifications Required <i>(formal qualifications relevant to the appointment)</i>	No formal qualifications required.
Industry Experience	Extensive knowledge and experience on environmental issues and Local Government impacts.
Board / Committee Experience	Previous experience on high level intergovernmental boards or committees.
Key Expertise <i>(other relevant experience i.e. those requirements established for a Board/Committee under an Act)</i>	1. An understanding of the issues and impacts associated with climate change and a commitment to addressing climate change. 2. Ability to represent and advocate for the interests of the Local Government sector as a whole.
<u>LIABILITY AND INDEMNITY COVER</u> The LGA requires that representatives on outside bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by that organisation (on an annual basis)	
Insurance information (Certificates of Currencies or equivalent) supplied by the Outside Body	Yes
Insurance Policies are Valid & Current	Yes

PART B: Nominations to Outside Bodies

This form:

- must not exceed 2 pages;
- must be submitted by a Council; and
- must be emailed in PDF format to lgasa@lga.sa.gov.au
- upon receipt at the LGA, will be acknowledged by return email.

Name of Body: Premier's Climate Change Council

COUNCIL DETAILS			
Name of Council submitting the nomination			
Name of person submitting this form on behalf of Council	Name: Email: Telephone:		
NOMINEE DETAILS			
Name of Nominee	Title	First name	Surname
<input type="checkbox"/> Current Elected Member <u>OR</u> <input type="checkbox"/> Current Council Officer			
Home / Postal Address			
Work Phone		Facsimile:	
A/H Phone		Mobile:	
Email			
INFORMATION RELEVANT TO THE APPOINTMENT SOUGHT (forms part of the selection criteria for nomination)			
Formal qualifications:			
Experience:			
Board/Committee Experience:			
Key Expertise:			
Any other comments:			
Undertaking:			
The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current Local Government Members or officers. If you leave Local Government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA?			
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Signature of Nominee:		_____	

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Jaimie Thwaites, Unit Manager Governance and Records

Corporate Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: City of Marion Christmas Trading Hours 2016

Ref No: GC221116R18

REPORT OBJECTIVE AND EXECUTIVE SUMMARY

To seek Council endorsement to close the City of Marion's principle office, being the Administration building, on Friday 23rd December 2016.

DISCUSSION

Section 45 of *the Local Government Act 1999* requires Council to nominate its principal office and determine the hours during which the office is to be open for the transaction of business.

The Administration building located at 245 Sturt Road, Sturt is Council's nominated principal office. The hours of 8.30am – 5.00pm Monday to Friday are the normal operating hours during which the office is to be open for the transaction of business.

In previous years, Council has determined to alter the normal hours during which the office is open to allow Elected Members, Management and Staff to take the opportunity celebrate the festive season.

For the 2016 Christmas period, it is proposed that the Administration building close at 12.30pm on Friday 23rd December 2016.

When considering changes to normal business hours, the needs of our customers are the primary focus. Customer demand for council services is significantly reduced during the festive season but to ensure services are provided to the community, the Council will continue to operate during the holiday period, excluding public holidays.

The emergency after-hours services will continue to operate outside Council's business hours during the Christmas and New Year period.

Appropriate advertising and notification will be displayed to ensure customers are fully aware of the changes to our normal business hours.

Note that the opening hours of Council's other sites will be determined based on operational/customer needs and do not require a resolution of Council.

RECOMMENDATION

Due Date

That Council endorses the closure of the City of Marion's principle office, being the Administration building, at 245 Sturt Road, Sturt on:

22 Nov 2016

- **Friday 23rd December 2016 at 12.30 pm.**

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: Review of the How We Work Together Policy

Report Reference: GC221116R19

REPORT OBJECTIVES

Council to review and adopt the revised version of the How We Work Together Policy and Procedure (Appendix 1 and 2)

EXECUTIVE SUMMARY

At the People and Culture Committee on 5 July 2016 (PCC050716R7.3) and 6 September 2016 (PCC060916R7.2), the Committee considered a report on Elected Member and Staff communication. This included a review of the How We Work Together Policy. The comments noted within the minutes for the 5 July 2016 stated:

The Committee noted that the How We Work Together Policy needs to be re-written as it was adopted by Council prior to the commencement of the mandatory Code of Conduct for Council Members. The Committee suggested that two page policy be drafted that addresses core behaviours, the City of Marion values and the relevant Work Health Safety obligations.

The Committee also provided the following comments:

- *The Policy and Procedure should be separate documents*
- *The Policy should reflect the importance of staff and elected member interactions.*
- *The Policy should note the importance of timely and accurate information/communication between staff and elected members (and vice versa).*
- *Elected Member and staff communications such as email, Elected Member extranet, etc. could be reflected in the procedure at a high level to provide guidance. The procedure should reflect that some staff discretion would be required in some circumstances. The Committee did suggest that the extranet is not as easy to access as emails, hence important information should be sent via email and/or phone call.*
- *The Committee did note that sometimes Elected Members require matters of significance or urgency to be brought to their attention via phone.*

Following this, a revised How We Work Together Policy (Appendix 1) and Procedure (Appendix 2) were presented to the Committee for consideration. The Committee resolved the following:

The People and Culture Committee recommends that the 'How We Work Together Policy and Procedure' be presented to Council for adoption with the option of defining behaviours to be included within the body of the report to Council.

If Council wishes to define the behaviours within the Policy, the following could be added to the resolution as part 2.

"That the following section be added to the How We Work Together Policy:

DEFINING BEHAVIOURS

Council's Codes of Conduct describes acceptable behaviours for Councillors and Employees.

Acceptable and Professional Behaviour

In addition to the Codes of Conducts and Councils values, acceptable and professional behaviour requires:

- *Treating everyone with respect, courtesy and dignity*
- *Open and balanced communication*
- *Respecting the roles of the other person*
- *Remembering the basic courtesies*
- *Including people rather than excluding people because of prejudice*
- *Moving from blame to problem solving to deal with differences of opinion.*

Unacceptable Behaviours

The following behaviours have been defined as minor, moderate and serious levels of unacceptable behaviour:

- *Employees unreasonably refusing to give information to a councillor that relates to a matter before Council, is lawfully available to other persons or other councillors, or that is publicly available information*
- *Councillors or employees demanding, without appropriate notice, access to information in a way that is not respectful of the position or time constraints of the other*
- *Displaying confronting behaviour such as abusive language, rudeness and aggression*
- *Councillors and employees making personal attacks in a public forum*
- *Behaviour such as, threats or intimidation*
- *Racist, misogynistic, homophobic or sexual slurs*
- *Employees, outside of their contractual responsibility, becoming directly involved in Council business*
- *Councillors direct involvement with, or investigation of, employee related matters (except for the CEO)*
- *Intimidation or use of perceived position of power to coerce others by fear, reprimand, humiliation or other threats*
- *Psychological or physical harassment including bullying or psychological threats*
- *Violence and assault of another."*

RECOMMENDATION

DUE DATE

That Council:

- 1. Adopts the How We Work Together Policy and Procedure.**

22 Nov 2016

How We Work Together Policy



1. RATIONAL

The *How We Work Together Policy* has been developed to provide a framework to all people who operate in the City of Marion workplace to ensure all communications and interactions are constructive, in line with organisational values and our legislative obligations.

2. POLICY STATEMENT

The achievement of strategic outcomes for the City of Marion comes from all levels of the organisation. Positive interactions between employees, elected members, contractors and volunteers is required to deliver optimal outcomes for our community. To provide clarity for behavioural expectations that makes for a positive environment, the City of Marion has adopted a set of organisational values to position the Council to deliver now and into the future.

The City of Marion Values include:

- Respect (treating everyone as we want to be treated, where all contributions are valued)
- Achievement (enhancing our knowledge and performance to reach our shared goals, while being dedicated to supporting one another)
- Integrity (fostering trust and honesty in all of our interactions)
- Innovation (Encouraging new ideas, and learning from our experience to do things better).

The values are delivered with the community and safety at the forefront of everything we do. This Policy confirms Council intent that all people in the workplace work, interact and communicate collaboratively in undertaking their respective functions. This will occur in various ways such as face to face meetings, over the phone, email, reports, briefings, social media, extranet/intranet and the website.

3. OBJECTIVES

The objective of this Policy is to provide a framework for people operating in the City of Marion to ensure everyone acts in a manner that:

- Fosters the organisations values
- Recognises the importance of different roles and perspectives of all people in the workplace
- Complies with the requirements of the Local Government Act 1999, the Codes of Conduct (for employees and Council Members) and the Work Health Safety Act 2012
- Ensures that all people in the workplace have access to advice, information and documentation to assist them perform their roles and responsibilities in an effective manner.
- Protects all persons against harm to their health, safety and welfare through the elimination or minimisation of risk arising from within the workplace.

How We Work Together Policy



4. SCOPE

This Policy applies to all people in the City of Marion workplace.

Elected Members:

The Act states that Elected Members are entitled at any reasonable time, in connection with the performance and discharge of the functions and duties of a member, to have access to any relevant council documents. This is necessary to ensure that Elected Members are appropriately informed and make optimal decisions that adds public value.

A request for information and any relevant documentation should be directed to the CEO or their delegate. For the purposes of this Policy, the CEO delegate's include the Executive Leadership Team, the Senior Leadership Team, the Unit Manager Governance and Records and the Unit Manager Communications. The request should provide enough detail so the context is understood by the person receiving it.

Elected Members acknowledge that these requests will be made in accordance with sections 2.11, 2.12, 2.13 and 2.14 of the Code of Conduct for Council Members.

Elected Members acknowledge that this information may be provided in various forms such as via email, the Elected Member Extranet, Elected Member Briefings or Council reports. The form in which it is delivered will depend on the urgency, priority and impact of decision making for the elected member.

This Policy does not prevent Elected Members for meeting with other staff within the organisation where necessary (such as Ward Briefings).

Employees

Employees acknowledge that Elected Members are required to make informed and responsible decisions in the interest of the community. To do this, they must effectively interact and communicate with staff. Staff will respond to all reasonable requests from Elected Members in a responsive, time and accurate manner that is in accordance with this Policy and the How We Work Together Procedure.

Non-Compliance:

In the event that a person in the workplace believes that this Policy is not being complied with, they should refer to How We Work Together Procedure for guidance.

5. DEFINITIONS (in the context of this policy)

The Act refers to the Local Government Act 1999

Elected Member refers to the principal member and councillors as defined by the Act

CEO refers to the Chief Executive Officer

Executive Leadership Team (ELT) includes the CEO and all General Managers

Senior Leader Team (SLT) refers to all third level managers

Workplace is defined by the section 8 of the Work Health Safety Act 2012 that states workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.

How We Work Together Policy



6. REFERENCES

This Policy should be read in conjunction with the:

- Code of Conduct for Employees
- Code of Conduct for Council Members
- Local Government Act 1999
- Work Health Safety Act 2012
- Independent Commissioner Against Corruption Act 2012
- Informal Gatherings Policy
- How We Work Together Procedure

7. REVIEW

This Policy will be reviewed within 12 months of a City of Marion general election.

How We Work Together Procedure



1. RATIONALE

The purpose of this procedure is to support the How We Work Together Policy and provide guidance to all persons in the City of Marion workplace regarding interactions and communications.

2. OBJECTIVES

Interactions between people in the work place will occur in a number of different ways. It is recognised that one of the most common interactions within the City of Marion is between employees and elected members. Through these interactions, requests for information/documentation will come via phone, email, ward briefing, council meetings, etc. All requests should be made in accordance with the How We Work Together Policy and Procedure. This Procedure provides guidance to employees and elected members regarding how these interactions will be managed.

3. PROCEDURE

Council Reporting

Information and advice is provided to elected members for formal decision making via reports within Council and Committee meetings. The intent of these reports is to provide the Council with enough information for elected members to make informed decisions that adds value to the community. Reports will be written using the Council Report template and will be easily understood by all.

Questions Taken on Notice

From time to time, questions are raised within Council meetings that cannot be answered at the time. When this occurs, staff will indicate that the question will be 'taken on notice' and responded to via email. A log of all questions taken on notice during Council meetings will be retained on the Elected Member Extranet.

Draft Agenda for General Council Meetings:

All Elected Members will be issued a draft agenda and where ever possible draft reports at least 10 clear days before the meeting.

Elected Members are requested to consider the following points when reviewing the draft agenda:

- Review the size of the agenda (is the agenda too large or small based on the number and complexity of reports? Is there any reports missing that should be presented?)
- Review the information contained within the reports (do I have all required information to make a decision? Is the information easy to understand? Is the information relevant? Could it be presented in a different format (i.e. options paper))

Any feedback on the draft reports should be provide to the relevant Senior Leader Team (SLT) Manager or General Manager as soon as practical for consideration.

In accordance with the Act, it is important the draft reports are not debated or decisions are made outside of a formal Council meeting.

As the draft agenda and reports are still working documents, they may change between the distribution of the draft and final agenda due to matters such as late items, motions and question on notice,

How We Work Together Procedure



accuracy of information not being available at the time when the draft is issued. As such, it is essential that employees and elected members do not distribute these publically until they are officially published.

Face to Face Meetings

All people in the workplace will be required to undertake face to face meetings at times to work through issues/matters. This includes employees and elected members. If an elected member wishes to meet with an employee, it is appropriate to request a meeting through the relevant SLT Manager or General Manager or request a meeting through the Unit Manager Governance and Records who can arrange the meeting on their behalf. The meeting will be arranged through the corporate calendar on outlook.

If an employee wishes to meet with an elected member, they should discuss this with their SLT Manager in the first instance and then request a meeting with the Elected Member.

It is important for employees and elected members to be clear on their respective roles in a face to face meeting. In accordance with section 59(3) of the Act an elected member has no direct authority over an employee with respect to the way in which the employee performs his or her duties.

External Liaison

Both employees and elected members work with external groups. It is important that both elected members and employees are kept informed of what the other is doing and work together to maintain these relationships. Keeping in mind the roles of employees and elected members, operational matters should be managed by Council employees whilst elected members undertake a representative role. When undertaking community consultation for specific projects there should be one central point of contact. Elected Members will be informed of any upcoming consultation activities and can have a role in promoting engagement opportunities to external groups. Elected Members can provide feedback they receive from external groups through the consultation process/staff member. Elected Members will then be presented with the consultation findings from the staff member to inform their decision making.

Elected Members are also appointed as Council Liaisons with various groups such as community groups, sporting groups and schools. These roles are structures such that the nominated Elected Member assists in communication and exchange of information between the Council and the external body. Elected Members are not appointed as members of the external body and do not have any voting rights when matters are brought before the body for decision. The purpose of the liaison role is:

- To act as a point of contact for Council
- Observe and participate in discussions at a meeting of the external body (but not vote when a matter is decided upon)
- Act as an information provider from Council to the external body and vice-versa
- Act as an advisor, mentor, coach and support for the external body.

Ward Briefings

Ward briefings are internal interactions between elected members of individual ward, or a combination of wards and key employees of the City of Marion. The aim of ward briefings is to focus on operational issues within the ward or wards that are useful for the elected members to be aware of as part of their representational role within the community. The ward briefings are not decision making forums and are captured by Councils Informal Gatherings Policy. Ward briefings are informal but briefing notes will be retained. These notes will be distributed by staff to Elected Members at least 4 days before the meeting.

How We Work Together Procedure



Elected Member Extranet

The Elected Member Extranet is a password protected website which provides information to elected members from any computer that has internet access. It has been tailored to meet elected members' requirements and includes news, information, important documents, and links to the public website. Its aim is to provide information in an efficient manner in order to reduce emails, and ultimately, excessive print-outs. All agendas and reports are placed on the Elected Member Extranet weekly.

Emails

Email is one of the most common forms of communication and interactions between employee and elected members. These interactions must occur in accordance with the Council's Policies for internet and email access and usage.

The types of matters where elected members and employees will use email are:

- Notification of a matter/incident
- Consultation/feedback from elected members on certain matters
- Distribution of briefing notes, minutes and agendas

If matters are urgent or require discussion, employees will phone elected members rather than email.

4. RELATIONSHIP WITH OTHER POLICIES

It is noted that a number of the interactions and communications between employees and elected members fall within the parameters of the Informal Gatherings Policy. This Policy outlines that elected members can conduct planning sessions, hold informal briefings and educational sessions, and convene other informal gatherings without prejudicing the requirements for openness and transparency as required by the *Local Government Act 1999* (the Act).

Section 90(8) of the Act allows informal gatherings to be held provided that the discussion does not lead to a decision, or effectively obtain a decision, on a matter that would ordinarily be dealt with at a meeting of Council. This policy reflects the intention of the legislation for informal gatherings to be used for briefing, planning and educational sessions and is aimed at avoiding any perception that informal gatherings will be used to build consensus for council agenda items and decision making.

Section 90 (8) of the Local Government Act 1999 provides the following:

The duty to hold a meeting of a council or council committee at a place open to the public does not in itself make unlawful informal gatherings or discussion involving—

- (a) members of the council or council committee; or*
- (b) members of the council or council committee and staff,*

provided that a matter which would ordinarily form part of the agenda for a formal meeting of a council or council committee is not dealt with in such a way as to obtain, or effectively obtain, a decision on the matter outside a formally constituted meeting of the council or council committee.

How We Work Together Procedure



5. COMPLAINTS

In the event that a person feels that the How We Work Together Policy and/or Procedure has been breached, individuals are requested in the first instance to try and resolve the matter using the organisational values and by approaching the individual directly notifying them of the potential breach and seeking appropriate resolution of the matter.

In the event that the individual does not feel comfortable directly addressing the breach or the breach sits within either the Code of Conduct for Council Employees or Code of Conduct for Council Members, the procedures within these codes and associated procedure will apply.

6. REFERENCES

This Procedure should be read in conjunction with the:

- Code of Conduct for Employees
- Code of Conduct for Council Members
- Local Government Act 1999
- Work Health Safety Act 2012
- Independent Commissioner Against Corruption Act 2012
- Informal Gatherings Policy
- How We Work Together Procedure
- Addressing Employee Performance and/or Conduct Procedure
- Elected Member Code of Conduct - Procedure for Investigating Complaints

7. REVIEW

This procedure will be reviewed in conjunction with the How We Work Together Policy, 12 months after a Council General Election.

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Jaimie Thwaites, Unit Manager Governance and Records

Corporate Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: Review of Elected Member Records Management Policy

Report Reference: GC221116R20

REPORT OBJECTIVES:

The purpose of this report is for Council to review and adopt the proposed *Elected Members Records Management Policy (Appendix 2)*.

EXECUTIVE SUMMARY:

The Ombudsman wrote to all Council's in 2015 encouraging the adoption of an Elected Member Records Management policy (Report Reference: GC240215R10).

At the People and Culture Committee meeting on 6 September 2016 a draft Elected Member Records Management Policy and Procedure Diagram were presented for discussion. The Committee requested that legal advice be obtained to clarify wording in the policy.

As recommended by the People and Culture Committee, this report provides the Council with a copy of the legal advice obtained and marked up copies of the Elected Member Records Management Policy and Procedure Diagram for adoption.

RECOMMENDATIONS

DUE DATES

That Council:

- | | |
|--|----------|
| 1. Notes legal advice obtained regarding the 'Elected Member Records Management' Policy attached as Appendix 1. | Nov 2016 |
| 2. Adopts the 'Elected Member Records Management' Policy as attached as Appendix 2. | Nov 2016 |
| 3. Notes the 'Elected Member Records Management' Procedure diagram as attached at Appendix 3 and the 'Records Management Guidance Note' as attached at Appendix 4. | Nov 2016 |

BACKGROUND

Under Section 5 of the *State Records Act 1997* Council 'must ensure that official records of enduring evidential or informational value are preserved for future reference'. This Section also applies to Elected Member records such as emails, correspondence and text messages both sent and received as council business.

On 5 July 2016 the People and Culture Committee (the Committee) considered the report "Review of Elected Member and Staff Protocols for Communication" (PCC050716R7.3). This report provided the Committee with details regarding the current Elected Member and Staff communication practices, information on reviewing the 'How We Work Together' Policy and a draft Elected Member Records Management Policy. The draft Elected Member Records Management Policy was then revised, taking into consideration the feedback of the Committee, and presented again at the following Committee meeting on 6 September 2016 (PCC060916R7.3).

The Ombudsman wrote to all Council's in January 2015 regarding 'Personal Email accounts and council members'. This letter was considered by Council at the 24 February 2015 General Council meeting (Report Reference: GC240215R10). The Ombudsman's letter served as a reminder that under Section 5 of the *State Records Act 1997* council '*must ensure that official records of enduring evidential or informational value are preserved for future reference*'. In his letter the Ombudsman also encouraged all Council's to endorse an Elected Member Records Management Policy.

DISCUSSION:

In reviewing the revised draft Elected Member Records Management Policy on 6 September 2016 the Committee requested clarity on the following points:

- *If a document is captured on the server (i.e. an email), does this satisfy the requirements of the State Records Act?*
- *Can the Policy can refer to words such as 'encourage' instead of must? Would this met the obligations of the State Records Act? The Committee suggested that legal advice be sought to clarify.*
- *Can the Policy include mechanisms regarding what an Elected Member should do with confidential records?*

The Committee suggested that the definition of medium and public servant be removed. It was also suggested that the word 'especially' could be removed from the definition of document.

At this meeting on 6 September 2016 it was resolved that the People and Culture Committee:

1. *Notes the report and discussion on the 'Elected Member Records Management' Policy.*
2. *Notes the report and discussion on the 'Elected Member Records Management' Procedure diagram.*
3. *Recommends that the 'Elected Member Records Management' Policy be presented to Council for adoption with the legal advice requested by the Committee.*

Legal advice was requested from Minter Ellison Lawyers to respond to the queries raised by the Committee. A copy of this advice is attached as Appendix 1.

The draft Elected Member Records Management policy has been revised taking into account this legal advice and a "marked-up" version is attached as Appendix 2 for adoption.

The "Management of Email as Official Records" Principles and Guidelines issued by State Records of South Australia recommends the following in relation to the 'System' in which email records are stored:

Email messages that are official records should be stored in the agency recordkeeping system. Ideally, email messages ideally should be integrated with other records.

Back-ups are created to facilitate restoration of a system or file in case of accidental or unintentional loss. Back-ups should not be considered an appropriate and adequate method of recordkeeping or secondary storage for email messages that are official records.

Further to this the SA Ombudsman conducted an investigation into the records management practices of some Elected Members in the City of Playford (A copy of the report is available here: <http://www.ombudsman.sa.gov.au/wp-content/uploads/City-of-Playford-Procurement-Risk-and-Records-Management.pdf>). In Item 76 of this Report the Ombudsman states:

'It is difficult for the council to ensure that the official records of council members are preserved for future reference, and that the State Records Act is complied with, if the official records are not maintained in the council's record management system. It is my view that not storing official records in the council's records management system, but having them maintained individually by council members, is likely to lead to a breach of the State Records Act.'

The Elected Member Records Management Procedure in diagram form is attached as Appendix 3. Note as part of the procedure a specific email address will be set up, namely FilingEM@marion.sa.gov.au, for Elected Members to forward their official records to. This email address would be managed confidentially by the Records Department. This unique email address would make it clearer to the Records staff that the documents are purely being provided for capture and no further action is required by staff.

A one-page guidance note has also been created to assist Elected Members determine whether a record is an Official Record (which therefore requires capture) or a Temporary / Transitory Record. Elected Members are encouraged to contact the Unit Manager Governance and Records if they require any assistance in determining the type of record. This document is attached as Appendix 4.

CONCLUSION:

Adequate records management is required as an obligation under the State Records Act 1997, and is also necessary to fulfil Council's responsibilities under other Acts such as the Freedom of Information Act 1991 or legal processes such as discovery or subpoenas. Royal Commissions, the Ombudsman, auditors, the courts etc may also require Council records. Good records management contributes to the transparency, accountability and security of Council as it establishes the history, corporate memory, build context and is required to meet legislative obligations.

It is difficult for the council to ensure that the official records of council members are preserved for future reference, and that the State Records Act is complied with, if the official records are not maintained in the council's record management system. It is my view that not storing official records in the council's records management system, but having them maintained individually by council members, is likely to lead to a breach of the State Records Act.

6 October 2016

BY EMAIL: Jaimie.Thwaites@marion.sa.gov.au

Jaimie Thwaites
City of Marion
PO Box 21
OAKLANDS PARK SA 5046

Dear Jaimie

Review of Elected Member Records Management Policy

You have asked us to provide advice on the following queries as noted in the minutes from the City of Marion Council's People & Culture Committee (**Committee**) Meeting on Tuesday 6 September 2016:

- If a document is captured on the Council server (i.e. an email), does this satisfy the requirements of the *State Records Act 1997* (SA) (**State Records Act**);
- Can the Elected Member Records Management Policy (**Policy**) refer to words such as 'encourage' instead of 'must'? Would this meet the obligations of the State Records Act?
- Can the Policy include mechanisms regarding what an Elected Member should do with confidential records?

(together, **Council's queries**).

Our response to each of Council's queries along with a brief overview of Council's legislative obligations relating to records management is set out below.

1. Council queries

1.1 *If a document is captured on the Council server (i.e. an email), does this satisfy the requirements of the State Records Act?*

We have assumed that 'captured' means sent or received on an email platform only, eg Microsoft Outlook, and that the email is not subject to any further filing or saving within the Council server or document management system. If we are incorrect with that assumption, please advise us as our advice may change.



Response

If a document, ie an email, is captured on Council's server, if that document/ email is an official record¹ and provided Council's server ensures those documents (ie official records) are maintained in good order and condition, then yes, the requirements of the State Records Act will be satisfied.

In our view however, it is unlikely that capturing (in the context referred to above) an email on the server will enable Council to completely comply with its legislative obligations, not only under the State Records Act, but also under other legislation.

It important to note that the State Records Act has no application to documents (including emails) that are not *official records* within the meaning of that Act, however, the CEO of Council has the obligation under section 99(i)(b) of the LG Act to ensure that records required under the LG Act or another Act are properly kept and maintained.

Discussion

Council's principal legal obligation with respect to records management is expressed in section 13 of the State Records Act as follows:

...every agency must ensure that the official records in its custody are maintained in good order and condition.

It is clear that once a document is captured on the Council's server, it will be considered to be in the Council's custody. It is those official records that then need to be maintained in good order and condition.

What constitutes maintaining official records in good order and condition? It is necessary to consider the objects and purposes of the State Records Act, as well as Council's legislative obligations more broadly.

Section 5 of the State Records Act lists its objects to include to ensure that official records of enduring evidential or informational value are preserved for future reference. This infers that 'good order and condition' means, at the least, that records are preserved for possible future use for example, for ordinary Council business, in response to an FOI Act application, complying with disposal obligations of official records under the State Records Act itself², or by way of fulfilling other legal processes such as legal discovery and subpoenas.

It is unlikely in our view that the mere capture of an email on the server would therefore support or enable Council (and the CEO) to discharge its administrative functions and legislative obligations efficiently and effectively, if at all. For example, the server cannot differentiate between official records and records and then "order" (i.e. file) them for future use. Does the server enable the Council to comply with its obligations around maintaining records or does the server automatically delete emails that have not been filed, after a certain amount of time?

We note that Council's current Policy provides for additional actions to be taken to facilitate compliance with section 13 of the State Records Act, enabling Council to

¹ Section 3 State Records Act

² Section 19 State Records Act

discharge other legislative obligations. For example, the proposed Policy requires Elected Members to determine if a document they receive or created is an official record as per the State Records Act and then to forward these official records to FilingEM@marion.sa.gov.au. Provided Elected Members are prepared to accurately make that differentiation, understanding that it is an offence under the State Records Act to, knowing that he or she does not have proper authority to do so, intentionally damage, alter or dispose of an official record, the current policy supports compliance.

Whilst the query refers to documents (specifically emails), it would be remiss not to mention that Council should not just rely on the Council's server to satisfy its entire obligations under the State Records Act (and other Acts) as the definition of 'record' under that Act includes non-electronic documents such as written, graphic, pictorial matters, disks, tapes, films or other hard copy objects that contain information made or received by Council in the conduct of its business. An official record (e.g. a letter received by an Elected Member), will also need to be maintained in good order and condition.

1.2 *Can the Policy refer to words such as 'encourage' instead of 'must'? Would this meet the obligations of the State Records Act?*

Response

As the current Policy makes the Elected Members the determinants as to whether the records are official records as per the definition under the State Records Act, and Council's server is storing these official records, then to ensure Council's obligations under the State Records Act are completely being adhered to, Elected Members would be required to comply with all directions in the Policy and therefore, subject to the paragraph below, in the Policy the word 'encourage' should be replaced with 'must' or 'required' (whichever is applicable).

The use of the word 'encourage' in the second dot point in clause 2 (Policy Statement) however, does not need to be replaced.

1.3 *Can the Policy include mechanisms regarding what an Elected Member should do with confidential records?*

Response

Yes, the Policy can and in our view should include mechanisms regarding what an Elected Member should do with confidential records. If under the current Policy an Elected Member believes that a record that they forward to FilingEM@marion.sa.gov.au is of a sensitive or confidential nature, he or she should advise the Records Department (or whomever is managing the official documents) of that view.

It is important to note however, that notwithstanding an elected member may refer a document having determined it to be confidential or sensitive, the document may itself be publicly accessible. For example, if that document is subject to an FOI Act request (either directly or because of the scope of the request), it may not necessarily be able to be kept confidential if it does not meet the prescribed criteria in that Act.

2. *Other observations*

In general, it is our view that definitions in the Policy should mirror the definitions in the State Records Act where applicable so as to prevent any ambiguity in the Policy for

example, both 'Official Record' and 'Record' should have the same meaning as they do in the State Records Act. Further, the word 'record' in the definition of 'Official record' should be amended so the first letter is capitalised i.e. 'Record'.

The Policy also refers to the City of Marion Information Technology Policy. We have not accessed or reviewed this Policy for the purposes of this advice. This policy doesn't seem to be listed on Council's website.

Further, the flowchart attached to the Policy incorrectly differentiates between 'official records' and temporary/transitory records.' The term 'temporary/transitory records' stems from the Local Government General Disposal Schedule (**GDS 20**) which was issued as a determination under section 23 of the State Records Act. For the purpose of GDS 20, temporary/transitory records are official records that are transitory or temporary in nature if it is of little no continuing value to the Council and only needs to be kept for a limited or short period of time, such as a few hours or a few days and can be exposed in accordance with the Normal Administrative Practice as that term is defined in GDS 20. There are two broad categories of information received or created by Council which includes official records and non-official records. If a record is a non-official record, it can be destroyed. Official records must only be disposed of in accordance with GDS 20 which provides, amongst other things that official records that are 'transitory or temporary' in nature may be destroyed in accordance with Normal Administrative Practice.

If you have any queries or would to discuss any aspect of this advice, please call or email Susie Inat or Melissa Davies.

Yours sincerely



Susie Inat

Special Counsel

Contact: Susie Inat T: +61 8 8233 5692
susie.inat@adelaide.minterellison.com



Melissa Davies

Lawyer

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OUR REF: MWD | 25653 | 230046

Elected Member Records Management Policy



1. RATIONALE

To provide for the capture, storage and maintenance of official **Records** that document council business activities and transactions to/from Elected Members.

2. POLICY STATEMENT

To ensure that official **Records** of Elected Members are captured, stored and maintained to;

- comply with legislative responsibilities,
- encourage transparency and accountability,
- meet the expectations of other external 'reviewing' agencies regarding access to corporate records/information upon council business activities and transactions as a public authority.

3. PRINCIPLES

This policy ~~encourages~~ requires Elected Members to provide official **Records** that document council business activities and transactions to be captured, stored and maintained within the City of Marion's record keeping software program. This policy is based upon the principles of good governance, transparency and mutual trust.

4. POLICY SCOPE AND IMPLEMENTATION

This policy incorporates official **Records** (regardless of the medium the **Record** takes) to/from Elected Members in their role as public servants and representative of the constituents of the City of Marion.

Official **Records** to/from Elected Members are required to be provided to the Records Management Unit in accordance with this policy and, as such will be;

- recorded in the City of Marion's record keeping software program.
- the property of the City of Marion.
- subject to the provisions of legislative responsibilities in accordance with the *State Records Act 1997* (SA), *Freedom of Information Act 1991* (SA), *Local Government Act 1999* (SA).
- Securely stored and not intentionally deleted, destructed or altered unless the **Record/s** in question adhere to provisions in the *State Records Act 1997* (SA).

Official **Records** provided for capture are confidential and should not be interpreted, acted on or responded to by staff.

Temporary or transitory **Records** are not required to be forwarded for capture and may be deleted under Normal Administrative Practice (NAP) in accordance with the Local Government General Disposal Schedule (GDS 20).

Elected Members may, at any time may seek clarification or assistance to any records captured in accordance with this policy, by request to the Unit Manager Governance and Records.

5. DEFINITIONS (in the context of this policy)

Access: means of finding, using or retrieving information/record.

Council

business/activity/transaction: any dealings, communication, proceeding or discussion that involve council.

Elected Member Records Management Policy



Official ~~r~~Record:

means a record made or received by an agency in the conduct of its business, but does not include—

- (a) a record made or received by an agency for delivery or transmission to another person or body (other than an agency) and so delivered or transmitted; or
- (b) a record made by an agency as a draft only and not for further use or reference; or
- (c) a record received into or made for the collection of a library, museum or art gallery and not otherwise associated with the business of the agency; or
- (d) a Commonwealth record as defined by the *Archives Act 1983* of the Commonwealth, as amended from time to time, or an Act of the Commonwealth enacted in substitution for that Act; or
- (e) a record that has been transferred to the Commonwealth;

~~a rRecord made or received in the conduct of council business regardless of the medium the rRecord takes.~~

Document:

an item ~~especially~~ of a factual or informative nature which can take the form of a letter, email, tape recording, video, audio, transcript etc.

Elected Member:

a person appointed or elected as a councillor or mayor of council as described within the Local Government Act 1999.

~~Medium:~~

~~a means or channel of communication.~~

Normal Administrative Practice:

Normal Administrative Practice provides for the routine destruction of drafts, duplicates and publications, with the test that it is obvious that no information of more than transitory or temporary value to the Council will be destroyed. Material that can be disposed of under Normal Administrative Practice comprises items of a temporary or transitory nature created, acquired or collected by Council staff or Council Members in the course of their official duties. Such material has no ongoing value and is not usually incorporated into the Council's record management system.

Public access:

means of finding, using or retrieving information by the general public.

~~Public servant:~~

~~person holding government office or job by election or appointment including Elected Members.~~

Record:

- (a) written, graphic or pictorial matter; or

Elected Member Records Management Policy



(b) a disk, tape, film or other object that contains information or from which information may be reproduced (with or without the aid of another object or device);

~~a written, graphic or pictorial matter, a disk, film, tape or any other object that contains information or from which information may be reproduced.~~

Temporary/Transitory Record: A ~~R~~Record is transitory or temporary in nature if it is of little or no continuing value to the Council and only needs to be kept for a limited or short period of time, such as a few hours or a few days.

6. REFERENCES

Please read this policy in conjunction with the following references;

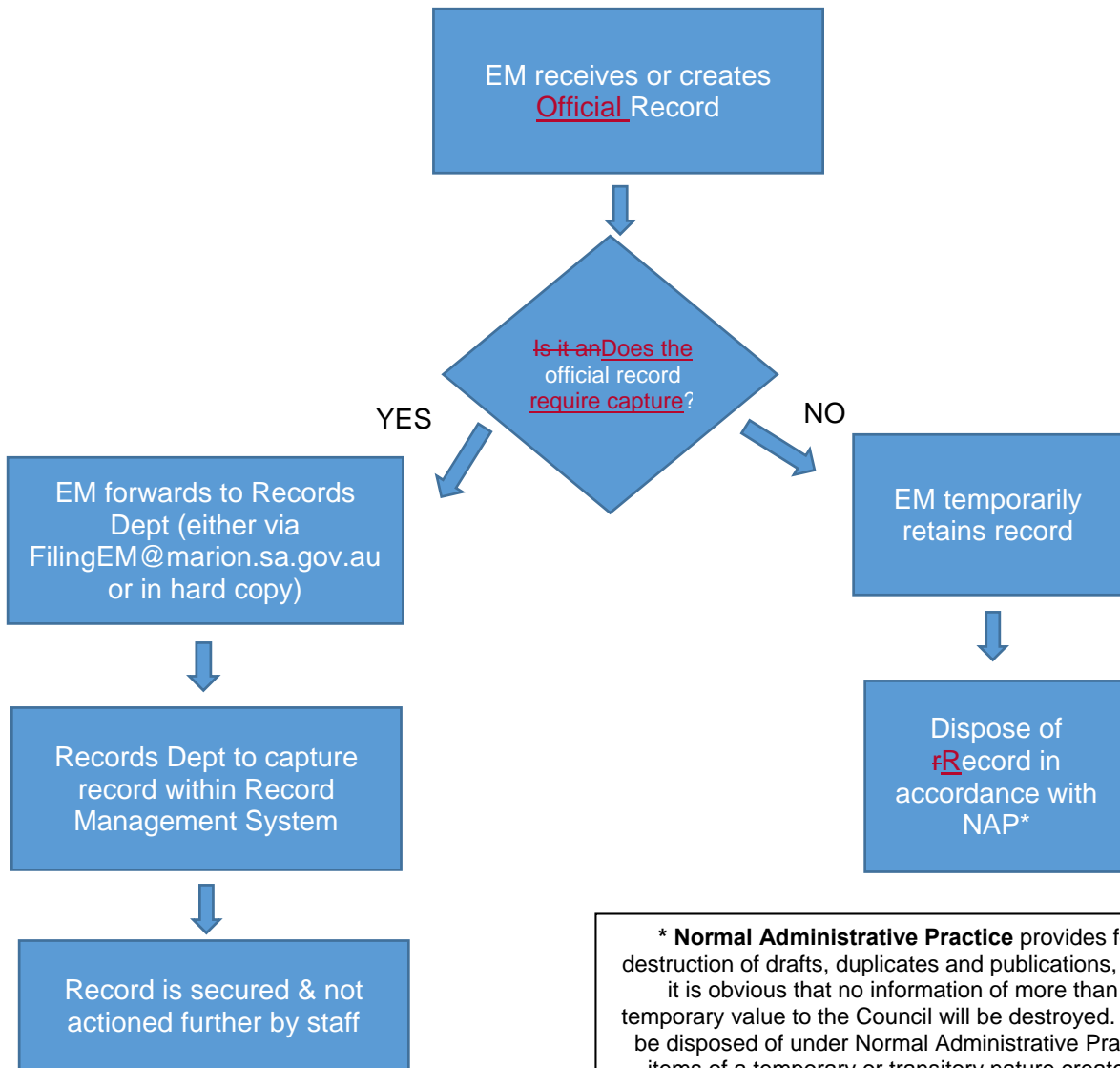
- *State Records Act 1997 (SA)*
- *Freedom of Information Act 1991 (SA)*
- *Local Government Act 1999 (SA)*
- ~~*City of Marion Information Technology Policy*~~ Information Technology - Provision And Use Of Equipment (Elected Members) Policy

7. REVIEW AND EVALUATION

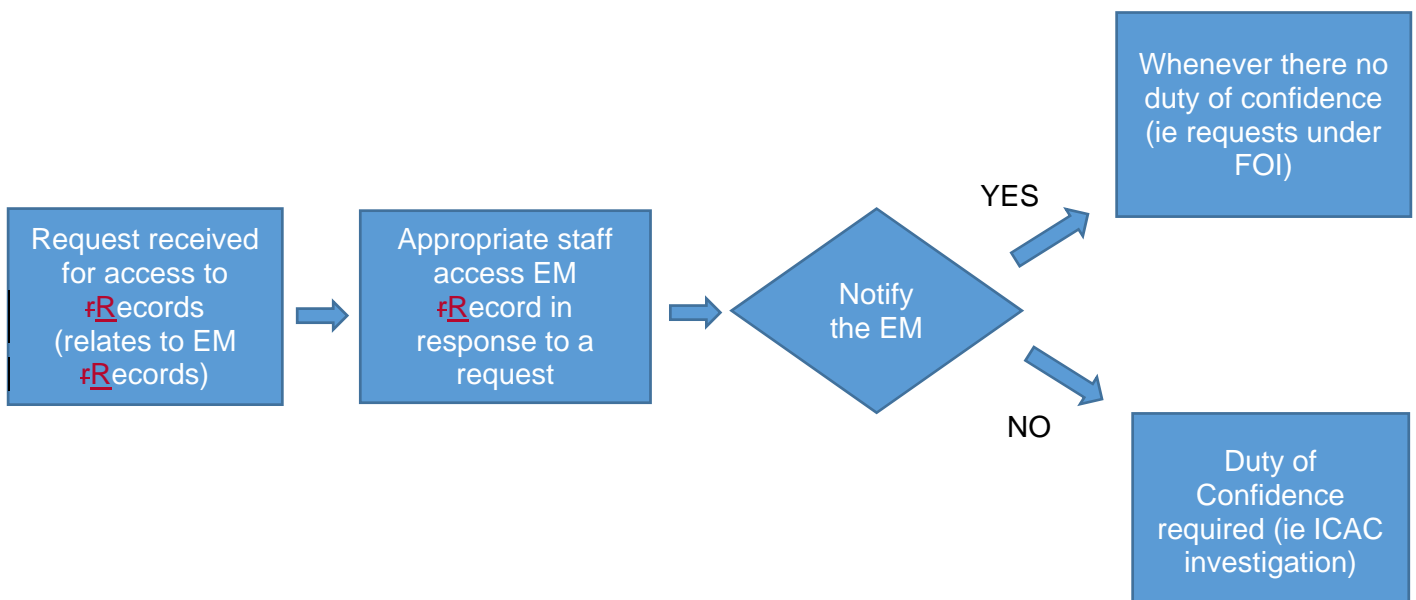
This policy terminates at the end of the 2014 Council term (2018) and will be reviewed and evaluated by the Manager Governance in December 2018..

Revision Ref. No.	Approved/ Amended/ Rescinded	Ratified Date	Evaluation Date	Council Committee EMG	Resolution Number	Document Reference
		ddmmyy	ddmmyy			
Manager Governance, Governance Department						

Elected Member Record Management Procedure



* **Normal Administrative Practice** provides for the routine destruction of drafts, duplicates and publications, with the test that it is obvious that no information of more than transitory or temporary value to the Council will be destroyed. Material that can be disposed of under Normal Administrative Practice comprises items of a temporary or transitory nature created, acquired or collected by Council staff or Council Members in the course of their official duties. Such material has no ongoing value and is not usually incorporated into the Council's record management system.



Records Management Guidance Note

Official Record **Requiring Capture**

A record made or received in the conduct of council business regardless of the medium the record takes.

Considerations:

- Does it add value or support to an existing document?
- Does it show how a transaction was processed?
- Does it show how a decision was made?
- Does it document a change to policy or procedure?
 - Does it show when or where a council event happened?
- Is it a formal draft of a submission, agreement or legal document?
- Is there a legal obligation to keep the record?
 - Is the organisation required to respond to the record?
- Does it involve a decision made by an employee on behalf of the City of Marion?
- Does it involve attending a formal function?
 - Does it concern a safety issue?
- Does it fall within the functions and activities of the GDS?

Forward to FilingEM@marion.sa.gov.au for capture in the records management system

Temporary/Transitory Record **Official Record NOT required to be forwarded for Capture**

A record is transitory or temporary in nature if it is of little or no continuing value to the Council and only needs to be kept for a limited or short period of time, such as a few hours or a few days.

Examples may include:

- word-processing documents and spread-sheets in electronic format after updating, printing, or transfer to electronic recordkeeping systems
- drafts and rough notes not intended for further use
- brochures, catalogues, price lists, unsolicited promotional material etc. received from external sources
- superseded copies of instructions, guidelines, standards, etc., not included in a general or agency records disposal schedule
- extra copies of records no longer required for reference purposes
- copies of published items kept for personal reference
- unimportant messages and notes, e.g. those required for only few hours or a few days
- system printouts used to verify or monitor data, or answer ad hoc queries, that are not part of regular reporting procedures and are not required for ongoing use.

Do not need to forward for capture

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Jaimie Thwaites, Unit Manager Governance and Records
Corporate Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, General Manager Corporate Services
Subject: Code of Practice, Procedures at Meetings 2016
Report Reference: GC221116R21

REPORT OBJECTIVE

The purpose of this report is for Council to review and adopt the proposed *Code of Practice, Procedures at Meetings 2016 (Appendix 1)*.

EXECUTIVE SUMMARY

Section 86 of the Local Government Act 1999 (the Act), prescribes the procedures at meetings at a high level. Section 86(8) states:

Subject to this Act, the procedures to be observed at a meeting of a council will be:

(a) As prescribed by regulation

(b) Insofar as the procedure is not prescribed by regulation, as determined by the Council.

The relevant regulations are the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations). If Council determines to establish its own practices in certain matters, Council must prepare a Code of Practice or Policy.

Pursuant to section 6(1) of the Regulations, if Council establishes its own procedures it must be supported by resolution of at least two-thirds of the members of the Council as a whole.

The current *Code of Practice, Procedures at Meetings 2015* was adopted by Council in November 2015. As required by the Regulations this Code of Practice is required to be reviewed once every financial year.

RECOMMENDATION

DUE DATE

- 1. That Council adopts the amended 'Code of Practice – Procedures at Council Meetings 2016' provided at Appendix 1 to this report, subject to the inclusion of identified changes.**

22 Nov 2016

BACKGROUND

The Regulations allow for a Council to adopt a Code of Practice or Policy to vary procedures at meetings. The common practice is to adopt a Code of Practice as it can be a useful document that provides greater clarity (to both Elected Members and the public) in relation to the procedures used at General Council and Council Committee meetings. This allows Council to have a degree of flexibility in meeting procedures.

Section 4 of the Regulations provides guiding principles that should be applied with respect to the procedures to be observed at formal meetings as follows:

- Procedures should be fair and contribute to open, transparent and informed decision-making;
- Procedures should encourage appropriate community participation in the affairs of the council;
- Procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- Procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

DISCUSSION

Council last considered and adopted a Code of Practice, Procedures at Meetings (the Code) at the 10 November 2015 General Council meeting (Report Reference: GC101115R07). This Code is attached as Appendix 1 with marked-up changes to reflect the minor variation as follows:

- An additional paragraph regarding the use of mobile devices at meetings has been added to Section 1. The Council resolved on 13 May 2014 (Reference Number: GC130514M05) that:

'Council include an additional paragraph within section 1, General procedures, of the Code of Practice, Procedures at meetings that states "Council recognises that use of mobile devices should only be used for the conduct of the meeting".'

This paragraph has been updated based on feedback and to better express its intention.

- The Code has been updated to include Regulation 21 of the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations).

CONCLUSION

The adoption of the Code provides clarity to Elected Members and the public on the procedures to be used at Council meetings.

Should Council endorse the revised Code, all Elected Members will be provided with a copy of the document, which will also be published on Council's website to enable public access to the Code.

The regulations require that the Code of Practice be reviewed once per financial year and hence the next review will be undertaken during the 2017/2018 financial year.



CODE OF PRACTICE

Procedures at Council Meetings

~~2015~~2016

Adopted by Council: ~~10 November 2015~~22 November 2016

To be review: 20~~16~~/17/18

CODE OF PRACTICE – PROCEDURES AT COUNCIL MEETINGS

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PART 1 – PRELIMINARY

Introduction

The role of a council is to manage its local area by acting as an informed representative and responsible decision-maker in the best interests of its community. Council can only make decisions and act through a majority vote of the Council (or Committee). The effectiveness of Council Meetings directly contributes towards accountability to the community.

Council meeting procedures are largely determined by the Local Government (Procedures at Meetings) Regulations 2013 (the Regulations). In addition to the requirements of the Regulations, this Code of Practice identifies a number of discretionary procedures adopted by Council for Council meetings.

Guiding Principles

Council's approach to the conduct of its meetings adopts the **Guiding Principles** contained within the Local Government (Procedures at Meetings) Regulations 2013 which state:

- Procedures should be fair and contribute to open, transparent and informed decision-making;
- Procedures should encourage appropriate community participation in the affairs of the council;
- Procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- Procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

Legislative Requirements and Policy Context

Procedures at Council meetings are regulated by the Local Government (Procedures at Meetings) Regulations 2013. In accordance with these Regulations, Council is able to set discretionary procedures pursuant to Regulation 6. This Code of Practice is made pursuant to this Regulation and has been passed by a two thirds majority of Elected Members.

The provisions set out in this Code of Practice reflect the provisions of the Regulations (including numbering) except where Council has utilised its discretionary powers. Regulations that have been varied by Council under these powers are highlighted in **bold** in this document.

Definitions

In these procedures, unless the contrary intention appears-

"**Act**" means the *Local Government Act 1999*;

"clear days" means days, inclusive of Saturdays, Sundays and public holidays, which do not include:

- the day on which the notice is given
- the day on which the meeting occurs

"deputation" means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;

"formal motion" means a motion-

- (a) that the meeting proceed to the next business; or
- (b) that the question be put; or
- (c) that the question lie on the table; or
- (d) that the question be adjourned; or
- (e) that the meeting be adjourned¹;

"member" means a member of the council or council committee (as the case may be);

"point of order" means a point raised to draw attention to an alleged breach of the Act, Regulations or this Code of Practice in relation to the proceedings of a meeting;

"presiding member" means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding/chairing at a particular meeting.

"written notice" includes a notice given in a manner or form determined by the council.

¹ See clause 13 for specific provisions about formal motions

PART 2 – PROCEDURES AT COUNCIL MEETINGS

1. City of Marion General Procedures

1.1 Council Meeting Close Time

Where Council meetings continue to 9.30pm, unless there is a specific motion adopted at the meeting to continue beyond this time, the meeting will be adjourned to a date and time specified as part of the motion.

1.2 Publication of Council Agenda

Council meeting Agendas will be uploaded to Council's website at least three clear days before the meeting and available for inspection upon request.

1.3 Late Items (Reports)

Late items (reports) listed on a circulated Agenda will be emailed and/or delivered to members prior to the scheduled meeting. Late reports will only occur where information has not been provided in time for the delivery of the Agenda and where an urgent Council decision is required.

1.4 Elected Member Verbal Communications

Elected Member has the right to speak for up to three minutes in the second meeting of Council during the months of February, April, June, August, October and the single December meeting.

1.5 Council Committee Reporting Obligations

Council Committees will report to Council in the form of the minutes from each committee meeting. The minutes will be received and noted. Any matters discussed by the Committee where a Council resolution is required is to be considered as separate resolutions to the receiving and noting of the Committee minutes.

1.6 Moving Items “En Bloc”

Items listed on the Agenda for Council consideration may be “moved on block”.

1.7 Mobile Devices at Meetings

Mobile communication devices shall not be used during a Council meeting except to facilitate participation in the meeting.

Council recognises that use of mobile devices should only be used for the conduct of the meeting.

2. Commencement of Meetings and Quorums

Regulation 7

- 2.1 A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.
- 2.2 If the number of apologies received by the Chief Executive Officer indicates that a quorum will not be present at a meeting, the Chief Executive Officer may adjourn the meeting to a specified day and time.
- 2.3 If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the Chief Executive Officer, will adjourn the meeting to a specified day and time.
- 2.4 If a meeting is adjourned for want of a quorum, the Chief Executive Officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- 2.5 If a meeting is adjourned to another day, the Chief Executive Officer must-
 - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
 - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.

3. Minutes

Regulation 8

- 3.1 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- 3.2 No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- 3.3 On the confirmation of the minutes, the presiding member will-
- (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.
- 3.4 The minutes of the proceedings of a meeting must include-
- (a) The names of the members present at the meeting; and
 - (b) in relation to each member present-
 - i. the time at which the person entered or left the meeting; and
 - ii. unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
 - (c) each motion or amendment, and the names of the mover and seconder; and
 - (d) any amendment or withdrawal of a motion or amendment; and
 - (e) whether a motion or amendment is carried or lost; and
 - (f) any disclosure of interest made by a member; and
 - (g) an account of any personal explanation given by a member; and
 - (h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and

- (i) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and
- (j) details of any adjournment of business; and
- (k) any other matter required to be included in the minutes by or under the Act or any regulation including:
 - i. a question on notice asked by an Elected Member of which five clear days notice has been given together with the reply provided (refer also to Clause 4.2(b) of this Code of Practice).
 - ii. if resolved by Elected Members present at the meeting at which the question is asked, details of a question without notice together with the reply provided (refer also to Clause 4.5 of this Code of Practice).
 - iii. In the event that a division is called by a member, the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote) (refer also to Clause 12.4 of this Code of Practice)

3.5 The minutes of relevant Council meetings will also include:

- (a) **Elected Member communication reports to the following extent:**
 - i. **The Mayor's, Deputy Mayor's and Elected Member reports (only the subject matter) where those reports have been provided in writing to the minute taker by 12 noon on the Wednesday next following the meeting.**
 - ii. **Types of activities to be included in reports are those attended by Elected Members in their Representative or Civic capacity only. Examples include:**
 - **Civic activities (e.g. citizenship ceremonies)**
 - **Meetings with external bodies attended as Council Liaison**

- **Meetings with residents**
- **Training sessions attended**

Attendance at Council meetings will not be recorded. Attendance at Development Assessment Panel or Committee meetings will be recorded.

- (b) **The name of a person or persons (representor) making a deputation. However, the details of the content of the deputation will not be included (refer also to Clause 6.9 of this Code of Practice).**

- (c) **The time at which each item commences**

3.6 Minutes will be forwarded by email to Elected Members to confirm accuracy and then placed on Council's website by 5.00pm on the Friday next following the meeting, or at the latest, within five days after the meeting.

3.7 The minutes of the meetings will not include:

- (a) **Apologies received from Elected Members**
- (b) **Leave of Absences**
- (c) **Voting Patterns other than Divisions or as required by legislation**

4. Questions

Regulation 9

- 4.1 A member may ask a question on notice by giving the Chief Executive Officer written notice of the question at least five clear days before the date of the meeting at which the question is to be asked.
- 4.2 If notice of a question is given under Clause 4.1:
- (a) the Chief Executive Officer must ensure that the question and answer is placed on the agenda for the meeting at which the question is to be asked; and
 - (b) the question and the reply must be entered in the minutes of the relevant meeting (refer also to Clause 3.4(k)(i) of this Code of Practice).
- 4.3 A member may ask a question without notice at a meeting.
- 4.4 The presiding member may allow the reply to a question without notice to be given at the next meeting.
- 4.5 A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made (refer also to Clause 3.4(k)(ii) of this Code of Practice).
- 4.6 The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.
- 4.7 **Members are able to ask a maximum of three Questions without Notice at a Council meeting except with the consent of the meeting.**
- 4.8 **Questions may be asked prior to the moving of a motion or during a debate on a motion for clarification purposes only. Such questions are not considered “questions without notice” as described in Clauses 4.3, 4.4, 4.5, and 4.7 of this Code of Practice.**
- 4.9 **In asking a clarification question a member will not be considered to be speaking to the motion.**
- 4.10 **A maximum of two clarification points may be asked by**

individual members in relation to each motion except with the consent of the presiding member.

4.11 Members are encouraged to seek answers to questions prior to the Council meeting.

4.12 In relation to Questions with Notice, all questions and answers will be included in the agenda papers and the minutes therefore will not be read out at the relevant meeting.

5. Petitions

Regulation 10

5.1 A petition to the council must-

- (a) be legibly written or typed or printed; and
- (b) clearly set out the request or submission of the petitioners; and
- (c) include the name and address of each person who signed or endorsed the petition.
- (d) be addressed to the council and delivered to the principal office of the council.

5.2 If a petition is received as detailed in 5.1, the Chief Executive Officer must ensure that the petition or a statement as to the nature of the request or submission and the number of signatures is placed on the agenda for the next ordinary meeting of the council.

5.3 Where further investigation is required on issues raised in a petition, the petition will be provided to the next meeting of Council from receipt of the petition to note the petition and a report providing further detail will be provided to Council once investigations have been completed.

5.4 On initial receipt of the petition, a summary and the first page only will be provided to Council. When the matter is considered the entire petition will be attached to the report.

6. Deputations

Regulation 11

- 6.1 A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
- 6.2 The chief executive officer must transmit a request received as detailed in Section 6.1 to the presiding member.
- 6.3 The presiding member may refuse to allow the deputation to appear at a meeting.
- 6.4 The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- 6.5 If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council.
- 6.6 The council may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- 6.7 A council may refer the hearing of a deputation to a council committee.
- 6.8 **A deputation must not exceed five minutes except with the consent of the meeting.**
- 6.9 **The name of the representor will be recorded in the minutes of a Council meeting however, the details of the content of the deputation will not be included (refer also to Clause 3.5(b) of this Code of Practice).**

7. Motions

Regulation 12

- 7.1 A member may bring forward any business in the form of a written notice of motion.
- 7.2 The notice of motion must be given to the chief executive officer at least five clear days before the date of the meeting at which the motion is to be moved.
- 7.3 A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last periodic election of the council must be brought by written notice of motion.
- 7.4 If a motion as detailed in Clause 7.3 is lost, a motion to the same effect cannot be brought-
- (a) until after the expiration of 12 months; or
 - (b) until after the next periodic election,
- whichever is the sooner.
- 7.5 **Where a notice of motion has been given by a member who is not present at the meeting the notice of motion may be moved by any other member present at the meeting.**
- 7.6 **Notice of motions cannot be added to on the night of the meeting where the notice of motion is presented. Additions to notices of motions will be dealt with separately as a motion without notice.**
- 7.7 Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.
- 7.8 The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.
- 7.9 The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council.
- 7.10 **A motion without notice will not be accepted, where in the opinion of the presiding member, the motion relates to a significant issue or substantive information is required in order to make an informed decision on the motion (Refer**

Clause 7.8 above). Such issues should be provided as written notices of motion.

- 7.11 A motion will lapse if it is not seconded at the appropriate time.
- 7.12 A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion for no longer than three minutes (clause 10.1). If further time is required, it will be considered by the presiding member and granted at their discretion to a total maximum of five minutes.**
- 7.13 If the motion is seconded, the common practice of the meeting will be to put the motion without further debate/discussion unless there is a speaker against the motion.**
- 7.14 The common practice of the meeting will be to alternate speakers for and against the motion until the debate is complete.**
- 7.15 At the conclusion of the debate, if a member who has not already spoken wishes to raise a new matter that has not been covered in previous debate/discussion or a matter considered of high importance, they will be permitted to speak for a maximum of three minutes.**
- 7.16 A member may only speak once to a motion except-
- (a) To provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
 - (b) with leave of the meeting; or
 - (c) as the mover in reply.
 - (d) for the mover who may exercise a right to speak in closing the debate.
- for no longer than three minutes (Clause 10.1). The period of speaking may be extended with the consent of the presiding member.**
- 7.17 A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.
- 7.18 A member who has not spoken in the debate on a question may move a formal motion.

7.19 A formal motion must be in the form of a motion set out in 7.17 (and no other formal motion to a different effect will be recognised).

7.20 If the formal motion is-

- (a) that the meeting proceed to the next business, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
- (b) that the question be put, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or
- (c) that the question lie on the table, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
- (d) that the question be adjourned, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
- (e) that the meeting be adjourned, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.

7.21 If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).

7.22 A formal motion does not constitute an amendment to a substantive motion.

7.23 If a formal motion is lost-

- (a) the meeting will be resumed at the point at which it was interrupted; and

- (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (i.e., a motion to the same effect) cannot be put until at least one member has spoken on the question.

7.24 A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

8. Amendments to Motions

Regulation 13

- 8.1 A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.
- 8.2 An amendment must be relevant to the motion and so framed that it forms a sensible alternative proposal. It must not be a direct negation of the original motion.
- 8.3 An amendment will lapse if it is not seconded at the appropriate time.
- 8.4 A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.
- 8.5 If an amendment is lost, only one further amendment may be moved to the original motion.
- 8.6 If an amendment is carried, only one further amendment may be moved to the original motion.
- 8.7 **Amendments are to be provided to the minute taker in writing to ensure accuracy of recording.**

9. Variations etc

Regulation 14

- 9.1 The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- 9.2 The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

10. Addresses by Members etc

Regulation 15

- 10.1 A member must not speak for longer than **three minutes** at any one time without leave of the meeting.
- 10.2 **Members are to speak through the Chair of the meeting when speaking to a motion.**
- 10.3 A member may, with leave of the meeting, raise a matter of urgency.
- 10.4 A member may, with leave of the meeting, make a personal explanation.
- 10.5 The subject matter of a personal explanation may not be debated.
- 10.6 The contribution of a member must be relevant to the subject matter of the debate.
- 10.7 **Members will address other members as Councillor during council meetings.**
- 10.8 **Members may choose to sit or stand when addressing the Council \meeting.**

11. Voting

Regulation 16

- 11.1 The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.
- 11.2 The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.
- 11.3 A person who is not in his or her seat is not permitted to vote **unless extenuating circumstances exist, in which case the Elected Member may be located elsewhere within the Chamber, but not in an area designated a public area.**
- 11.4 For the purpose of clause 11.3 extenuating circumstances are;
- infant or dependent care
 - injury
 - infirmity

12. Divisions

Regulation 17

- 12.1 A division will be taken at the request of a member.
- 12.2 If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.
- 12.3 The division will be taken as follows-
- (a) the members voting in the affirmative will, until the vote is recorded, stand in their places; and
 - (b) the members voting in the negative will, until the vote is recorded, sit in their seats; and
 - (c) the presiding member will count the number of votes and then declare the outcome.
- 12.4 The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).
- 12.5 **Members wishing to vote in the affirmative but are unable (to stand) due to extenuating circumstances, may indicate their affirmative vote by raising a hand or by indicating in some other unambiguous manner.**
- 12.6 **Members voting in the negative, who are not currently in their seats due to extenuating circumstances may indicate their negative vote by raising a hand or by indicating in some other unambiguous manner**

13. Tabling of Information

Regulation 18

13.1 A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).

13.2 The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

14. Adjourned Business

Regulation 19

14.1 If a formal motion for a substantive motion to be adjourned is carried-

- (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
- (b) the debate will, on resumption, continue from the point at which it was adjourned.

14.2 If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.

14.3 Business adjourned from a previous meeting must be dealt with directly before the Corporate Reports at a subsequent meeting.

15. Short-term Suspension of Proceedings

Regulation 20

15.1 If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.

15.2 The Guiding Principles must be taken into account when considering whether to act in accordance with Clause 15.1.

15.3 If a suspension occurs in accordance with Clause 15.1

- (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
- (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension-
 - (i) the provisions of the Act must continue to be observed; and
 - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
 - (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
- (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
- (d) the period of suspension will come to an end if-
 - (i) the presiding member determines that the period should be brought to an end; or
 - (ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

Regulation 21

16. Chief executive officer may submit report recommending revocation or amendment of council decision

16.1 The chief executive officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.

16.2 The chief executive officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.

16.17. Points of Order

Regulation 28

16.117.1 The presiding member may call to order a member who is in breach of the Act or these regulations.

16.217.2 A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.

16.317.3 A point of order takes precedence over all other business until determined.

16.417.4 The presiding member will rule on a point of order.

16.517.5 If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.

16.617.6 The presiding member is entitled to make a statement in support of the ruling before a motion under 176.5 is put.

16.717.7 A resolution under 4617.5 binds the meeting and, if a ruling is not agreed with-

- (a) the ruling has no effect; and
- (b) the point of order is annulled.

17.18. Interruption of Meetings by Members

Regulation 29

17.118.1 A member of a council must not, while at a meeting-

- (a) behave in an improper or disorderly manner; or
- (b) cause an interruption or interrupt another member who is speaking.

17.218.2 Clause 187.1(b) does not apply to a member who is-

- (a) objecting to words used by a member who is speaking; or
- (b) calling attention to a point of order; or
- (c) calling attention to want of a quorum.

17.318.3 If the presiding member considers that a member may have acted in contravention of Clause 187.1, the member must be allowed to make a personal explanation.17.418.4 Subject to complying with Clause 187.3, the relevant member must leave the meeting while the matter is considered by the meeting.17.518.5 If the remaining members resolve that a contravention of Clause 187.1 has occurred, those members may, by resolution-

- (a) censure the member; or
- (b) suspend the member for a part, or for the remainder, of the meeting.

17.618.6 A member who-

- (a) refuses to leave a meeting in contravention of Clause 187.4;
or
- (b) enters a meeting in contravention of a suspension under Clause 187.5,

is guilty of an offence and the Maximum penalty is \$1,250

18-19. Interruption of Meetings by Others

Regulation 30

18-19.1 A member of the public who is present at a meeting of a council must not-

- (a) behave in a disorderly manner; or
- (b) cause an interruption.

Maximum penalty: \$500

Adopted by Council:	13 October 2015 <u>25 October 2016</u>
Next Review:	October 201 <u>7</u> 6
Previous Version:	12 February 2013 <u>10 November 2015</u>
Owner:	Manager <u>Corporate</u> Governance
Applicable Legislation:	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Manager: Kate McKenzie, Manager Corporate Governance
General Manager: Vincent Mifsud, General Manager Corporate Services
Subject: Enforcement Policy
Report Reference: GC221116R22

REPORT OBJECTIVES

The purpose of this report is for Council to review and adopt the draft *Enforcement Policy* (Appendix 1).

EXECUTIVE SUMMARY

Local Government is a highly regulated sector and is required to manage different legislation on behalf of its community.

The City of Marion has a duty to ensure that legislative requirements are complied with and that the community is aware of its legislative obligations. From time to time, Council officers are required to take enforcement action to ensure legislation is complied with.

A draft Enforcement Policy has been prepared for Council consideration. The Policy objectives are to:

- Provide a decision making framework for Council officers to take enforcement action.
- Set criteria for enforcement or other action.
- Ensure that enforcement action is proportionate to the alleged offence in each case.
- Ensure that enforcement action is carried out in a fair, equitable, transparent, timely and consistent manner.

The Policy explains how and when the Council will enforce legislative obligations to achieve better outcomes and performance for the community.

RECOMMENDATION

DUE DATE

That Council:

- | | |
|---|-------------------------|
| 1. Adopt the Enforcement Policy provided at Appendix 1 to this report, subject to the inclusion of any identified changes. | 22 November 2016 |
|---|-------------------------|

Enforcement Policy



1. POLICY STATEMENT

The City of Marion is opposed to unlawful conduct within the community and will initiate enforcement action in accordance with relevant legislation and this policy as required.

2. OBJECTIVES

The objective of this policy is to:

- Provide a decision making framework for Council officers to take enforcement action.
- Set criteria for enforcement or other action.
- Ensure that enforcement action is proportionate to the alleged offence in each case.
- Ensure that enforcement action is carried out in a fair, equitable, transparent, timely and consistent manner.

3. PRINCIPLES

3.1 The City of Marion is responsible for administering various legislation and regulations within the community. Enforcement of the applicable legislation or regulation must be fair, consistent, balanced and ensure the public is adequately protected.

3.2 When considering enforcing a legislative requirement, the following principles will be considered:

- Seriousness of the offence
- Degree of wilfulness involved
- Past history
- Consequences of non-compliance
- Likely effectiveness of the various enforcement options
- Deterrence
- Consistency of approach to similar breaches/offending.

3.3 Factors that will not be taken into consideration include:

- Any element of discrimination or bias against the person such as ethnicity, nationality, political association, religion, gender, sexuality or beliefs
- Personal association or relationship with the alleged offender or any other person involved
- Possible political advantage or disadvantage to a government or any political group or party.

3.4 Prioritising

Council will prioritise its enforcement activities according to the seriousness of the problem and the degree of risk to the community.

3.5 Procedural Fairness

Prior to taking enforcement action Council officers will take reasonable steps (in the circumstances) to listen to and consider the views of the person who is subject of the enforcement action.

In the event that a third party is aggrieved by the decision of Council, they may follow the steps set out in the Council's Complaint and Grievance Policy.

4. PROCESS

When a Council Officer receives an allegation of offending behaviour, observes or otherwise acquires evidence of offending behaviour, the Council officer shall consider the following options. In all cases, the Council officer shall ensure that Council has a record of the allegation, observations and any other evidence. The Council officer shall also ensure that Council has a record of the Council officer's response to the allegation/offending behaviour.

4.1 No action

Council officers may determine to take no action in a matter if:

- The alleged offence is trivial in nature
- Taking action may prejudice more significant considerations
- There is insufficient evidence that an offence or wrong has been committed or that the responsible person can be identified.

4.2 Informal action

Council officers may determine to take informal action by:

- Offering verbal or written advice
- Verbal warnings and requests for action
- Written warnings.

Council officers must record all instances of informal action being taken.

If a written warning is given, it must:

- Specify what needs to be done to comply with legal requirements, the time limit for remedial action if not immediately and, where necessary, the reasons for the warning
- Specify the legislation or by-law contravened, measures necessary to ensure compliance and the consequences of non-compliance
- Clearly differentiate between legal requirements and recommendations of good practice.

Despite a law or by-law being contravened, Council officers have discretion to take informal action if:-

- The act or omission is not serious enough to warrant formal action
- The offender's past history reasonably suggests that informal action will achieve compliance
- The consequences of non-compliance will not pose a significant risk
- Informal action may prove more effective than a formal approach.

4.3 Mediation

If a Council officer suspects that offending behaviour has occurred but considers that it does not, at least initially, warrant prosecution, the Council officer may suggest mediation as a dispute resolution mechanism if there is a reasonable prospect of all relevant parties coming to an agreed resolution regarding the alleged offending behaviour. Mediation may be appropriate where an aggrieved individual does not wish Council to prosecute an alleged offender.

4.4 Education

Council officers may promote compliance by informing the community about legislative requirements, sensible behaviour and best practice. This could be by media releases, publications, social media and the City of Marion Website.

4.5 Expiation Notices, Orders and Directions

If a Council officer:

- is reasonably satisfied on the available evidence that offending has occurred and that the offender has been identified; and
- considers that none of the factors set out under the headings "No Action" and "Informal Action" apply;
- has power to issue an Expiation Notice, or give a formal Order or Direction to stop the offending or minimise the impact of the offending;

then the Council officer shall give such an Order or Direction if appropriate and either issue an Expiation Notice or consider prosecuting the offender.

4.6 Prosecution

Council will only prosecute when, in the opinion of the responsible Council officer, there is a reasonable prospect of a conviction being secured.

Any of the following circumstances are likely to warrant prosecution; -

- A blatant breach of the law such that health, safety and welfare have been put at risk
- A failure to correct an identified problem after having been given reasonable opportunity to do so
- A failure to comply with the requirements of a Statutory Notice
- A history of similar offences
- An unwillingness, on the part of the individual or business, to prevent a recurrence of the problem

Where circumstances warrant a prosecution all relevant evidence must be considered.

4.7 Appeals/Review

The Council Customer Service team (on 8375 66600 or Council@marion.sa.gov.au) shall, upon inquiry, and after consulting with the Council officers responsible for enforcement if necessary, advise in general terms the appeal or review options available in respect of any enforcement action.

4.8 Recovery of Costs

The Council will recover costs in accordance with various legislation. This will occur by written notice served on the person, requiring the person to pay the Council the reasonable costs of and expenses incurred by the council in taking such action.

5. **POLICY REVIEW**

This policy will be reviewed within three years of operation.

6. **RELATED DOCUMENTS**

Complaint and Grievance Policy.

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: David Harman, Financial Accountant
Corporate Manager: Ray Barnwell, Manager Finance
General Manager: Vincent Mifsud, General Manager Corporate Services
Subject: Finance Report – September 2016
Report Reference: GC221116R23

REPORT OBJECTIVES AND EXECUTIVE SUMMARY:

This report provides Council with information relating to the management of financial resources under its control as at September 2016. This report is one of a series of reports designed to assist Council in achieving and maintaining a financially sustainable position. Other reports assisting in this process include the Quarterly Budget Reviews and the Long Term Financial Plan.

It is considered appropriate that financial information regarding Major Projects be presented on a monthly basis in this report. Financial information regarding Major Projects will also be summarised in the quarterly Major Project reports. The principles used for assessment of reportable projects are according to the following criteria:

- Council has agreed to proceed with the project and approved a Section 48 Prudential Report.
- The Whole-of-Life Cost is greater than \$4 million dollars (including grant assisted projects).
- Has a project life of more than 12 months.

RECOMMENDATION

DUE DATES

That Council:

- 1. Receives the report “Finance Report – September 2016”. 22 November 2016**

BACKGROUND

This report is presented on a monthly basis to provide Elected Members with key financial information to assist in monitoring Council's financial performance.

DISCUSSION:

Appendix 1 contains a financial report to identify Council's performance against budget utilising a "Funding Statement". It provides a review against all of the elements contained within the Statement of Comprehensive Income and Statement of Financial Position that are adopted as part of the Annual Budget Report.

The following reports are included:

(1) Major Projects

Section 48 approved Projects

- (a) Edwardstown Oval Soldiers Memorial Recreation Ground
- (b) Mitchell Park Sports & Community Centre

(2) Funding Statement – Actual versus Budget (Appendix 1)

(3) Debtors Reports for Sundry Debtors and Rates Debtors (Appendix 2)

(1) Major Projects

Council currently has no major projects budgeted for in the 2016/17 financial year that meet the qualifying criteria. There are two future projects scheduled that are both subject to grant funding which will meet these criteria and are listed in the following table:

Project	Commencement subject to grant funding	Budget
Edwardstown Oval Soldiers Memorial Recreation Ground	2017/18	\$8.0m
Mitchell Park Sports & Community Centre	2018/19	\$20.0m

Reporting on these project budgets will be included as work commences.

INTERNAL ANALYSIS

Financial Implications:

This report is an information report only and has no direct financial implications.

CONCLUSION:

The main monthly reporting focus is to report the “Actual versus Budget” position to enable regular monitoring of Council’s financial performance. Major Projects require regular reporting and monitoring by Council to ensure prudent financial management is maintained.

APPENDICES

Appendix 1: Funding Statement & Graphs – Actual versus Budget

Appendix 2: Sundry Debtors & Rates Debtors Report

(2) Funding Statement – Actual versus Budget

The Funding Statement provides a view of Council's financial performance against the approved budget and is consistent with the information provided at budget reviews. It provides a review against all of the elements contained within the Statement of Comprehensive Income and the Statement of Financial Position that are adopted as part of the Annual Budget Report. It details Council's:

Statement of Comprehensive Income -

The operating result is recognised as one of Council's key financial indicators. The budget framework includes a commitment to its ongoing Financial Sustainability maintaining an Operating Surplus Ratio of between 0% and 5%, on average over each five year period, which for 2016/17 means a targeted operating surplus of between \$0 and \$4.262m.

Comment: Council currently has a net operating deficit result of (\$0.108m) before capital revenues, against a year to date forecast budget of \$0.476m surplus. This position is detailed in the attached Funding Statement and variation notes.

Capital Budget -

The Capital Budget is linked to Council's key financial indicator – "Asset Sustainability Ratio" and an actual to budget comparison reflects Council's progress in achieving its Capital program.

Comment: The actual to budget position reveals that 38.66% of the year to date Capital Renewal Budget has been spent or committed.

The actual progress to date of Council's full Capital New and Renewal Expenditure program is detailed by asset class in the attached graphs, with the exception of major projects which have previously been detailed in this report.

Loans -

The loans component of the Funding Statement identifies any new proposed loan receipts or principal payments. Council's borrowings are included in Council's key financial indicator – "Net Financial Liabilities" which reflects Council's total indebtedness.

Comment: No new borrowings are included in the 2016/17 budget and principal repayments of \$1.126m mean that the overall loan liability balance is forecast to decrease by \$1.126m.

Reserves & Cash -

Various fund movements such as surplus budget review results, unspent grants and carryover projects at year end are reflected as transfers to reserves, whilst utilisation of reserve funds are recognised as transfers from reserves.

Cash may be utilised to fund expenditure within the context of Treasury Management to ensure loans are not drawn down where temporary cash holdings are available.

Comment: Major movements in Net Transfers from Reserve of \$3.769m include the following:

Transfers to Reserve

Open Space Reserve	\$ 20k
Asset Sustainability Reserve – General	\$ 240k
Asset Sustainability Reserve – CFPP*	\$ 1,900k
Grants & Carryover Reserve	\$ 926k

Transfers from Reserve

Asset Sustainability Reserve – CFPP*	(\$ 127k)
Grants & Carryover Reserve	(\$ 6,728k)

The 2016/17 1st budget review forecasts a net cash surplus of \$328k.

*CFPP: Community Facilities Partnership Program

**Funding Statement
per First Budget Review
as at 30th September 2016**

Original Adopted Budget \$'000		YTD Actual + Committ \$'000	YTD Budget \$'000	YTD Variance \$'000		Annual Budget \$'000	Note
	Operating Revenue						
72,457	Rates	18,610	18,582	28	F	72,520	
1,751	Statutory Charges	725	748	(23)	U	1,714	
1,599	User Charges	279	266	13	F	1,621	
7,211	Operating Grants & Subsidies	1,246	1,818	(572)	U	7,497	A
265	Investment Income	1	126	(125)	U	504	B
619	Reimbursements	106	203	(97)	U	645	
384	Other Revenues	284	110	174	F	414	C
324	Net gain - SRWRA	-	-	-	-	324	
84,610		21,251	21,853	(602)	U	85,239	
	Operating Expenses						
33,021	Employee Costs	7,023	7,531	508	F	33,410	D
16,886	Contractual Services	6,622	6,166	(456)	U	17,199	E
5,193	Materials	1,107	1,566	459	F	5,307	F
948	Finance Charges	-	-	-	-	613	
14,020	Depreciation	4,330	4,251	(79)	U	17,003	
6,889	Other Expenses	2,277	1,863	(414)	U	6,496	G
76,957		21,359	21,377	18	F	80,028	
7,653	Operating Surplus/(Deficit) before Capital Revenues	(108)	476	(584)	U	5,211	
	Capital Revenue						
-	Capital Grants & Subsidies	2,020	2,000	20	F	2,000	
1,500	Contributed Assets	-	-	-	U	1,500	
-	Gain/(Loss) on Asset Disposal	37	-	37	F	-	
1,500		2,057	2,000	57	F	3,500	
9,153	Net Surplus/(Deficit) resulting from operations	1,949	2,476	(527)	U	8,711	
14,020	<i>add</i> Depreciation	4,330	4,251	79		17,003	
(324)	<i>less</i> Share of Profit SRWRA (excluding dividend)	-	-	-		(324)	
22,849	Funding available for Capital Investment	6,279	6,727	(448)	U	25,390	
	Capital						
13,673	<i>less</i> Capital Expenditure - Renewal	1,574	4,071	2,497	F	16,230	H
4,925	<i>less</i> Capital Expenditure - New	2,101	2,687	586	F	9,975	I
1,500	<i>less</i> Capital - contributed assets	-	-	-	U	1,500	
2,751	Net Overall lending/(borrowing)	2,604	(31)	2,635	F	(2,315)	

Original Adopted Budget \$'000		YTD Actual + Committ \$'000	YTD Budget \$'000	YTD Variance \$'000	Annual Budget \$'000	Note
Funded by						
	Loans					
-	Loan Principal Receipts (Net)	-	-	-	-	
-	Loan Receipts/(Payments) from Sporting Clubs (Net)	-	-	-	-	
1,400	less Loan Principal Repayments	-	-	-	1,126	
(1,400)	Loan Funding (Net)	-	-	-	(1,126)	
Movement in level of cash, investments and accruals						
	Cash Surplus/(Deficit) funding requirements					
(680)		6,300	3,795	2,505	328	
(2,031)	less Reserves (Net)	3,696	3,826	(130)	3,769	
1,351	Cash/Investments/Accruals Funding	2,604	(31)	2,635	(3,441)	
(2,751)	Funding Transactions	(2,604)	31	(2,635)	F 2,315	J

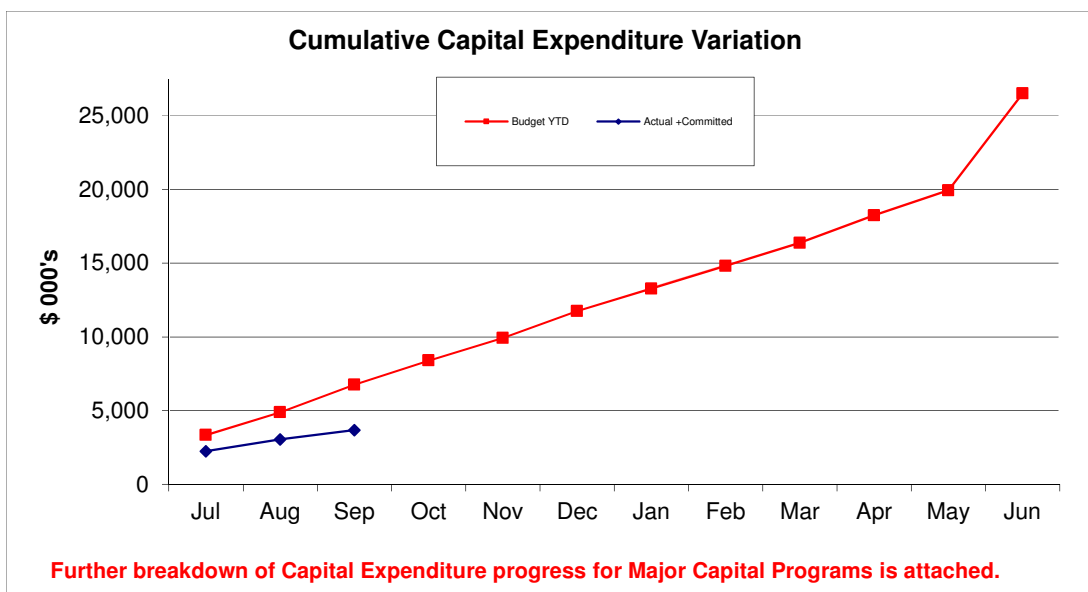
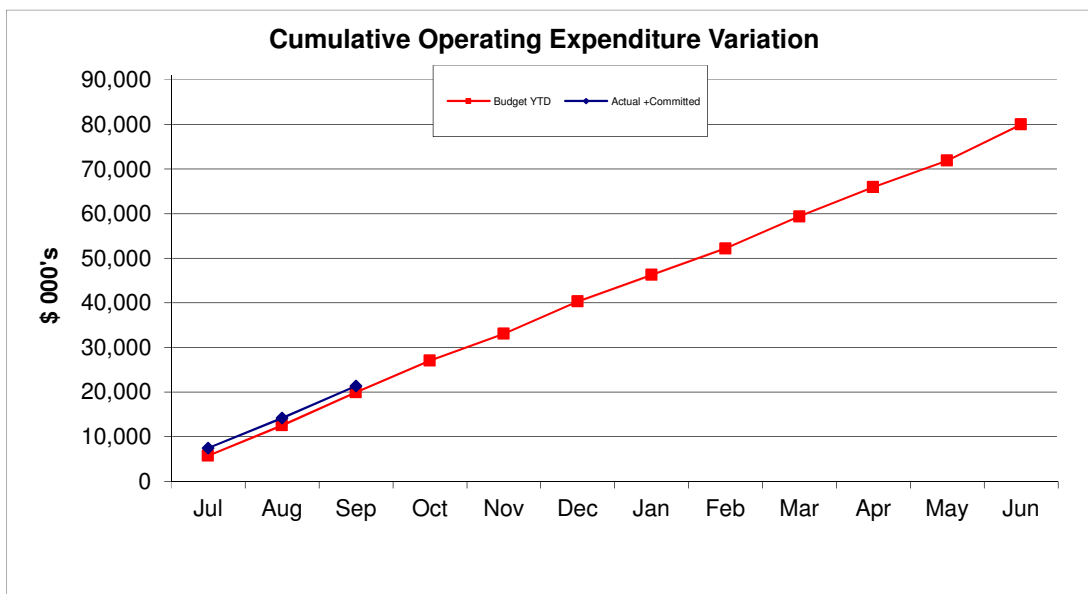
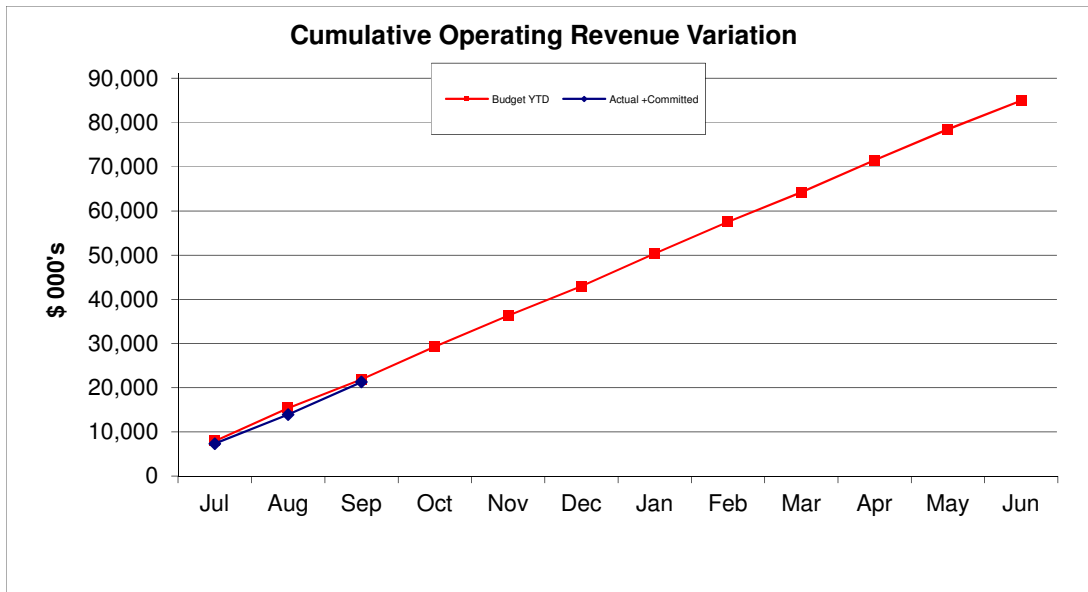
Variation Notes

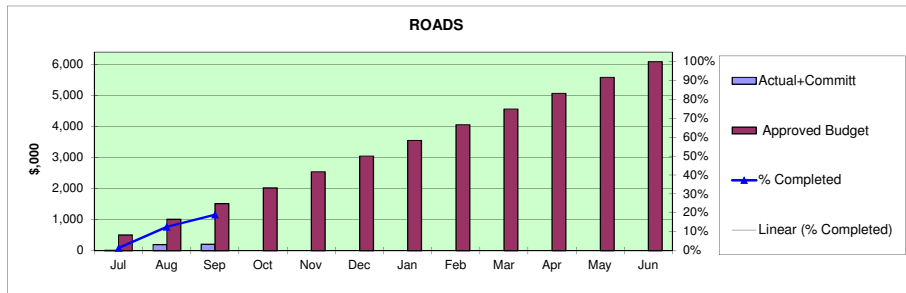
A	Operating Grants & Subsidies	Unfavourable \$572k	Reflects budget timing variations with regards to receipt of Roads 2 Recovery funding.
B	Investment Income	Unfavourable \$125k	Reflects budget timing variations with regards to interest on term deposits.
C	Other Revenues	Favourable \$174k	Predominantly reflects unbudgeted developer contributions for open space.
D	Employee Costs	Favourable \$508k	Predominantly reflects budget timing variations including leave taken.
E	Contractors	Unfavourable \$456k	Predominantly reflects budget timing variations with regards to Maintenance Agreements (\$454k).
F	Materials	Favourable \$459k	Predominantly reflects budget timing variations with regards to Electricity (\$260k) and water (\$242k)
G	Other Expenses	Unfavourable \$414k	Predominantly reflects budget timing variations with regards to the NRM levy (\$245k) and Insurance Premiums (\$178k).
H	Capital Expenditure (Renewal)	Favourable \$2,497k	Predominantly reflects budget timing variations with regards to road reseals due to invoicing delays (\$1,443k), Drainage Construction (\$272k), Reserve Development projects (\$212k) and fleet replacement (\$444k).
I	Capital Expenditure (New)	Favourable \$586k	Predominantly reflects budget timing variations with regards to Glandore Laneways.
J	Funding Transactions	Favourable \$2,635k	This variance is the sum total of all other variances and reflects an increase against council's expected YTD cash position.

The above comments referring to budget timing variations are where some monthly budget estimates are not reflective of the actual expenditure patterns as at the reporting date.

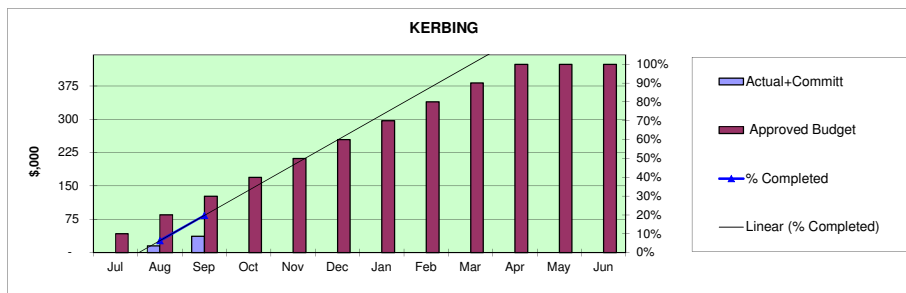
Note: The progress to date of Capital Expenditure programs (New and Renewal) is detailed in the attached graphs, noting that where no budget exists in the initial months this is primarily due to certain types of capital works that cannot be carried out during periods of inclement weather.

Funding Statement Cumulative Position - 2016/17

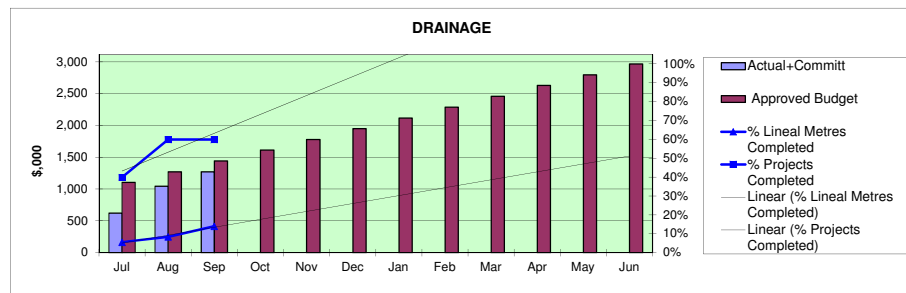




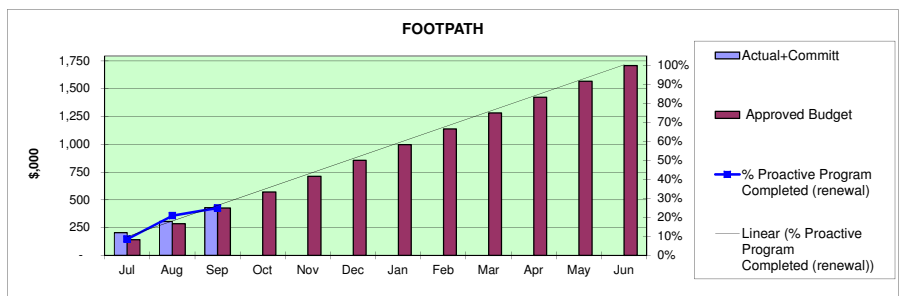
Program commenced, 19% complete.
- Supplier have updated software systems for the year and have not yet currently been able to issue invoices



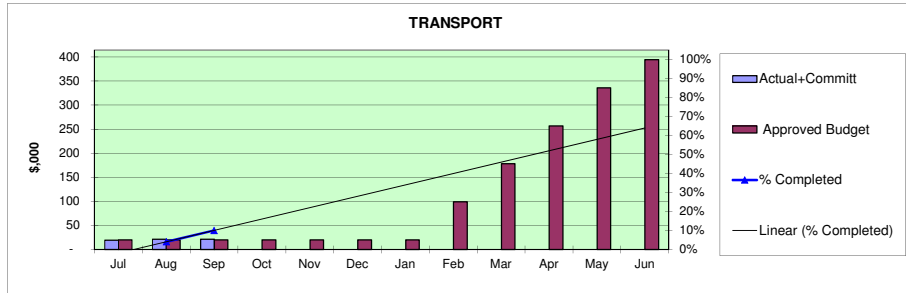
Program commenced, 20% complete.



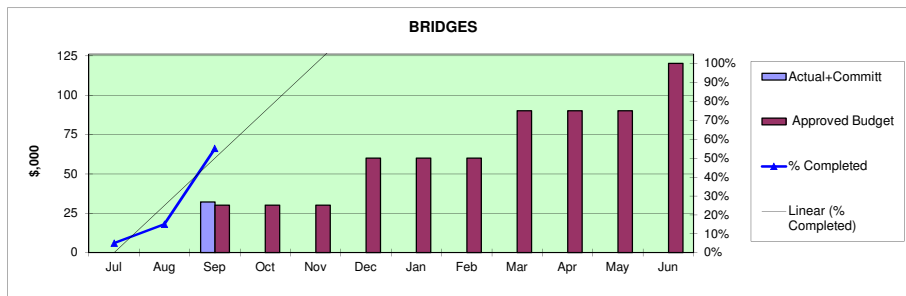
Linear metre program: 14% complete.
Keen Avenue complete.
Drainage projects: 60% complete.
Maxwell Terrace, Hammersmith and Towers Terrace complete.



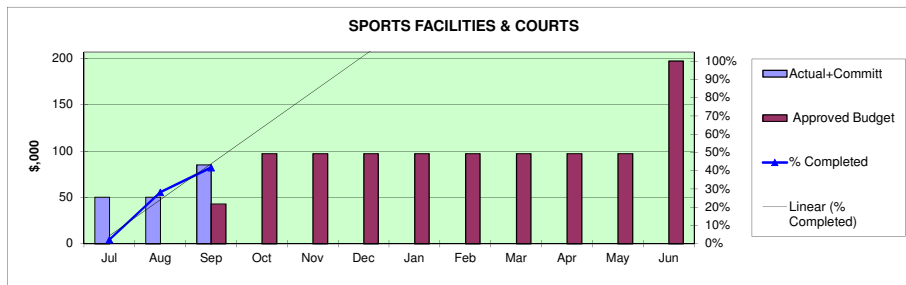
Program commenced, 25% complete.



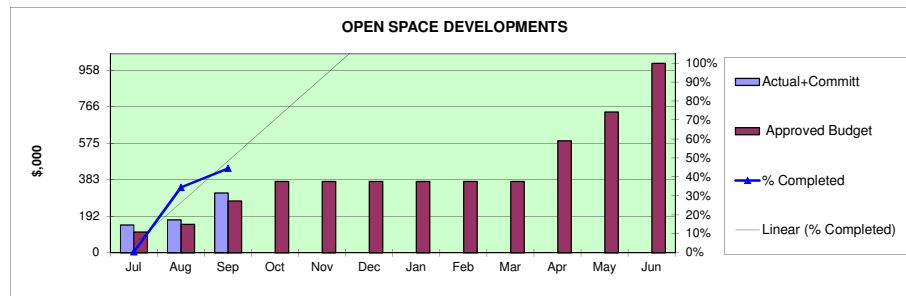
Program commenced, 10% complete.
- Ramrod Avenue Traffic Control Device - liaising with DPTI for approvals, construction to commence in February 2017.



Program commenced, 55% complete.
- Warriparinga Footbridge completed, Barramundi Drive investigations commenced.



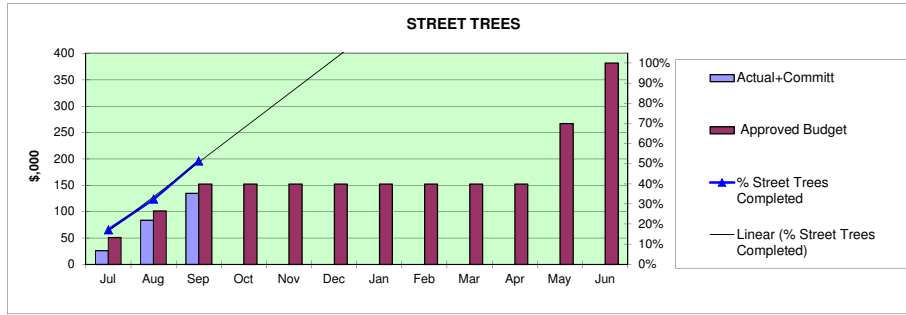
Program commenced, 42% complete.
- Edwardstown Sporting Club light works in progress, commenced in 2015/16.
- Budget in June is for Sports Courts pending outcome of review.



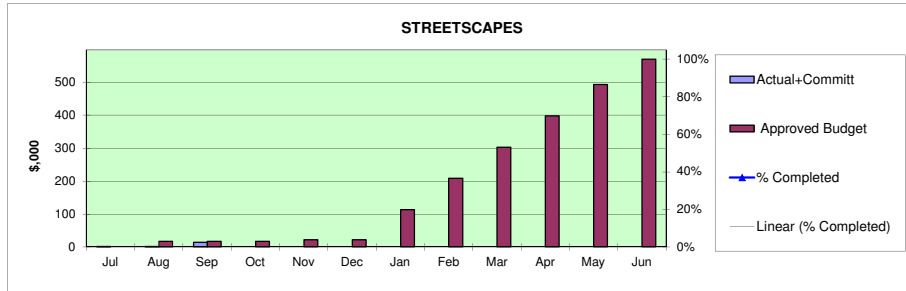
Program commenced, 44% complete.

Completed
Trott Park Dog Park

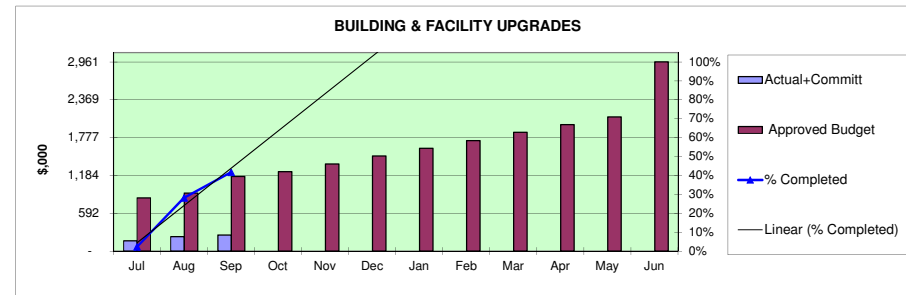
In progress
Hallett Cove Foreshore Stage 4 & 5 Detail Design
Inclusive Playspace Concept
Edwardstown Oval Southern Landscaping
Reserve Signage (15)
Hazelmere Reserve Shade sails
Design services procured for Gully Road, Clare Avenue, Sixth Avenue
and YMCA Breakout Creek playspace concepts.



Program commenced, 51% complete.
- No planting is scheduled over the Summer months due to nature of works.



Program commenced - includes additional funding for Streetscape policy works.



Program commenced, 42% complete.

Completed

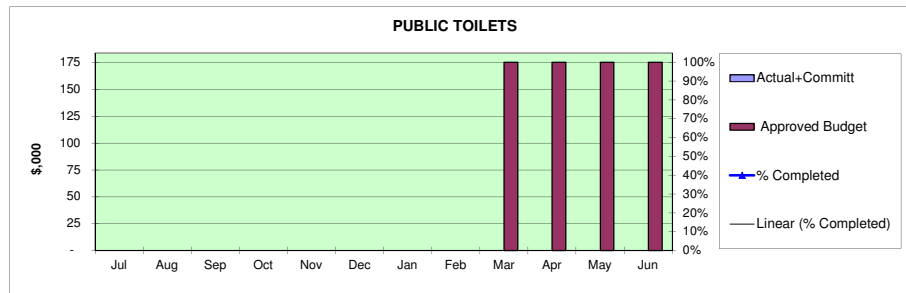
Coastal Walkway Handrail upgrade
Coastal Walkway Asset renewal
Admin/ Coolinda Signs
Swim Centre Refurbish storeroom

In Progress

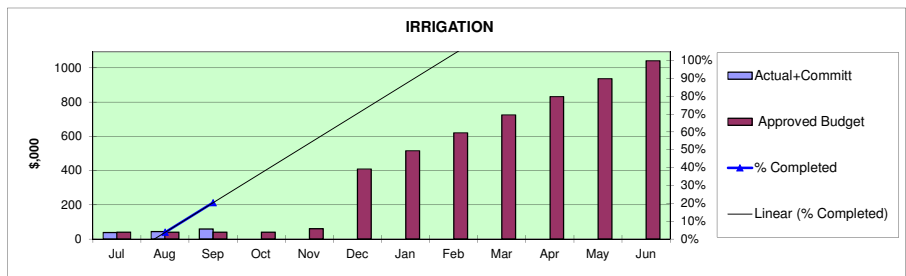
Trott Park Neighbour. Centre Windows & Doors
Trott Park Neighbour. Centre Accessible toilet
Edwardstown Senior Citizens Asbestos removal
Marion Community House Asbestos removal

In Progress (continued)

Marion Cultural Centre Upgrade plaza amenity
Administration Customer service upgrade
Administration CR1&2 doors and painting
Outdoor Swim Centre Sign
Administration Accommodation refit
Glandore Laneways Site Works
Solar Panels for Administration Building, City Services Depot, Cove Civic Centre,
Glandore Community Centre, Marion Cultural Centre, Marion Outdoor Swimming
Centre, Park Holme Library and Trott Park Neighbourhood Centre tender package
ready to be sent out to approved selected tenderers



Reserve Street Reserve to follow community evaluation of Dog Park.



Program commenced, 20% complete.

Debtor	Total Balance	Current	30 Days	60 Days	90 Days	90+ Days	Percentage of total 90+ day balance	Comments for 90+ Day balances
General Total	2,185.09	534.84	.00	.00	.00	1,650.25	5%	Made up of 5 out of 6 debtors.
Hire of Council Facilities Total	5,754.00	.00	875.00	250.00	1,690.00	2,939.00	8%	Made up of 8 out of 14 debtors in this category, with none individually significant.
Land Clearing Total	2,402.54	.00	.00	.00	.00	2,402.54	7%	Made up of 3 debtors.
Sporting Clubs & Other Leases Total	50,254.45	33,946.64	5,203.31	416.70	9,128.27	1,559.53	5%	Made up of 3 out of 33 debtors in this category. One of these accounts is on a payment plan however the last two month's instalments have not been received - being followed up by City Property.
Extra Works Total	41,962.50	15,115.00	4,130.00	2,680.00	5,895.00	14,142.50	41%	Made up of 11 out of 28 debtors in this category, with 3 of these totalling \$3,490.00 relating to works not commenced, awaiting payment.
Swim Centre Debtors Total	637.50	.00	.00	.00	.00	637.50	2%	Made up of 5 debtors, with none individually significant.
Grants & Subsidies Total	94,553.00	51,009.00	.00	42,719.00	.00	825.00	2%	Made up of 1 out of 6 debtors.
Environmental Health Total	12,115.70	5,461.90	.00	298.00	369.00	5,986.80	17%	Made up of 54 out of 111 debtors in this category, with none individually significant.
Regulatory Services Total	900.07	765.07	.00	.00	.00	135.00	0%	Made up of one debtor.
Tree Funds Total	4,523.84	.00	1,100.00	.00	164.00	3,259.84	9%	Made up of 10 out of 12 debtors in this category, with none individually significant.
Living Kurna Cultural Centre Total	6,857.02	5,411.02	220.00	.00	130.00	1,096.00	3%	Made up of 5 out of 17 debtors, with none individually significant.
Environmental Health Testing Total	346.50	346.50	.00	.00	.00	.00	0%	
Local Government Total	43,134.35	43,134.35	.00	.00	.00	.00	0%	
Marion Cultural Centre Total	7,822.64	4,402.14	3,091.00	.00	329.50	.00	0%	
Total	273,449.20	160,126.46	14,619.31	46,363.70	17,705.77	34,633.96		
Total Aging Profile		59%	5%	17%	6%	13%		

Category	Description
General	Anything that does not fit into one of the below categories.
Hire of Council Facilities	For hire of rooms in Neighbourhood Centres, etc - usually charged out at an hourly rate. Also includes cultural workshops and tours.
Land Clearing	Relates to the clearing of vacant land
Sporting Clubs & Other Leases	Rent, electricity, water, maintenance, etc charged out to lessees.
Extra Works	For repairs or modifications to infrastructure (footpaths, kerbs, driveway inverts). Can be at resident request.
Swim Centre Debtors	Outdoor Swimming Centre - used for lane hire, school visits, etc
Grants & Subsidies	Government grants and subsidies
Environmental Health	Food inspection fees
Regulatory Services	Used for Vehicle Impoundment fees and other regulatory services.
Tree Funds	Includes contribution from residents and/or developers for the removal and/or replacement of Council Street Trees and significant trees.
Living Kurna Cultural Centre	Relates to programs run through the LKCC
Environmental Health Testing	Environmental testing fees
Local Government	For invoices sent to other Local Government corporations.
Marion Cultural Centre	For invoices relating to the Marion Cultural Centre

Rates Report - Collection of Rates to 30 September 2016

ANALYSIS OF OUTSTANDING RATES AS AT 30 SEPTEMBER 2016

	<u>Note</u>		% of Total Annual Rates
CURRENT	1	\$ 47,760,767	65.9%
OVERDUE	2	\$ 943,171	1.3%
ARREARS	3	\$ 1,511,364	2.1%
POSTPONED	4	\$ 147,548	0.2%
LEGALS	5	\$ 23,555	0.0%
		\$ 50,386,405	69.5%
TOTAL ANNUAL RATES FOR 2016/17		\$ 72,519,891	

Note 1: Current

Current rates represent the total amount of rates levied in the current financial year that are not yet due for payment. For example at 1st January this represents Quarter 3 & Quarter 4 rates unpaid.

Note 2: Overdue

Overdue rates represent rates levied in the current financial year that remain unpaid past their due payment date. For example on 1st January, this represents rates from Quarter 1 and Quarter 2 that remain unpaid.

Note 3: Arrears

Rates in arrears represent rates and charges levied in previous financial years that remain unpaid .

Note 4: Postponed

Postponed rates represent any rates amount due by seniors that have been granted a deferral, until the eventual sale of their property, as allowable under the Local Government Act. Interest is charged on these deferred rates and is recoverable when the property is sold.

Note 5: Legals

Legals represent any legal fees, court costs that have been incurred by Council in the collection of rates in the current financial year. These amounts represent costs that have been on-charged to the defaulting ratepayers and are currently outstanding.

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: David Harman, Financial Accountant

Corporate Manager: Ray Barnwell, Manager Finance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: Finance Report – October 2016

Report Reference: GC221116R24

REPORT OBJECTIVES AND EXECUTIVE SUMMARY:

This report provides Council with information relating to the management of financial resources under its control as at October 2016. This report is one of a series of reports designed to assist Council in achieving and maintaining a financially sustainable position. Other reports assisting in this process include the Quarterly Budget Reviews and the Long Term Financial Plan.

It is considered appropriate that financial information regarding Major Projects be presented on a monthly basis in this report. Financial information regarding Major Projects will also be summarised in the quarterly Major Project reports. The principles used for assessment of reportable projects are according to the following criteria:

- Council has agreed to proceed with the project and approved a Section 48 Prudential Report.
- The Whole-of-Life Cost is greater than \$4 million dollars (including grant assisted projects).
- Has a project life of more than 12 months.

RECOMMENDATION

DUE DATE

That Council:

1. Receives the report “Finance Report – October 2016”.

22 November 2016

BACKGROUND

This report is presented on a monthly basis to provide Elected Members with key financial information to assist in monitoring Council's financial performance.

DISCUSSION:

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The following reports are included:

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Section 48 approved Projects

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- (b) Mitchell Park Sports & Community Centre

(2) Funding Statement – Actual versus Budget (Appendix 1)

(3) Debtors Reports for Sundry Debtors and Rates Debtors (Appendix 2)

(1) Major Projects

Council currently has no major projects budgeted for in the 2016/17 financial year that meet the qualifying criteria. There are two future projects scheduled that are both subject to grant funding which will meet these criteria and are listed in the following table:

Project	Commencement subject to grant funding	Budget
Edwardstown Oval Soldiers Memorial Recreation Ground	2017/18	\$8.0m
Mitchell Park Sports & Community Centre	2018/19	\$20.0m

Reporting on these project budgets will be included as work commences.

INTERNAL ANALYSIS

Financial Implications:

This report is an information report only and has no direct financial implications.

CONCLUSION:

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Comment: Council currently has a net operating surplus result of \$0.595m before capital revenues, against a year to date forecast budget of \$1.040m surplus. This position is detailed in the attached Funding Statement and variation notes.

Capital Budget -

The Capital Budget is linked to Council's key financial indicator – "Asset Sustainability Ratio" and an actual to budget comparison reflects Council's progress in achieving its Capital program.

Comment: The actual to budget position reveals that 42.48% of the year to date Capital Renewal Budget has been spent or committed.

The actual progress to date of Council's full Capital New and Renewal Expenditure program is detailed by asset class in the attached graphs, with the exception of major projects which have previously been detailed in this report.

Loans -

The loans component of the Funding Statement identifies any new proposed loan receipts or principal payments. Council's borrowings are included in Council's key financial indicator – "Net Financial Liabilities" which reflects Council's total indebtedness.

Comment: No new borrowings are included in the 2016/17 budget and principal repayments of \$1.126m mean that the overall loan liability balance is forecast to decrease by \$1.126m to \$9.102m at 30 June 2017.

Reserves & Cash -

Various fund movements such as surplus budget review results, unspent grants and carryover projects at year end are reflected as transfers to reserves, whilst utilisation of reserve funds are recognised as transfers from reserves.

Cash may be utilised to fund expenditure within the context of Treasury Management to ensure loans are not drawn down where temporary cash holdings are available.

Comment: Major movements in Net Transfers from Reserve of \$3.769m include the following:

Transfers to Reserve

Open Space Reserve	\$ 20k
Asset Sustainability Reserve – General	\$ 240k
Asset Sustainability Reserve – CFPP*	\$ 1,900k
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Asset Sustainability Reserve – CFPP*	(\$ 127k)
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384	Other Revenues	341	141	200	F	414	C
324	Net gain - SRWRA	-	-	-	-	324	
84,610		28,522	29,254	(732)	U	85,239	
	Operating Expenses						
33,021	Employee Costs	10,361	10,892	531	F	33,410	D
16,886	Contractual Services	7,884	7,091	(793)	U	17,199	E
5,193	Materials	1,406	1,962	556	F	5,307	F
948	Finance Charges	-	-	-	-	613	
14,020	Depreciation	5,747	5,667	(80)	U	17,003	
6,889	Other Expenses	2,529	2,602	73	F	6,496	
76,957		27,927	28,214	287	F	80,028	
7,653	Operating Surplus/(Deficit) before Capital Revenues	595	1,040	(445)	U	5,211	
	Capital Revenue						
-	Capital Grants & Subsidies	2,020	2,000	20	F	2,000	
1,500	Contributed Assets	-	-	-	U	1,500	
-	Gain/(Loss) on Asset Disposal	47	-	47	F	-	
1,500		2,067	2,000	67	F	3,500	
9,153	Net Surplus/(Deficit) resulting from operations	2,662	3,040	(378)	U	8,711	
14,020	add Depreciation	5,747	5,667	80		17,003	
(324)	less Share of Profit SRWRA (excluding dividend)	-	-	-		(324)	
22,849	Funding available for Capital Investment	8,409	8,707	(298)	U	25,390	
	Capital						
13,673	less Capital Expenditure - Renewal	2,273	5,351	3,078	F	16,230	G
4,925	less Capital Expenditure - New	2,073	3,042	969	F	9,975	H
1,500	less Capital - contributed assets	-	-	-	U	1,500	
2,751	Net Overall lending/(borrowing)	4,063	314	3,749	F	(2,315)	

Original Adopted Budget \$'000		YTD Actual + Committ \$'000	YTD Budget \$'000	YTD Variance \$'000		Annual Budget \$'000	Note
Funded by							
	Loans						
-	Loan Principal Receipts (Net)	-	-	-	-	-	
-	Loan Receipts/(Payments) from Sporting Clubs (Net)	-	-	-	-	-	
1,400	less Loan Principal Repayments	-	-	-	-	1,126	
(1,400)	Loan Funding (Net)	-	-	-	-	(1,126)	
Movement in level of cash, investments and accruals							
	Cash Surplus/(Deficit) funding requirements						
(680)		7,759	4,140	3,619		328	
(2,031)	less Reserves (Net)	3,696	3,826	(130)		3,769	
1,351	Cash/Investments/Accruals Funding	4,063	314	3,749		(3,441)	
(2,751)	Funding Transactions	(4,063)	(314)	(3,749)	F	2,315	I

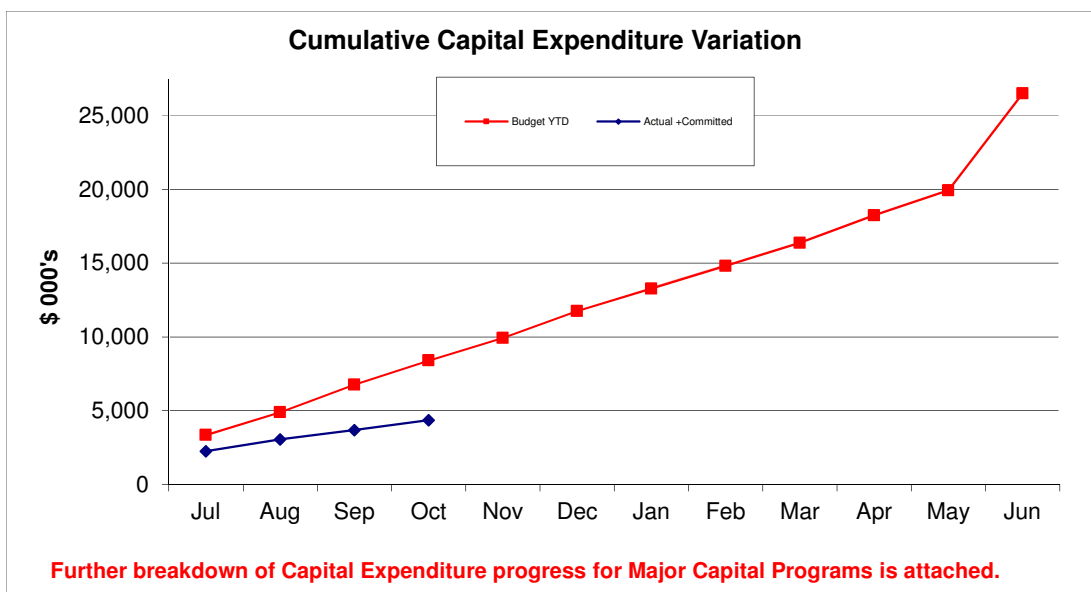
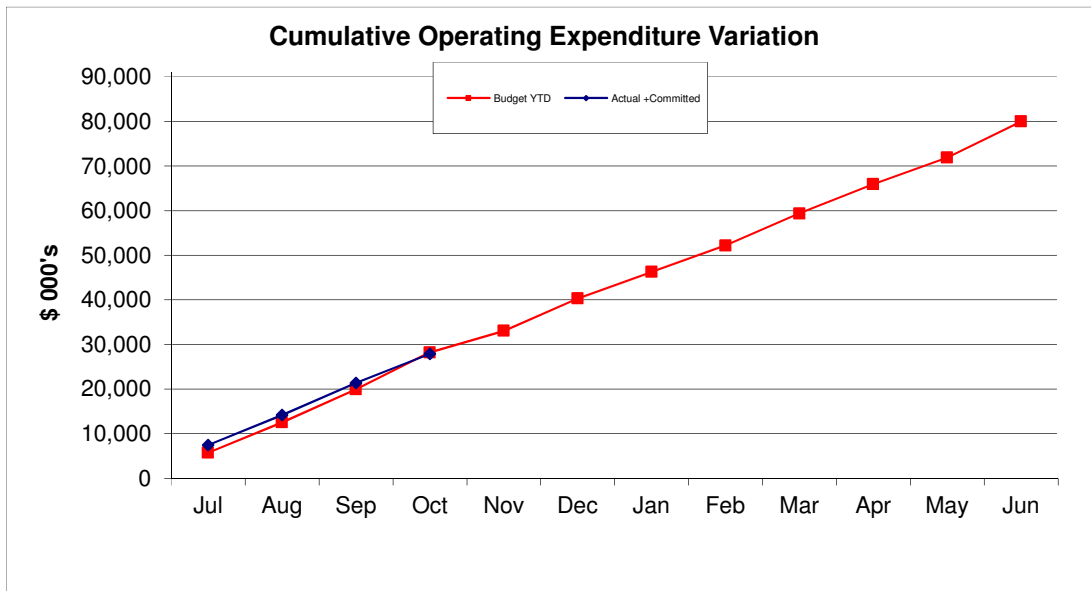
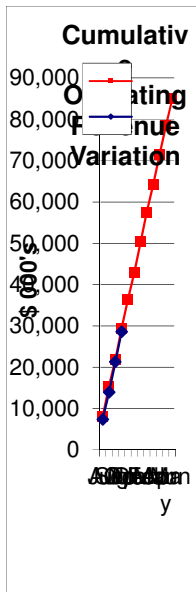
Variation Notes

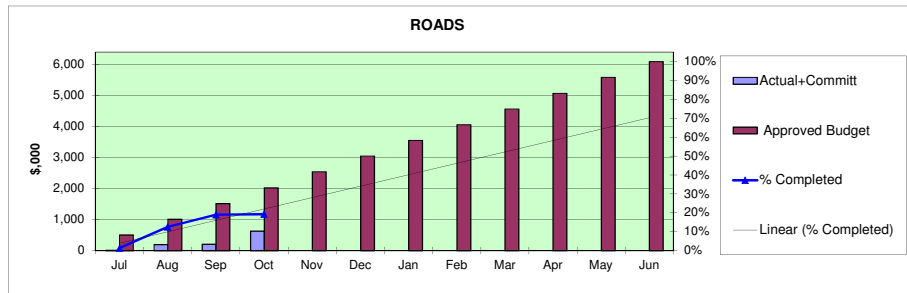
A	Operating Grants & Subsidies	Unfavourable \$1,106k	Reflects budget timing variations with regards to receipt of Roads 2 Recovery funding.
B	Investment Income	Favourable \$128k	Reflects greater than budgeted interest on term deposits due to higher than expected cash holdings.
C	Other Revenues	Favourable \$200k	Predominantly reflects unbudgeted developer contributions for open space.
D	Employee Costs	Favourable \$531k	Predominantly reflects budget timing variations including leave taken.
E	Contractors	Unfavourable \$793k	Predominantly reflects budget timing variations with regards to Maintenance Agreements (\$575k).
F	Materials	Favourable \$556k	Predominantly reflects budget timing variations with regards to Electricity (\$254k) and water (\$316k).
G	Capital Expenditure (Renewal)	Favourable \$3,078k	Predominantly reflects budget timing variations with regards to road reseals (\$1,529k), Drainage Construction (\$214k), Irrigation works (\$217k) and fleet replacement (\$754k).
H	Capital Expenditure (New)	Favourable \$969k	Predominantly reflects budget timing variations with regards to Glandore Laneways.
I	Funding Transactions	Favourable \$3,749k	This variance is the sum total of all other variances and reflects an increase against council's expected YTD cash position.

The above comments referring to budget timing variations are where some monthly budget estimates are not reflective of the actual expenditure patterns as at the reporting date.

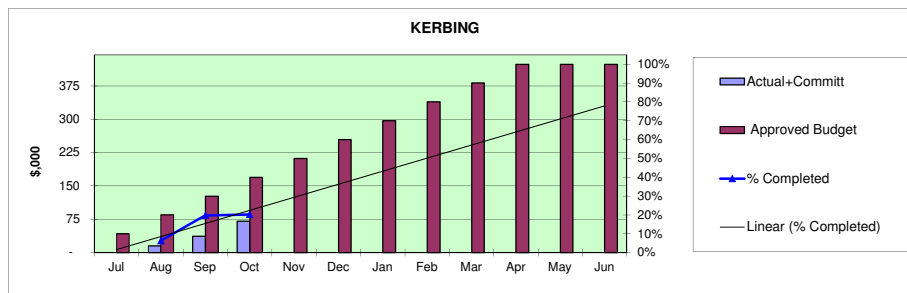
Note: The progress to date of Capital Expenditure programs (New and Renewal) is detailed in the attached graphs, noting that where no budget exists in the initial months this is primarily due to certain types of capital works that cannot be carried out during periods of inclement weather.

Funding Statement Cumulative Position - 2016/17

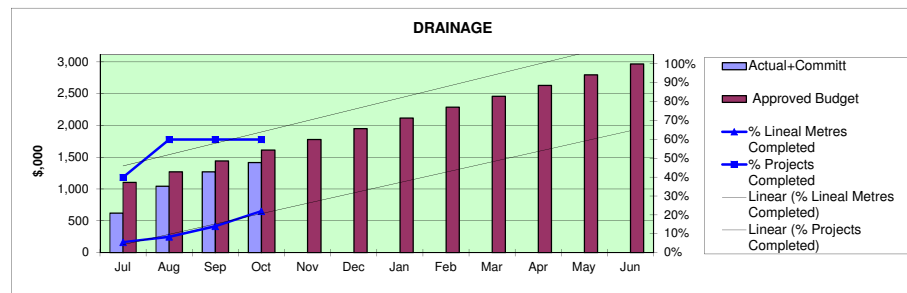




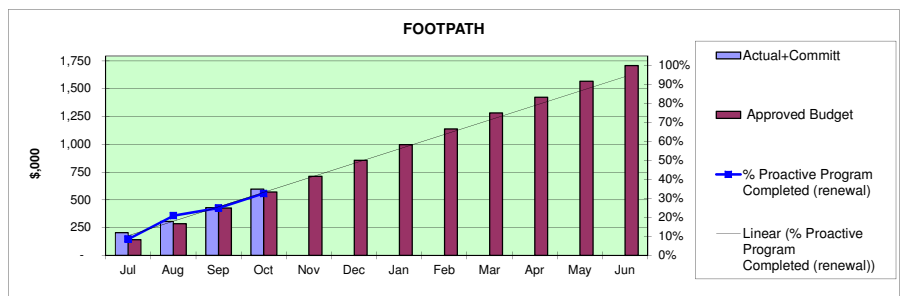
Program commenced, 19% complete.
- Meeting with supplier to discuss spread of works schedule.



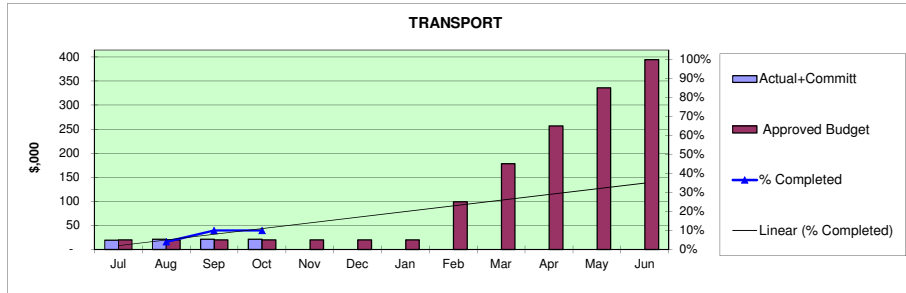
Program commenced, 20% complete.



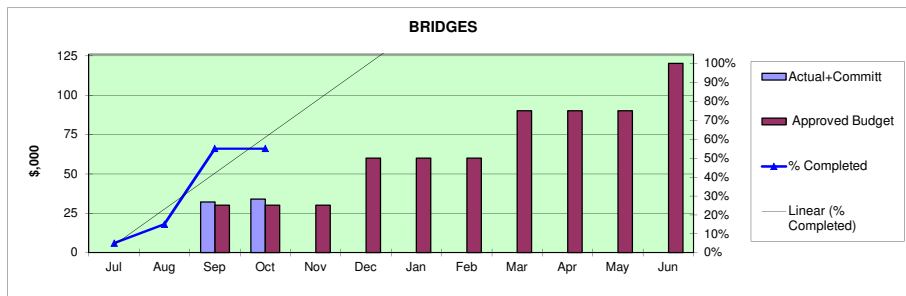
Linear metre program: 22% complete.
- Keen Avenue complete.
Drainage projects: 60% complete.
- Maxwell Terrace, Hammersmith and Towers Terrace complete.



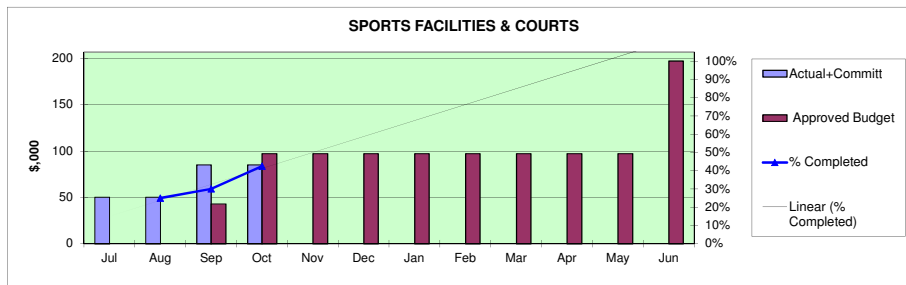
Program commenced, 33% complete.



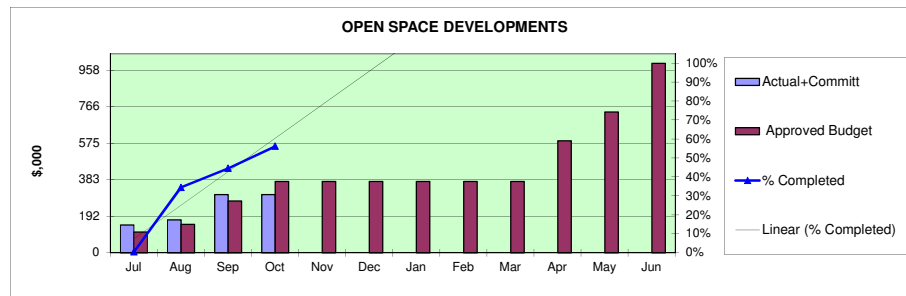
Program commenced, 10% complete.
- Ramrod Avenue Traffic Control Device - liaising with DPTI for approvals, construction to commence in February 2017.



Program commenced, 55% complete.
- Warriparinga Footbridge completed, Barramundi Drive investigations commenced, looking at related works for stormwater and drainage.



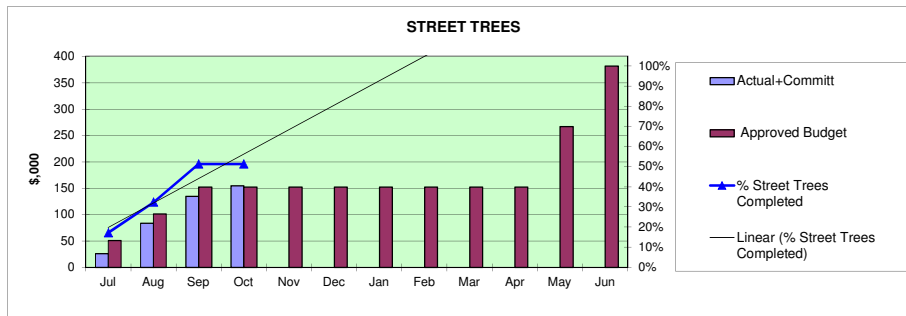
Program commenced, 43% complete.
- Edwardstown Sporting Club light works in progress, commenced in 2015/16.
- Budget of \$100k in June is for Sports Courts pending outcome of review.



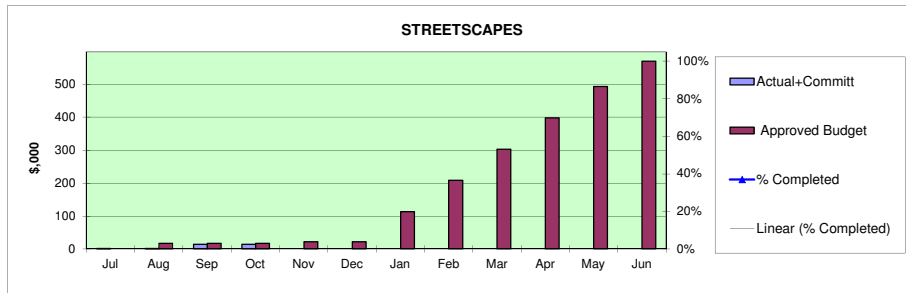
Program commenced, 56% complete.

Completed
Trott Park Dog Park

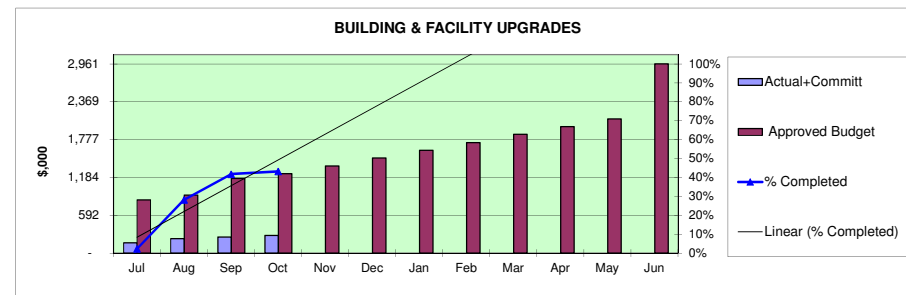
In progress
Hallett Cove Foreshore masterplan consultation completed, report to Council.
Inclusive Playspace Concept
Edwardstown Oval Southern Landscaping
Reserve Signage (15)
Hazelmere Reserve Shade sails
Onsite consultation held for Gully Road, Clare Avenue, Sixth Avenue
and YMCA Breakout Creek playspace concepts.



Program commenced, 51% complete.
- No planting is scheduled over the Summer months due to nature of works.



Program commenced - includes additional funding for Streetscape policy works.



Program commenced, 43% complete.

Completed

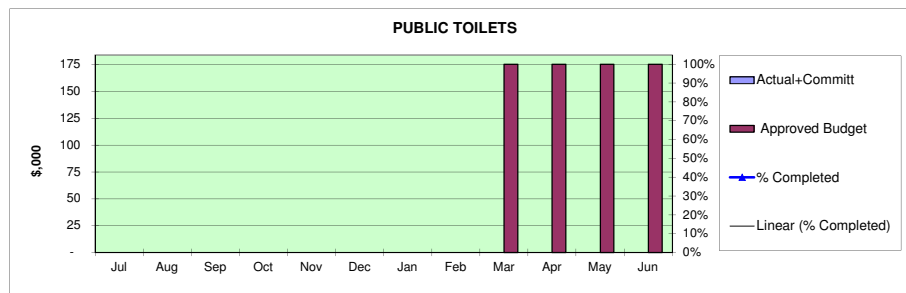
Coastal Walkway Handrail upgrade
Coastal Walkway Asset renewal
Admin/ Cooinda Signs
Swim Centre Refurbish storeroom
Edwardstown Senior Citizens Asbestos removal
Outdoor Swim Centre Sign

In Progress

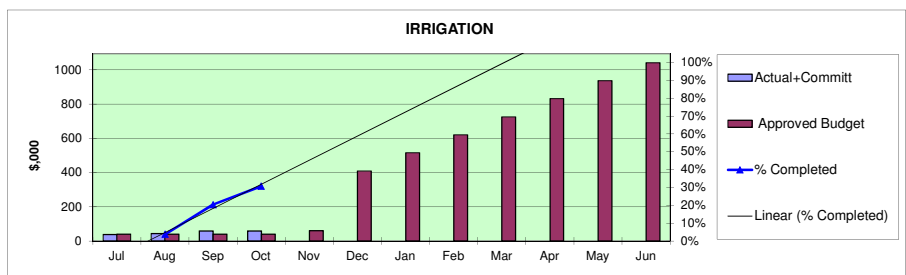
Trott Park Neighbour. Centre Windows & Doors
Trott Park Neighbour. Centre Accessible toilet

In Progress (continued)

Marion Community House Asbestos removal
Marion Cultural Centre Upgrade plaza amenity
Administration Customer service upgrade
Administration CR1&2 doors and painting
Administration Accommodation refit
Glandore Laneways Site Works
Solar Panels for Administration Building, City Services Depot, Cove Civic Centre,
Glandore Community Centre, Marion Cultural Centre, Marion Outdoor Swimming
Centre, Park Holme Library and Trott Park Neighbourhood Centre tender package
ready to be sent out to approved selected tenderers



Reserve Street Reserve to follow community evaluation of Dog Park.



Program commenced, 31% complete.

Debtor	Total Balance	Current	30 Days	60 Days	90 Days	90+ Days	Percentage of total 90+ day balance	Comments for 90+ Day balances
General Total	2,201.09	550.84	.00	.00	.00	1,650.25	3%	Made up of 5 debtors with none individually significant.
Neighbourhood Centres Total	5,785.50	406.50	.00	750.00	.00	4,629.00	9%	Made up of 10 out of 14 debtors in this category.
Regulatory Services Land Clearing Total	2,402.54	.00	.00	.00	.00	2,402.54	5%	Made up of 3 debtors.
City Property Facilities Total	89,491.02	55,887.96	17,811.25	5,203.31	200.70	10,387.80	20%	Made up of 5 out of 32 debtors in this category. One account totalling \$4,600.00 has since been paid in November. One other account is on a payment plan however the last two month's instalments have not been received - being followed up by City Property.
Civil Services Private Works Total	34,622.50	1,545.00	6,820.00	3,240.00	2,980.00	20,037.50	39%	Made up of 12 out of 25 debtors in this category, with 4 of these totalling \$4,340.00 relating to works not commenced, awaiting payment, and one totalling \$5,895.00 where the owner has committed to organising the works privately.
Swim Centre Debtors Total	637.50	.00	.00	.00	.00	637.50	1%	Made up of 5 debtors, with none individually significant.
Grants & Subsidies Total	102,298.10	9,054.10	49,700.00	.00	42,719.00	825.00	2%	Made up of 1 out of 7 debtors.
Environmental Health Inspections Total	9,677.00	.00	2,937.70	.00	298.00	6,441.30	12%	Made up of 57 out of 88 debtors in this category, with none individually significant.
Regulatory Services Other Total	135.00	.00	.00	.00	.00	135.00	0%	Made up of one debtor.
Supplier Refund Totals	530.00	530.00	.00	.00	.00	.00	0%	
Development Services Total	4,523.84	.00	.00	1,100.00	.00	3,423.84	7%	Made up of 10 out of 12 debtors in this category, with none individually significant.
Living Kurna Cultural Centre Total	14,310.07	9,895.05	3,189.02	.00	.00	1,226.00	2%	Made up of 6 out of 27 debtors, with none individually significant.
Local Government Total	43,134.35	.00	43,134.35	.00	.00	.00	0%	
Communications Total	1,628.00	1,628.00	.00	.00	.00	.00	0%	
Economic Development Total	7,000.00	7,000.00	.00	.00	.00	.00	0%	
Marion Cultural Centre Total	5,530.13	2,234.23	589.90	2,706.00	.00	.00	0%	
Total	323,906.64	88,731.68	124,182.22	12,999.31	46,197.70	51,795.73		
Total Aging Profile		27%	38%	4%	14%	16%		

Category	Description
Employees	Anything that relates to CoM employees.
General	Anything that does not fit into one of the below categories.
Neighbourhood Centres	For hire of rooms in Neighbourhood Centres, etc - usually charged out at an hourly rate. Also includes cultural workshops and tours.
Regulatory Services Land Clearing	When council has had to clear land due to non-compliance of owner.
Sporting Clubs & Other Leases	Rent, electricity, water, maintenance, etc charged out to lessees.
Civil Services Private Works	Repairs or modifications to infrastructure (footpaths, kerbs, driveway inverts). Can be at resident request.
Swim Centre Debtors	Outdoor Swimming Centre - used for lane hire, school visits, etc.
Grants & Subsidies	Government grants and subsidies.
Environmental Health Inspections	Food Inspection fees.
Regulatory Services Other	Vehicle Impoundment fees and other regulatory services.
Supplier Refunds	Where a supplier owes the City of Marion funds. This category is used to keep track to ensure we have received payment for credits.
Development Services	Includes contribution from residents and/or developers for the removal and/or replacement of Council Street Trees and significant trees.
Living Kurna Cultural Centre	Relates to programs run through the LKCC.
Environmental Health Testing	Environmental testing fees.
Local Government	Transactions with other Local Government corporations.
Communications	Anything related to communications.
Economic Development	Events, etc relating to economic development within the City of Marion.
Marion Cultural Centre	Hiring of the Marion Cultural Centre.

Rates Report - Collection of Rates to 31 October 2016

ANALYSIS OF OUTSTANDING RATES AS AT 31 OCTOBER 2016

	<u>Note</u>		% of Total Annual Rates
CURRENT	1	\$ 46,568,819	64.2%
OVERDUE	2	\$ 634,934	0.9%
ARREARS	3	\$ 1,372,287	1.9%
POSTPONED	4	\$ 148,132	0.2%
LEGALS	5	\$ 24,081	0.0%
		\$ 48,748,253	67.2%
TOTAL ANNUAL RATES FOR 2016/17		\$ 72,519,891	

Note 1: Current

Current rates represent the total amount of rates levied in the current financial year that are not yet due for payment. For example at 1st January this represents Quarter 3 & Quarter 4 rates unpaid.

Note 2: Overdue

Overdue rates represent rates levied in the current financial year that remain unpaid past their due payment date. For example on 1st January, this represents rates from Quarter 1 and Quarter 2 that remain unpaid.

Note 3: Arrears

Rates in arrears represent rates and charges levied in previous financial years that remain unpaid .

Note 4: Postponed

Postponed rates represent any rates amount due by seniors that have been granted a deferral, until the eventual sale of their property, as allowable under the Local Government Act. Interest is charged on these deferred rates and is recoverable when the property is sold.

Note 5: Legals

Legals represent any legal fees, court costs that have been incurred by Council in the collection of rates in the current financial year. These amounts represent costs that have been on-charged to the defaulting ratepayers and are currently outstanding.

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Sherie Walczak, Unit Manager Risk

Corporate Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: WHS Performance Report – September and October 2016

Report Reference: GC221116R25

EXECUTIVE SUMMARY:

The objective of this standing monthly report is to provide Council with assurance that the City of Marion has effective strategies in place to meet its legal obligations as outlined in the Work Health and Safety Act (SA) 2012 and monitor Council's 2016/17 target of a 25% reduction of the Lost Time Injury Frequency Rate (LTIFR) on the previous year.

The Think Safe Live Well program's vision is “**Zero harm with enhanced wellbeing**” and focuses on further developing our leadership styles, organisation culture and WHS systems by:

- Embedding a culture of safety and wellbeing as a part of normal business practice
- Developing our people to lead the change across the City of Marion
- Continually improving our WHS Management System (WHSMS) to achieve best practice

PERFORMANCE RESULTS – AUDIT RESULTS

The City of Marion is subject to annual audits conducted by the Local Government Association Workers Compensation Scheme (LGAWCS) which test Council's WHSMS against selected sub-elements of the Return to Work (RTW) SA's Performance Standards for Self Insurers (PSSI). Council sets an action plan outlining its commitments to address non-conformances identified and improve its WHSMS. This year 100% of the actions from the 2015 Audit were completed by the 31st October which should result in receipt of 100% of the LGAWCS rebate available. The 2016 audit also took place during October but the formal results have yet to be reported to Council.

PERFORMANCE RESULTS – LOST TIME INJURIES

In order to measure improvement, safety indicators are measured and monitored against our industry counterparts being Group A Councils (¹GaC). Two important safety indicators measured are Lost Time Injuries (²LTIs), outlined in Table 2 from internal incident reporting data, and Lost Time Injury Frequency Rate (³LTIFR) from the LGA's Claims Analysis Portal data, outlined in Figure 1.

¹ GaC are metropolitan councils with more than 300 staff ie Marion, Adelaide, Charles Sturt, Onkaparinga, Playford, Port Adelaide Enfield, Salisbury and Tee Tree Gully.

² LTIs are those injuries where a whole work day or more has been lost due to a workplace injury.

³ LTIFR is an industry standard tool for measuring LTI's within a given accounting period which enables comparison to other organisations for the purpose of benchmarking.

Table 1 below provides for comparison against FY2015-16 results.

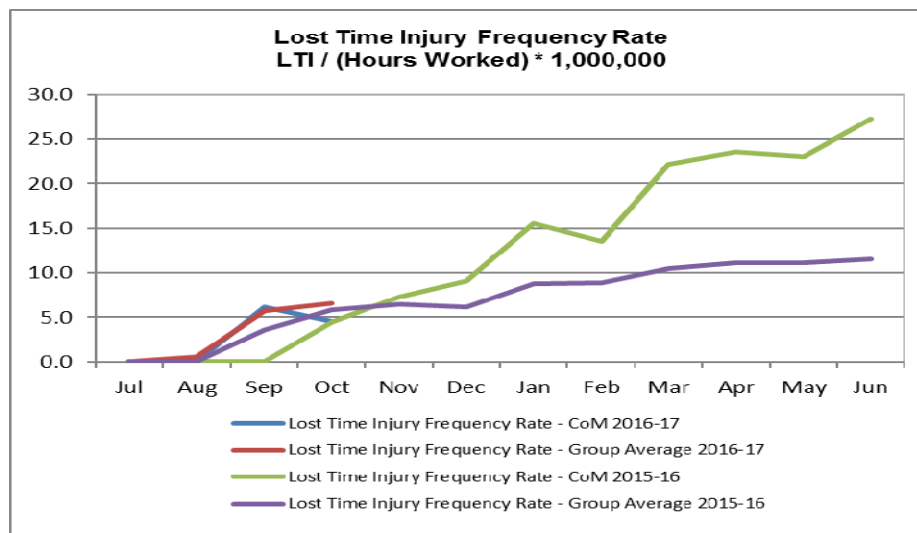
Table 1: Number of LTIs per month - Financial Year 2015-16

Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	Jun-16	Total
0	1	4	2	2	0	3	1	2	1	2	0	18

Table 2: Number of LTIs per month - Financial Year 2016-17

Jul-16	Aug-16	Sep-16	Oct-16	Nov-16	Dec-16	Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Total
0	1	2	0									3

Figure 1: LTIFR per month – Financial Year comparison against Group A Councils



Although we have recorded three LTIs as at the end of October, for which claims have been lodged with the LGAWCS, the LGAWCS claims data reports an LTIFR of 4.6. This figure is only representative of one LTI due to the second and third LTIs either not being accepted yet or the fortnightly payroll data for time lost not yet having been processed by the Scheme.

The three LTI's recorded have been categorised into three primary classes of injuries;

1. One x Manual handling (muscular stress while lifting or carrying).
A back injury whilst sorting concrete from recycling piles.
2. One x Falls from the same and differing levels (slips, trips and falls)
A broken ankle whilst walking on a wet slippery surface.
3. One x Repetitive movement (low muscle loading)
An elbow strain from a manual labour task (ie repetitive spreading of mulch).

During October, there was also a notifiable incident which occurred at the Marion Outdoor Swimming Pool. There was a minor leak of chlorine gas in the plant room, SafeWork SA investigated and recorded three improvement notices. All actions are currently being implemented and will be closed out prior to the 30-day due date. No injuries were reported.

HAZARD PREVENTION

Hazard Prevention Strategies are continuing to be implemented and include the ongoing review of Council's Hazard Register and provision of documented Safe Work Method Statements, Safe Work Procedures or Safe Operating Procedures for hazardous tasks.

During September, bi-annual audiometric testing commenced with workers exposed to noise being assessed which was followed by comprehensive noise assessments undertaken on various noise producing tasks.

During October, Corporate Health Group (funded by the LGA) facilitated 75 Health Assessments for staff. The result is a comprehensive report outlining the collective health status of our staff. The results outline the primary areas of focus which then drive the organisation's targeted strategies and initiatives in the annual health and wellbeing program.

Introduction of new RTW strategies have been implemented and include potential for representation at medical appointments and provision of preferred Medical Practitioners who specialise in workplace injuries. Training has been provided to people leaders. These strategies will provide an increased focus on an early return to work for staff, within their medically certified capacity, as well as providing suitable duties following an injury.

RECOMMENDATION

DUE DATE

That Council:

- 1. Notes the report and statistical data contained therein.**

22 November 2016

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Ann Gibbons, Environmental Sustainability Manager
Manager: Fiona Harvey, Manager Innovation and Strategy
General Manager: Abby Dickson, General Manager City Development
Subject: Energy Efficient Council Buildings Project
Report Reference: GC221116R26

REPORT OBJECTIVES

The purpose of this report is to provide Council with a progress report on the investigations for energy efficiency measures for Council owned facilities.

PROJECT UPDATE

At the 23 February 2016 General Council meeting (GC230216R04) it was resolved that Council:

1. *Notes the list of prioritised energy efficiency options with payback time of 5.2 years (Appendix 1) and the list of all identified energy efficiency opportunities (Appendix 2);*
2. *Endorses the priority options with a payback time of 5.2 years and allocates up to \$125,000 in the 2016/17 Budget so that such measures can be implemented by June 2017.*
3. *Notes that funding of up to \$7,000 for the development of a detailed staged implementation program will be sourced from savings in the 2015/16 budget;*
4. *Notes a report will be brought back to Council in April 2016 outlining the staged implementation plan, project budget and whole of life costs for the priority options*
5. *Receives a report on similar potential energy efficiency measures in relation to all Council owned facilities (other than those being considered for asset disposal) by November 2016.*

At the 27 September 2016 general Council meeting (GC270916R11) it was resolved that:

1. *Council notes the 'Marion City Council Solar Innovation Options' report prepared by The Energy Project (Appendix 1);*
2. *Council approves the inclusion of option 1 – 'An additional 50kW of solar on the Cove Civic Centre' in the procurement process approved at the 14 June 2016 Council meeting.*
3. *Options 2 and 3 be considered as part of the report on solar energy efficiency on Council owned building to come to Council later this year in 2016.*

A report is being prepared to address resolution 5 from the 23 February 2016 meeting and resolution 3 from the 27 September 2016 meeting.

A consultant has been engaged and work is underway to identify energy efficiency measures (including solar options) for higher use Council operated sites not already considered by Council in previous reports, and for high use leased sites. High level sustainability audits conducted by GHD earlier this year that considered mechanical and electrical upgrades and suitability of facilities for solar are being used as the starting point for this work.

There was some delay in accessing energy consumption data for the leased sites, but this has now all been received and site visits are underway.

The investigations and associated analysis and report will be completed by the consultant in late November 2016 and will now be brought to Council for consideration at the 13 December 2016 General Council meeting.

Discussions have also occurred with the City Property team to ensure that environmental and energy efficiency outcomes are considered in any facility improvements resulting from the building audit program.

RECOMMENDATIONS

DUE DATES

That Council:

- | | |
|---|--------------------|
| 1. Notes the report and the current status of the project; | 22 Nov 2016 |
| 2. Notes that a further report will be brought for Council's consideration in December 2016 once the investigation has been finalised. | 13 Dec 2016 |

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Originating Officer: Deborah Horton, Unit Manager Performance & Improvement

Corporate Manager: Kate McKenzie, Manager Corporate Governance

General Manager: Vincent Mifsud, General Manager Corporate Services

Subject: Corporate Performance Report (Organisational Key Performance Indicators 2016/17) – 1st Quarter 2016-17 YTD





Report Reference: GC221116R27

REPORT OBJECTIVES AND EXECUTIVE SUMMARY:

This report provides Council with the first quarter YTD status report on Corporate Performance Measures (Organisational Key Performance Indicators 2016/17) as adopted on 14 June 2016 (GC140616R06) provided in Appendix 1. It forms part of the regular Corporate Performance Reporting to Council, in conjunction with the quarterly budget review reporting.

The Corporate Performance reporting process provides Council with regular status updates on the key governing systems in place to support delivery of outcomes for the Community. The first quarter YTD Corporate Performance Report shows one of Council's six Organisational Key Performance Indicator's (KPI's) as 'exceptional', three as 'Target not met', and two Not Measured to date.

Processes and tools to assist with the collation of data for organisational KPI's 5 and 6 are in development

KPI	Key Performance Indicator	Measure/Range 2016/17	YTD Performance			
			Qtr 1	Qtr 2	Qtr 3	Qtr 4
1	Delivery within 5% parameters of agreed annual budget costs	95%-105%	111% 			
2	Delivery of agreed projects identified in the Annual Business Plan and the first year targets in the 3 year Plan	95% or greater	1% 			
3	Lost Time Injury Frequency Rate	Reduction of 25% in the LTIFR from the previous year's result	77% 			
4	Staff net numbers (full time equivalent, employee and agency)	A reduction	.95% 			
5	Retention of key staff	Equal to or greater than 95%	N/A			
6	Community Satisfaction. Overall satisfaction with each of: 1. Community facilities 2. Sports facilities 3. Events	Greater than 75%	N/A			

RECOMMENDATION

DUE DATE

That Council:

- 1. Notes the Corporate Performance Report (Organisational Key Performance Indicators 2016/17) – 1st Quarter 2016/17 YTD, as provided in Appendix 1.**

22 Nov 2016

Corporate Performance Report 2016/17 Quarter One YTD



This Performance Report provides both an overall dashboard view and a progress update for each of the measures.

Key Performance Indicator		Measure/Range 2016/17	Quarter Results	
1	Delivery within 5% parameters of agreed annual budget costs	95% - 105%	111%	
2	Delivery of agreed projects identified in the Annual Business Plan and the first year targets in the 3 year Plan	95% or greater	1%	
3	Lost Time Injury Frequency Rate	Reduction of 25% in the LTIFR from the previous year's result.	77%	
4	Staff net numbers (full time equivalent, employee and agency)	A reduction	Agency (-9.19%) Employee (1.78%) Overall (.95)	
5	Retention of key staff	Equal to or greater than 95%	Not Measured to date	N/A
6	Community satisfaction. Overall satisfaction with each of: 1. Community Facilities 2. Sports Facilities 3. Events	Greater than 75%	Not Measured to date	N/A

Dashboard Status icons

	Target rating = Exceptional		No target set
	Target rating = Acceptable	—	No data available
	Target rating = Target not met		

KEY PERFORMANCE INDICATOR 1:

Delivery within 5% parameters of agreed annual budget costs.

TARGET:

95% - 105%

QUARTER 1 YTD PERFORMANCE: 111%  Target not met

Background

This KPI has been calculated by comparing the total actual Operating Expenditure per the September Monthly Finance Report (\$21,359k) against the adopted budget per Council's Annual Business Plan (a total of \$76,957k – or \$19,239k per quarter).

Performance

There are two items which have had a significant impact on this result for the first quarter being;

Depreciation: Due to the full implementation of Accounting Standard AASB 116, Council is no longer able to recognise the residual value of certain assets, particularly infrastructure assets such as roads.

As part of the comprehensive independent valuation of infrastructure assets at 30 June 2016, the residual value of some assets has been reduced to zero to ensure full compliance with this standard. This has had the impact of increasing the accounting provision for depreciation of such assets going forward, with the impact for the quarter to 30 September 2016 being an additional depreciation charge of \$825k. It should be noted that this is a non-cash accounting provision which, while impacting on operating expenses, has no cash impact on Council's adopted budget.

Annual Maintenance Agreements: A number of annual maintenance agreements are expensed at the beginning of the financial year, which due to this timing, has an impact of \$454k on the first quarter expenses. As the year progresses the impact of this will diminish and is expected to align with the budgeted expense for the year.

It should be noted that following the completion of the first budget review the full year operating expenses for 2016/17 (\$80,028k) are now forecast to be 103.99% of the adopted annual budgeted operating costs (\$76,957k).

KEY PERFORMANCE INDICATOR 2:

Delivery of agreed projects identified in the Annual Business Plan and the first year targets in the 3-year Plan

TARGET:

95% or greater

QUARTER 1 YTD PERFORMANCE:



1% Actual completion to date
100% forecast by 30 June 2017

This KPI is currently calculated based on the percentage of the 74 separate business plan actions required in the 2016/17 financial year, that are complete at the end of the quarter.

Background

Following approval of the City of Marion Business plan in September (GC270916R03), all initiatives included in the business plan have been reviewed and summary project plans prepared, including costs and resource requirements to deliver. These project plans have been used to assess organisational capacity to deliver against budgeted resources and funds. In addition, these plans will be individually reported against for the remainder of the year to support ensuring delivery against the business plan.

Performance

As the majority of initiatives span the year, only one initiative is complete for this quarter (Community Grants Program) representing 1% of the total. 4% of projects are expected to be completed by end December 16, 12% by end March 17 and 100% to a satisfactory state of progression by end June 17.

Community Grants Program:

This program has been approved by Council and has been implemented and is being managed as business as usual. It is envisaged that an evaluative report will be presented to Council to update on the outcomes from the \$25K in increased funding and the realignment of the manner in which grants are awarded.

KEY PERFORMANCE INDICATOR 3:

Lost Time Injury Frequency Rate.

TARGET:

Reduction of 25% in the LTIFR from the previous year's result.

QUARTER 1 YTD PERFORMANCE:

77% reduction

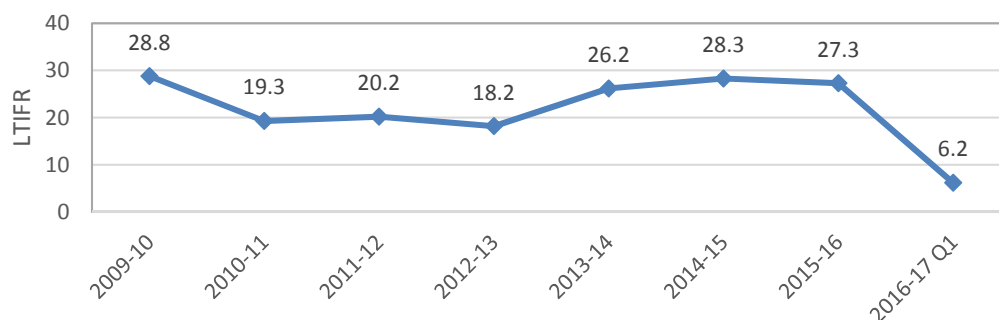


Exceptional

Background:

Safety performance is measured and monitored against the industry standard performance indicator, Lost Time Injury Frequency Rate (LTIFR). Claims statistics are collected from the Local Government Association's (LGA) Member Centre and measurement is then calculated as per the Australian Standard 1885.1: 'Total number of Lost Time Injuries/Total Hours Worked) * 1,000,000'.

Performance:



Although three LTIs are recorded as at 30 September 2016 (for which claims have been lodged with the LGAWCS) the claims data reports an LTIFR of 6.2 (a reduction of 77% on the previous year). This figure is currently only representative of one LTI due to the second and third LTI's occurring towards the end of the month, with fortnightly payroll data for time lost not yet having been processed. The three LTI's recorded have been categorised into three primary classes of injuries;

1. One manual handling (muscular stress while lifting or carrying).
A back injury whilst sorting concrete from recycling piles.
2. One fall from the same and differing levels (slips, trips and falls)
A broken ankle whilst walking on a wet slippery surface.
3. One repetitive movement (low muscle loading)
An elbow strain from a manual labour task - repetitive spreading of mulch.




Improved Hazard Management and Return to Work strategies are currently being implemented. These strategies should assist in the achievement of a reduction in the number of LTIs in line with Council's revised KPI of a 25% reduction in the LTIFR for the 2016-17 reporting period which also aligns with the The Think Safe Live Well program's vision of **"Zero harm with enhanced wellbeing"**.

KEY PERFORMANCE INDICATOR 4:

Staff net numbers (full time equivalent, employee and agency).

TARGET:

A reduction.

QUARTER 1 YTD PERFORMANCE:	Agency		-9.19%	Exceptional
	Employee		1.78%	Target not met
	Overall		0.95%	Acceptable

Background

This performance indicator calculates the percentage of full time equivalent employee and agency numbers employed across the organisation by comparing actual staff and agency employment numbers from 30 June 2016 to the figures captured on 30 September 2016.

Performance

	June 2016	September 2016	Variance	%
Agency numbers	26.1	23.7	-2.4	(-9.19)
Employee numbers	316.23	321.89	5.66	1.78
TOTAL	342.33	345.59	3.26	0.95

KEY PERFORMANCE INDICATOR 5:

Retention of key staff.

TARGET:

Equal to or greater than 95%.

QUARTER 1 YTD PERFORMANCE: **N/A** Not Measured to date

Background

This performance indicator calculates the percentage of retained key staff as defined by the Executive Leadership Team by comparing these staff numbers from 1 July 2016 to the numbers captured on 30 September 2016.

Performance

This measure is still under development.

KEY PERFORMANCE INDICATOR 6:

Community satisfaction. Overall satisfaction with each of:
(1) Community facilities (2) Sports facilities (3) Events (external)

TARGET:

Greater than 75%.

QUARTER 1 YTD PERFORMANCE: **N/A** Not Measured to date

Staff are currently developing a model that will provide a consistent approach to evaluating resident satisfaction levels for the measurement and reporting of this KPI.

Mayoral Communication Report

Date of Council Meeting: 22 November 2016

Name of Elected Member: Mayor Kris Hanna

Date	Event	Comment
21 October 2016	Local Government Finance Authority Annual General Meeting	Attended, spoke against "Anti Marion" motion
21 October 2016	Local Government Association Annual General Meeting	Attended, spoke to various motions
21 October 2016	Opening of Festival of Ideas	Attended
22 October 2016	Goodman Court, South Plympton – Renewal SA project	Dropped in to Drop in Session
22 October 2016	Sturt Marion Soccer Club Presentation Night	Attended
23 Sunday 2016	Marion Football Club AGM	Attended
23 October 2016	Investigator Lecture, Jeff Bleich, "Runaway Democracy"	Attended
24 October 2016	Community Cabinet Afternoon Tea	Attended
25 October 2016	South Adelaide Malayale Committee	Met with committee
27 October 2016	Rockmans Grand Opening at Westfield Marion	Officially opened new store
27 October 2016	Chinese Delegation from Westminster School	Hosted welcome event
28 October 2016	Hallett Cove South Primary School Celebration	Attended
28 October 2016	Gallery M Art Exhibition	Attended
29 October 2016	Bio Blitz – Warriparinga Wetland	Guest speaker
29 October 2016	Annual National Mosque Open Day	Attended
30 October 2016	Morphettville Park Sports Club – briefing on proposal for women's change rooms extension	Attended
30 October 2016	Morphettville Women's Football Club AGM	Attended
30 October 2016	South Adelaide Basketball AGM	Attended
31 October 2016	Hallett Cove School Year 12 Graduation Evening	Attended
3 November 2016	Meeting with Hon. John Rau MP re Glenthorne Farm and Housing Diversity DPA	Attended
6 November 2016	Warradale Tennis Open Day	Attended, played tennis
8 November 2016	Ascot Park Primary School – Middle School Panel Presentations	Panel member
9 November 2016	Seaview High School – Annual Student & Staff Art Exhibition	Attended
10 November 2016	Remembrance Service Dinner and presentation of cheques to charities, held by Lewis Lodge of Freemasons	Attended
11 November 2016	Remembrance Day Service – Marion RSL	Attended gave speech
16 November 2016	Kmart Wishing Tree Appeal – Westfield Marion	Launched appeal
17 November 2016	Glenelg Primary School Year 6 class visit	Attended and gave talk re Government

In addition, the Mayor has met with residents, MP's and also with the CEO and Council staff regarding various issues.

CEO and Executive Communications Report

Date of Council Meeting: 22 November 2016

Date	Activity	Attended by
25 October 2016	Local Government Risk Services – annual redistribution	Adrian Skull
27 October 2016	Attended Westminster School Chinese Delegation Reception	Abby Dickson
27 October 2016	Fleurieu Peninsula Tourism – met with City of Victor Harbor, Graham Pathuis & CEO Onkaparinga	Adrian Skull
28 October 2016	Junction Australia – Doing good business build strong communities	Adrian Skull
2 November 2016	Edwardstown Region Business Association	Adrian Skull
2 November 2016	Reclaimed Water	Tony Lines
3 November 2016	Met with City of Unley regarding Swimming Pools	Abby Dickson Adrian Skull
3 November 2016	Attended a workshop for the Tonlsey Living Lab	Adrian Skull Abby Dickson
7 November 2016	International Volunteer Managers Day – Annual wrap up	Adrian Skull
7 November 2016	Met with ASU State Secretary	Adrian Skull
7 November 2016	Attended quarterly Southern Region Waste Resource Authority (SRWRA) Board Meeting	Vincent Mifsud
11 November 2016	Attended joint meeting with Flinders University, City of Mitcham and City of Marion regarding Tonsley	Abby Dickson
11 November 2016	Met with Small Business Commissioner	Adrian Skull
14 November 2016	Met with Junction Australia CEO	Adrian Skull
16 November 2016	Attended a Strategic Workshop with Flinders University, Cities of Onkaparinga, Marion, Mitcham and Holdfast Bay	Abby Dickson Tony Lines Adrian Skull Vincent Mifsud

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Question Received from: Mayor Kris Hanna

Subject: Pre-school sites owned by Marion Council

Reference No: GC221116Q01

QUESTION:

"What are Department of Education plans for pre-school sites owned by Marion Council?"

COMMENTS: Mayor Kris Hanna

"Pre-school education is a State responsibility, not a Council responsibility. Despite this, Council owns numerous pre-school sites which it rents, at well below market rates, to the State Government. West Torrens Council recently offered to sell their pre-school sites to the State Government. West Torrens was told that DECD wanted to continue leasing the sites but with a clause allowing DECD to break the lease early because there were plans to relocate preschools to Primary School sites."

COMMENTS: Carol Hampton, Manager City Property

Earlier this year Council staff met with the Department for Education and Child Development (DECD) representatives to discuss the current kindergarten lease arrangements which expire mid-2017, their future plans for the facilities, potential terms for new leases and the option to purchase the facilities. DECD representative advised that they would not seek to purchase facilities but could consider taking on additional maintenance and renewal responsibilities.

DECD advised that all kindergartens are operating at their licensed numbers and enrolments have been consistent. It is DECD policy, where possible, to co-locate kindergartens on school sites, however at this stage there are no plans to relocate any of the kindergartens within the City of Marion and as such they would seek to continue to renew leases on all facilities.

DECD are investing in upgrading the building and outdoor learning area at the Oaklands Estate kindergarten, they have sought Landlord Approval to undertake this work which is estimated to be in the vicinity of \$380,000 (this request will be considered at the General Council meeting on 25 October 2016).

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Notice Received from: Mayor Hanna
Subject: Written Communications
Ref No: GC221116M01

MOTION:

That written communications to the community specifically regarding proposed major developments be approved by a majority of (the Mayor plus relevant Ward Councillors) prior to printing and distribution.

COMMENTS: Mayor Hanna

The leaflet distributed to Mitchell Park residents about the proposed Mitchell Park sports development, without agreement of or even genuine consultation with Elected Members, raised hopes of success when in fact there is no partnership funding in sight. This risks reputational damage to Council if expectations are not met. Elected Members ought to be at least meaningfully consulted before staff speak for Council on such matters. By law, the Mayor remains the sole spokesperson for Council.

COMMENTS: Adrian Skull, Chief Executive Officer

It is assumed that this motion refers to leaflets, letter drops, flyers and brochures relating to major developments rather than individual correspondence for residents.

Administration understands the imperative to genuinely consult with our Elected Members, whilst at the same time respond to community correspondence in a timely manner.

Under Section 99(1)(f) of the *Local Government Act 1999* the functions of the Chief Executive officer include:

to ensure that timely and accurate information about council policies and programs is regularly provided to the council's community, and to ensure that appropriate and prompt responses are given to specific requests for information made to the council;

Administration commits to consulting with the Mayor and relevant Ward Councillors on written communications regarding proposed major developments prior to printing and distribution.

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Notice Received from: Councillor Telfer
Subject: Glenthorne National Park
Ref No: GC221116M02

MOTION:

The City of Marion applauds the principle of the establishment of a state national park which includes Glenthorne Farm, Field River Valley, Hallett Cove Conservation Park, Marino Conservation Park and O'Halloran Hill Recreation Park. This proposed state national park will permit biodiversity corridors for native flora and fauna, as well as conservation of natural and built heritage.

COMMENTS: Councillor Telfer

Nil

COMMENTS: Abby Dickson, General Manager City Development

The State Liberal Party announced on 16 October 2016 an election commitment to create a 1500ha national park in the southern suburbs of Adelaide should the Liberal Party govern after the 2018 State Election.

The new national park will seek to connect O'Halloran Hill Recreation Park, Marino Conservation Park, Hallett Cove Conservation Park and the Field River valley. It also seeks to provide access to areas which are currently not open to the public including Happy Valley Reservoir and Glenthorne Farm.

The announcement aligns to the following resolution passed by Council at the 27 September 2016 General Council meeting where Council reaffirmed:

strong support for Glenthorne Farm to be preserved for future generations as a site for revegetation, open space, heritage interpretation, and related public uses consistent with the Friends of Glenthorne vision document (GC270916R04)

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Notice Received from: Councillor Hull

Subject: Political Sponsorship Signage Policy

Ref No: GC221116M03

MOTION:

That Council develop a policy in relation to political sponsorship signage at any Council owned facility.

COMMENTS: Councillor Hull

I believe a Policy is required in order to promote a culture where Council is not perceived as being politically partisan.

COMMENTS: Carol Hampton, Manager City Property

Members have discussed this matter as part of the review of the Leasing and Licensing Policy of Council Facilities and it was proposed to include in the policy. By including this in the policy it would enable Council to be able to manage non compliance. The draft policy will be brought to the December General Council meeting.

Political signage is not displayed on any Council operated facilities to ensure Council remains apolitical.

**CITY OF MARION
GENERAL COUNCIL MEETING
22 NOVEMBER 2016**

Notice Received from: Mayor Kris Hanna

Subject: Safety of Pedestrians – Cove Civic Centre

Ref No: GC221116M04

MOTION:

That a report be brought to Council in February 2017 (with approximate costing) on how pedestrian movement across Ragamuffin Drive Hallett Cove, near the entrance to the Cove Civic Centre, can be made safer.

COMMENTS: Mayor Kris Hanna

This motion is brought as a result of community concern about the safety of pedestrians going in and coming out of the Cove Civic Centre. Elderly people, and mothers with young children, are well represented in the library user population. Some of these people cannot respond quickly to approaching vehicles. Although average speeds are moderate, cars can legally travel at 50kph on this stretch of road, and sight lines are less than ideal due to the curve of the road. Some designation of "pedestrian crossing" would make the area safer.

COMMENTS: Mathew Allen, Manager Engineering and Field Services

Ragamuffin Drive is a public road adjacent the Cove Civic Centre. The road was reconstructed in 2014 as part of the Cove Civic Centre development. The road was designed by GHD consulting Engineers in consultation with Council and the Department of Planning, Transport and Infrastructure. The road has been designed as an innovative shared space for all road users. The main features of the road include:

- Raised single level pavement surface (no kerb and water table)
- Various pavement treatments (asphalt, concrete and pavers)
- 90 degree parking
- The application of Water Sensitive Urban Design.

As a consequence, the road no longer has clearly defined areas for the car or the pedestrians, but a shared space for all users. In particular, as motorists do not have ownership of a particular portion of the road space, it has created a lower speed environment. This is supported by the recent traffic data (14 July 2016), which is tabled below. The average speeds are well below the 50 km/hr speed limit.

Detail	Data
Traffic Volume (vehicle per day)	1091
AM Peak volume (8-9 am)	83
PM Peak volume (3-4 pm)	98
Average speed	22 km/hr
85th%ile speed	28 km/hr

Council recently engaged a consultant to undertake a 'road safety audit' on Ragamuffin Drive. The audit dated August 2016 looked at the physical features of road to ascertain if there were any elements that may affect the safety of road users or identify any potential hazards. The audit indicated that the road was calming traffic and only two minor issues were identified, these were:

- A street light not working
- Tree pruning.

These issues have since been dealt with.

It appears that some pedestrians (although the majority would have driven on the road to park their vehicle in the area) may not be recognising Ragamuffin Drive as a road and in some cases just walking out onto the road. All road users (regardless of the road and the road design) have a responsibility for safety. At all times a driver, cyclist or pedestrian must proceed with care and attention, with reasonable consideration for other road users while exercising courtesy and common sense.

In 2015 Ragamuffin Drive shared space was awarded 'Excellence in Road Safety Engineering' by the Institute of Public Works Engineering (IPWEA SA).

Should Council resolve, a report can be presented at the General Council Meeting in February that outlines how pedestrian movements across Ragamuffin Drive could be made safer.