

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 30 January 2018**

**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", with a stylized flourish at the end.

Adrian Skull  
**CHIEF EXECUTIVE OFFICER**

25 January 2018

**CITY OF MARION  
GENERAL COUNCIL AGENDA  
FOR MEETING TO BE HELD ON  
TUESDAY 30 JANUARY 2018  
COMMENCING AT 6.30PM**

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**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)**

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##### **18. Motions without Notice**

##### **19. Questions without Notice**

##### **20. OTHER BUSINESS**

##### **21. 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 12 DECEMBER 2017**



**PRESENT**

His Worship the Mayor Kris Hanna

**Councillors**

**Coastal Ward**

Ian Crossland  
 Tim Gard

**Mullawirra Ward**

Jason Veliskou  
 Jerome Appleby

**Southern Hills**

Janet Byram  
 Nick Westwood

**Warracowie Ward**

Bruce Hull  
 Nathan Prior

**Warriparinga Ward**

Luke Hutchinson (from 6.35pm)  
 Raelene Telfer

**Woodlands Ward**

Tim Pfeiffer  
 Nick Kerry

**In Attendance**

Mr Adrian Skull  
 Ms Abby Dickson  
 Mr Tony Lines  
 Mr Vincent Mifsud  
 Ms Kate McKenzie  
 Ms Victoria Moritz

Chief Executive Officer  
 General Manager City Development  
 General Manager City Services  
 General Manager Corporate Services  
 Manager Corporate Governance  
 Governance Officer

**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.

Interests in the following items were declared:

- Councillor Pfeiffer:
  - *Community Grants Round One, 2017/2018* (Report Reference: GC121217R06)
  - *Castle Plaza Activity Centre Development Plan Amendment (DPA) – Interim Road Infrastructure Design and Delivery Deed* (Report Reference: GC121217R12)
- Councillor Byram:
  - *Petition – Building Application # 7.2017.208 (Nickels Avenue Park Holme)* (Report Reference: GC121217P01)

## **CONFIRMATION OF MINUTES**

**Moved Councillor Prior, Seconded Councillor Pfeiffer** that the two items relating to Confirmation of Minutes be moved 'en bloc'

**Carried Unanimously**

**Moved Councillor Prior, Seconded Councillor Pfeiffer** that the minutes of the General Council Meeting held on 27 November 2017 be taken as read and confirmed.

**Carried Unanimously**

**Moved Councillor Prior, Seconded Councillor Pfeiffer** that the minutes of the General Council Meeting held on 28 November 2017 be taken as read and confirmed.

**Carried Unanimously**

## **VERBAL ELECTED MEMBER COMMUNICATIONS**

Various Elected Members gave a verbal update on Activities and Events attended during November and December 2017.

6.35pm Councillor Hutchinson entered the meeting

## **ADJOURNED ITEMS**

### **6.40pm Playground Framework Report Reference: GC121217R01**

**Moved Councillor Byram, Seconded Councillor Pfeiffer** that Council:

1. Notes the community consultation report as provided in Appendix A.
2. Endorses the Playground Policy (Appendix B) and Service Levels (Appendix C) following community consultation.
3. Endorses the Playground prioritised works list which includes playground upgrades, removals and new playgrounds (Appendix D) and notes this will be revised annually with updated playground audit information.
4. Notes the 5 year, \$2.25m shade program (Appendix D) currently funded in Council's adopted Long Term Financial Plan (LTFP) and notes this will be revised annually.
5. Notes the Playground project methodologies provided in Appendix E.
6. Endorses an allocation of an additional \$711,750 for the 10-year works program (playground upgrade, removals and shade program) into the Long Term Financial Plan.
7. Endorses an allocation of \$112,750 p.a. for operating and maintenance and an allocation of \$148,454 p.a. for renewal/depreciation for the Playground Shade program into Council's LTFP (as per Appendix I).
8. Notes the advice from the Infrastructure and Strategy Committee on proposed additional playgrounds in Appendix I.
9. Endorses the inclusion of Capella Drive Reserve Hallett Cove; Brooklyn Drive Reserve Hallett Cove; Tonsley Development Tonsley; McConnell Street East Reserve Marino; Miners Court Reserve Sheidow Park; Woodend Development Sheidow Park; and Cowra Crescent Reserve Park Holme as new playgrounds within the City of Marion, timing and costing as indicated in Appendix D.
10. Consideration of the Hallett Cove Heights area (including Skipper Close) be a high priority.

**Councillor Byram with the consent of Councillor Pfeiffer** sought and was granted leave of the meeting to withdraw the motion

The Motion is **Withdrawn**

**Moved Councillor Crossland, Seconded Councillor Veliskou** that Council:

1. Endorses the Playground Policy attached as appendix A to this report.
2. Endorses the proposed service levels for City of Marion playgrounds as provided in Appendix C.

3. Notes the current works program attached as Appendix D to this report and that any further upgrades identified for 2018/2019 will be informed by engagement with Elected Members in early 2018 with any changes brought to a future Council meeting for endorsement.
4. Endorses the Playground Construction and Removal Methodologies as provided in Appendix E.
5. Notes a further report will be bought back to Council recommending data collection methods and costs.
6. Endorses an allocation of \$112,750 p.a. for operating and maintenance and an allocation of \$148,454pa for renewal / depreciation for the Playground Shade program into Council's Long Term Financial Plan.

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

That Council (as varied):

1. Endorses the Playground Policy attached as appendix A to this report.
2. Endorses the proposed service levels for City of Marion playgrounds as provided in Appendix C, except with the deletion of the sentence referring to the number of playgrounds reducing to 83.
3. Notes the current works program attached as Appendix D to this report and that any further upgrades identified for 2018/2019 will be informed by engagement with Elected Members in early 2018 with any changes brought to a future Council meeting for endorsement.
4. Endorses the Playground Construction and Removal Methodologies as provided in Appendix E.
5. Notes a further report will be bought back to Council recommending data collection methods and costs.
6. Endorses an allocation of \$112,750 p.a. for operating and maintenance and an allocation of \$148,454pa for renewal / depreciation for the Playground Shade program into Council's Long Term Financial Plan.

**Amendment:**

**Moved Councillor Westwood, Seconded Councillor Kerry** that Council:

1. Endorses the Playground Policy attached as appendix A to this report.
2. Endorses the proposed service levels for City of Marion playgrounds as provided in Appendix C, except with the deletion of the sentence referring to the number of playgrounds reducing to 83.
3. Notes a further report will be bought back to Council recommending data collection methods and costs.

The Amendment to become the Motion was **Lost**

7.09pm Councillor Kerry left the meeting  
7.12pm Councillor Kerry re-entered the meeting

The Motion as varied was **Carried**

## **DEPUTATIONS**

Nil

## **PETITIONS**

### **7.15pm Petition – Building Application # 7.2017.208 (Nickels Avenue Park Holme) Report Reference: GC121217P01**

Councillor Byram declared a conflict of interest in the item *Building Application # 7.2017.208 (Nickels Avenue Park Holme) Report Reference: GC121217P01* as she is a member on the Council Assessment Panel (CAP) and left the meeting.

7.15pm Councillor Byram left the meeting

**Moved Councillor Veliskou, Seconded Councillor Hull** that Council:

1. Notes the petition.
2. Advises the head petitioner that Council has noted the petition and the processing of the application will occur in accordance with Council's Development Plan and the Development Act and Regulations.

**Carried Unanimously**

7.29pm Councillor Westwood left the meeting  
7.29pm Councillor Veliskou left the meeting  
7.30pm Councillor Westwood re-entered the meeting  
7.30pm Councillor Byram re-entered the meeting

## **COMMITTEE RECOMMENDATIONS**

Nil

## **CONFIDENTIAL ITEMS**

### **7.30pm Interim Management for Edwardstown Soldiers Memorial Recreation Grounds Report Reference: GC121217F01**

**Moved Councillor Prior, Seconded Councillor Crossland** that Council:

1. Pursuant to Section 90(2) and (3)(b) and (h) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Chief Executive Officer; Vincent Mifsud, General Manager Corporate Governance; Abby Dickson, General Manager City Development; Tony Lines, General Manager City Services; Kate McKenzie, Manager Corporate Governance; Craig Clarke, Unit Manager Communications; Carol Hampton, Manager City Property; James O'Hanlon, Unit Manager Sport & Recreation Facilities and Victoria Moritz, Governance Officer be excluded from the meeting as the Council receives and considers information relating to Edwardstown Oval Interim Management Model, 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 legal advice and commercial information the disclosure of which could prejudice the commercial position of Council and would on balance be contrary to the public interest.

**Carried Unanimously**

7.30pm the meeting went into confidence

**Moved Councillor Pfeiffer, Seconded Councillor Crossland** that

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) and (h) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection until resolutions two, three and four above are completed. Unless revoked prior, this confidentiality order will be reviewed at the General Council meeting in December 2018.

**Carried Unanimously**

7.36pm the meeting came out of confidence

## **CORPORATE REPORTS FOR DECISION**

### **7.36pm New Dog Park Community Engagement Findings & Initial Site Analysis Report Reference: GC121217R02**

7.39pm Councillor Veliskou re-entered the meeting

**Moved Councillor Pfeiffer, Seconded Councillor Hull** that Council:

1. Notes the New Dog Park Summary of Community Consultation Findings attached as Appendix 1.

2. Endorses community and stakeholder engagement being undertaken at Quick Road Reserve, Hazelmere Road Reserve and Dumbarton Avenue Reserve to inform the development of a Concept Plan for a dog park at the reserve/s.
3. Receives a further report with community engagement outcomes and concept options for a dog park within Quick Road Reserve, Hazelmere Road Reserve and Dumbarton Avenue Reserve with a recommendation for a preferred site.
4. Notes the legislative and risk management advice provided by the Local Government Mutual Liabilities Scheme.

**Amendment:**

**Moved Councillor Gard, Seconded Councillor Crossland** that Council:

1. Notes the New Dog Park Summary of Community Consultation Findings attached as Appendix 1.
2. Endorses community and stakeholder engagement being undertaken at Quick Road Reserve, Hazelmere Road Reserve, Dumbarton Avenue Reserve and Cadell Street Reserve to inform the development of a Concept Plan for a dog park at the reserve/s.
3. Receives a further report with community engagement outcomes and concept options for a dog park within Quick Road Reserve, Hazelmere Road Reserve, Dumbarton Avenue Reserve and Cadell Street Reserve with a recommendation for a preferred site.
4. Notes the legislative and risk management advice provided by the Local Government Mutual Liabilities Scheme.

The Amendment to become the Motion was **Carried**

**Amendment:**

**Moved Councillor Telfer, Seconded Councillor Veliskou** that Council:

1. Notes the New Dog Park Summary of Community Consultation Findings attached as Appendix 1.
2. Endorses community and stakeholder engagement being undertaken at Hazelmere Road Reserve, Dumbarton Avenue Reserve and Cadell Street Reserve to inform the development of a Concept Plan for a **dog** park at the reserve/s.
3. Receives a further report with community engagement outcomes and concept options for a dog park within Hazelmere Road Reserve, Dumbarton Avenue Reserve and Cadell Street Reserve with a recommendation for a preferred site.
4. Notes the legislative and risk management advice provided by the Local Government Mutual Liabilities Scheme.

The Amendment to become the Motion was **Carried**

The Motion was **Carried**

**7.56pm Tennis and Netball Review Update**  
**Report Reference: GC121217R03**

**Moved Councillor Telfer, Seconded Councillor Hull** that Council:

1. Notes the report and the status of the 3 year capital works program for Tennis and Netball Facilities.
2. Notes the vacant courts as a result of the Ballara Tennis Clubs dissolution and amalgamation with the Stanley Street Tennis Club with a future report provided to Council regarding options for this site as part of the Asset Optimisation project.
3. Endorses a reallocation of \$25,000 from the proposed Sandery Avenue works to the Clovelly Park Community Centre to facilitate the resurfacing of two courts and line marking to facilitate multi- purpose usage.
4. Endorses the reallocation of \$90,000 from savings in the 2017/18 Open Space works program to facilitate the relocation of the Woodforde Playground to accommodate the Woodforde Tennis Court works.
5. Endorses authorisation to include the Section 221 as part of their new lease for the Warradale Park Tennis Club which is currently being prepared and ready for execution in January 2018.
6. Notes upgrade works for both Warradale Park Tennis Club and Marion Tennis Club facilities remain partially funded and should attempts to attract additional funding be unsuccessful a further report will be brought to Council in April 2018.

8.00pm Councillor Gard left the meeting

**Carried Unanimously**

**8.02pm Draft Events Plan 2017-2020**  
**Report Reference: GC121217R04**

8.02pm Councillor Gard re-entered the meeting

8.04pm Councillor Pfeiffer left the meeting

**Moved Councillor Veliskou, Seconded Councillor Crossland** that Council:

1. Adopts the 2017-2020 Events Plan – attached as Appendix A.
2. Receives a report by June 2018 scoping three possible iconic events for 2019.
3. Allocates \$5000 as part of Council's 2017/18 budget review process and a further allocation of \$5,000 per year for 2018/19 and 2019/20 to assist the Hallett Cove Lions to deliver the ANZAC Day dawn service at Heron Way Reserve, Hallett Cove.
4. Enters a Memorandum of Understanding with the Hallett Cove Lions Club for this funding.
5. Receives a report by April 2018 on the potential creation and eligibility criteria of an annual \$10,000 Community Events Fund.



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

That Council (as varied):

1. Adopts the 2017-2020 Events Plan – attached as Appendix A with the following amendments:
  - a. Page 165 to read 2018 Remembrance Day events
2. Receives a report by June 2018 scoping three possible iconic events for 2019.
3. Allocates \$5000 as part of Council's 2017/18 budget review process and a further allocation of \$5,000 per year for 2018/19 and 2019/20 to assist the Hallett Cove Lions to deliver the ANZAC Day dawn service at Heron Way Reserve, Hallett Cove.
4. Enters a Memorandum of Understanding with the Hallett Cove Lions Club for this funding.
5. Receives a report by April 2018 on the potential creation and eligibility criteria of an annual Community Events Fund – proposed amount to be included in the report.

8.10pm Councillor Pfeiffer re-entered the meeting

8.14pm Councillor Westwood left the meeting

**Carried**

**8.20pm Review of Confidential Orders 2017 - Overview**  
**Report Reference: GC121217R05**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer** that the reports relating to the Review of confidential Orders 2017 be moved 'en bloc' with the exception of GC121217R05 - (53) and GC121217R05 - (54)

**Carried Unanimously**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer** that Council:

1. Notes the report, '*Review of Confidential Orders 2017 – Overview*

**Carried Unanimously**

**Review of Confidential Order for the Item:**  
**Public Trustee Land - Glandore Laneways, Certificates of Title Volume 5658 Folio 602 and Volume 5992 Folio 848, GC290113F02**  
**Ref No: GC121217R05 - (01)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer** that:

1. The confidentiality order pertaining to the Report "Public Trustee Land - Glandore Laneways, Certificates of Title Volume 5658 Folio 602 and Volume 5992 Folio 848 " and the Minutes arising from this report be revoked.

**Carried Unanimously**

**Review of Confidential Order for the Item:**  
**Glandore Laneways, GC250815F01**  
**Ref No: GC121217R05 - (02)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. The confidentiality order pertaining to the Report “*Glandore Laneways*, GC280515F01,” and the Minutes arising from this report be revoked.

**Carried Unanimously**

**Review of Confidential Order for the Item:**  
**Glandore Laneways Project, GC230216F01**  
**Ref No: GC121217R05 - (03)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. The confidentiality order pertaining to the Report “*Glandore Laneways Project*, GC230216F01,” and the Minutes arising from this report be revoked.

**Carried Unanimously**

**Review of Confidential Order for the Item: Development Assessment Panel - Vacancy**  
**for Independent Members, RSC070217R7.4**  
**Ref No: GC121217R05 - (04)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. The confidentiality order pertaining to the Report “*Development Assessment Panel - Vacancy for Independent Members*, RSC070217R7.4,” and the Minutes arising from this report be revoked.

**Carried Unanimously**

**Review of Confidential Order for the Item: Code of Conduct, GC110417F04**  
**Ref No: GC121217R05 - (05)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. The confidentiality order pertaining to the Report “*Code of Conduct*, GC110417F04,” and the Minutes arising from this report be revoked.

**Carried Unanimously**

**Review of Confidential Order for the Item: Oaklands Crossing Project,  
SGC060617F01  
Ref No: GC121217R05 - (06)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. The confidentiality order pertaining to the Report "*Oaklands Crossing Project, SGC060617F01*," and the Minutes arising from this report be revoked.

**Carried Unanimously**

**Review of Confidential Order for the Item: Confirmation of Confidential Minutes of the  
Review and Selection Committee held 5 October 2017, GC101017F01  
Ref No: GC121217R05 - (07)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. The confidentiality order pertaining to the Report "*Confirmation of Confidential Minutes of the Review and Selection Committee held 5 October 2017, GC101017F01*," be revoked.

**Carried Unanimously**

**Review of Confidential Order for the Item: Program Evaluation and Business Improvement  
Service Provisions, AC100810F01  
Ref No: GC121217R05 (08)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. The confidentiality order pertaining to the *Program Evaluation and Business Improvement Service Provisions, AC100810F01* be revoked and the item be released with the unsuccessful tenderer names redacted.

**Carried Unanimously**

**Review of Confidentiality Order: Hallett Cove Library and Community Centre Award of  
Construction Tender, GC270813F02  
Report Reference: GC121217R05 – (09)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. The confidentiality order pertaining to the Hallett Cove Library and Community Centre Award of Construction Tender' GC270813F02 be revoked and the item be released with the commercial information redacted.

**Carried Unanimously**

**Review of Confidential Order for the Item: External Audit – Tender for Services, AC070212F6.1  
Report Reference: GC121217R05 – (10)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. The confidentiality order pertaining to the *External Audit – Tender for Services, AC070212F6.1* be revoked and the item be released with the commercial information and names of unsuccessful tenderers redacted.

**Carried Unanimously**

**Review of Confidential Order for the Item: External Audit Tender, GC140212F01  
Report Reference: GC121217R05 – (11)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. The confidentiality order pertaining to the *External Audit Tender, GC140212F01* be revoked and the item be released with the commercial information and names of unsuccessful tenderers redacted.

**Carried Unanimously**

**Review of Confidential Order for the Item: Cove Civic Centre, GC250815F02  
Report Reference: GC121217R05 – (12)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that**

1. The confidentiality order pertaining to the Report "*Cove Civic Centre, GC250815F02*," and the Minutes arising from this report be revoked and the item be released with the commercial information redacted.

**Carried Unanimously**

**Review of Confidential Order for the Item: Cove Civic Centre, GC220915F01  
Ref No: GC131216R03 (13)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that**

1. The confidentiality order pertaining to the Report "*Cove Civic Centre, GC220915F01*," and the Minutes arising from this report be revoked and the item be released with the commercial information redacted.

**Carried Unanimously**

**Review of Confidential Order for the item: Internal Audit Contract, GC110417F02  
Report Reference: GC121217R05 - (14)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that**

1. The confidentiality order pertaining to the Report "*Internal Audit Contract, GC110417F02*," and the Minutes arising from this report be revoked and the item be released with the commercial information redacted.

**Carried Unanimously**

**Review of Confidential Order for the item: Kerbside Waste Collection Contract, GC120612F01  
Report Reference: GC121217R05 - (15)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that**

1. The confidentiality order pertaining to the Report "*Kerbside Waste Collection Contract, GC120612F01*," and the Minutes arising from this report be revoked and the item be released with the commercial information redacted.

**Carried Unanimously**

**Review of Confidential Order for the item: Kerbside Waste Contract Extension, GC270617F01  
Report Reference: GC121217R05 - (16)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that**

1. The confidentiality order pertaining to the Report "*Kerbside Waste Contract Extension, GC270617F01*," and the Minutes arising from this report be revoked and the item be released with the commercial information redacted.

**Carried Unanimously**

**Review of Confidential Order for the Item: Council Assessment Panel Independent Member  
Applications, RSC051017R8.1  
Ref No: GC121217R05 - (17)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that**

1. The confidentiality order pertaining to the Report "*Council Assessment Panel Independent Member Applications, RSC070217R7.4*," and the Minutes arising from this report be revoked and the items be released with the names of the unsuccessful applicants redacted

**Carried Unanimously**

**Review of Confidential Order for the Item: Living Kurna Cultural Centre, GC250105F02**  
**Ref No: GC121217R05 (18)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that**

1. The confidentiality order pertaining to the minutes arising from the report *Living Kurna Cultural Centre, GC250105F02* be revoked.
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '*Living Kurna Cultural Centre, GC250105F02*' be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*) and may affect the security of Council and safety of members, employees of the Council, and other persons (Section 90(3)(e)), of the *Local Government Act 1999*.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

3. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Living Kurna Cultural Centre, GC220305F01**  
**Ref No:GC121217R05 (19)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. The confidentiality order pertaining to the minutes arising from the report *Living Kurna Cultural Centre, GC220305F01* be revoked.
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, '*Living Kurna Cultural Centre, GC220305F01*' kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of persons (Section 90(3)(a)), and may affect the security of Council and safety of members, employees of the Council, and other persons (Section 90(3)(e)), of the *Local Government Act 1999*.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

3. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Kerbside Waste & Recycling Collection  
Contract 2005, SGC210605F01  
Ref No: GC121217R05 - (20)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that**

1. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, “*Kerbside Waste & Recycling Collection Contract 2005, SGC210605F01*” together with the appendices and minutes arising from the report be kept confidential on the basis that it deals with information concerning tenders for the supply of goods, the provision of services or the carrying out of works (Section 90(3)(k) and contains confidential commercial information which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer an advantage on a third party and on balance the disclosure would be contrary to the public interest (Section 90(3)(d)).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Provision of Advertising Bus Shelters to the City of Marion, GC270207F01  
Ref No: GC121217R05 - (21)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that**

3. Pursuant to Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Report, annexure and minutes titled “*Provision of Advertising Bus Shelters to the City of Marion, GC270207F01*” be kept confidential on the basis that the matter relates to commercial information of a confidential nature (Section 90(3)(d) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

4. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Oaklands Regeneration Project, State Aquatic Centre, SGC300608F01**  
**Ref No: GC121217R05 - (22)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Appendix 1 to the report, '*Oaklands Regeneration Project, State Aquatic Centre, SGC300608F01*' be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest (Section 90(3)(d)), and to ensure Council does not breach a duty of confidence (Section (3)(g)).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Personnel Matter – CEO Performance Review – Appointment of External Consultant, CRC291111F01**  
**Ref No: GC121217R05 – (23)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the annexure of the report, *Personnel Matter – CEO Performance Review – Appointment of External Consultant, CRC291111F01* having been considered in confidence be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates to commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest (Section 90(2) and (3)(d) of the Act).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 201 meeting of Council.

**Carried Unanimously**



**Chief Executive Officer's Employment Contract SGC190215F02**  
**Ref No: GC121217R05 – (24)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the deed relating to this report *Chief Executive Officer's Employment Contract SGC190215F02* distributed at the meeting be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the former Chief Executive Office of the Council (Section (3)(a)), and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

This order is to remain in force until such time as the former Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: CEO Interim Performance Review, GC240516F03**  
**Ref No: GC121217R05 – (25)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *CEO Interim Performance Review, GC240516F03* minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: CEO Annual Performance Review 2015/16,  
GC221116F01  
Ref No: GC121217R05 – (25a)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *CEO Annual Performance Review 2015/16, GC221116F01* minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: GC090517F01CEO Performance Indicators  
for Quarter 2 2016/17, RSC070217R8.1  
Ref No: GC121217R05 – (26)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *GC090517F01CEO Performance Indicators for Quarter 2 2016/17, RSC070217R8.1* minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: CEO Performance Indicators for Quarter 3 2016/17, RSC020517R8.1**  
**Ref No: GC121217R05 – (27)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *CEO Performance Indicators for Quarter 3 2016/17, RSC020517R8.1* minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Confirmation of the Confidential Minutes of the Review and Selection Committee held 2 May 2017, GC090517F01**  
**Ref No: GC121217R05 – (28)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the appendix to the report *Confirmation of the Confidential Minutes of the Review and Selection Committee held 2 May 2017, GC090517F01* be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: CEO Performance Indicators for Quarter 3 2016/17, GC090517F02**  
**Ref No: GC121217R05 – (29)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *CEO Performance Indicators for Quarter 3 2016/17, GC090517F02* minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: CEO Annual Performance Review 2016/17 and Employment Agreement, RSC071117F01**  
**Ref No: GC121217R05 – (30)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *CEO Annual Performance Review 2016/17 and Employment Agreement, RSC071117F01* minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: CEO KPI's Annual Confidential Report 2016/17, RSC071117F02  
Ref No: GC121217R05 – (31)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *CEO KPI's Annual Confidential Report 2016/17, RSC071117F02* minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: CEO KPI Report Quarter One 2017/18, RSC071117F03  
Ref No: GC121217R05 – (32)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *CEO KPI Report Quarter One 2017/18, RSC071117F03* minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: CEO and Corporate KPI's 2017/18 Quarter One, SGC271117F01**  
**Ref No: GC121217R05 – (33)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *CEO and Corporate KPI's 2017/18 Quarter One, SGC271117F01* minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Confirmation of the Confidential Minutes of the Review and Selection Committee held 7 November 2017, GC281117F01**  
**Ref No: GC121217R05 – (34)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the appendix to the report *Confirmation of the Confidential Minutes of the Review and Selection Committee held 7 November 2017, GC281117F01* be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Officer of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: CEO Annual Performance Review 2016/17 and Employment Agreement, GC281117F02  
Ref No: GC121217R05 – (35)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *CEO Annual Performance Review 2016/17 and Employment Agreement, GC281117F02* minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: CEO KPI's Annual Confidential Report 2016/17, GC281117F02  
Ref No: GC121217R05 – (36)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *CEO KPI's Annual Confidential Report 2016/17, GC281117F02* minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the *Local Government Act 1999*).

This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Commercial Arrangements, GC240112F01  
Report Reference: GC121217R05 (37)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Commercial Arrangements, GC240112F01*, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2018.

**Carried Unanimously**

**Review of Confidential Order for the Item: Commercial Arrangements, GC240712F01  
Report Reference: GC121217R05 (38)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Commercial Arrangements, GC240712F01*, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2018.

**Carried Unanimously**



**Review of Confidential Order for the Item: Commercial Arrangements, GC260313F02**  
**Ref No: GC121217R05 - (39)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) and (k) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates proposed tender and commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Signatures Cafe, GC240315F03**  
**Ref No: GC121217R05 - (40)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Signatures Cafe, GC240315F03*, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates proposed tender and commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Signatures Café, GC080915F01**  
**Ref No: GC121217R05 - (41)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Signatures Cafe, GC080915F01*, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates proposed tender and commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Signatures Cafe, GC260416F01**  
**Ref No: GC121217R05 - (42)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Signatures Cafe, GC260416F01*, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates to commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Signatures Café, GC260716F01**  
**Ref No: GC121217R05 - (43)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Signatures Cafe, GC260716F01*, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates proposed tender and commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council

**Carried Unanimously**

**Review of Confidential Order for the Item: Signatures Cafe, GC110417F01**  
**Ref No: GC121217R05 - (44)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Signatures Cafe, GC110417F01*, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates to commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Signatures Cafe, GC280217F01**  
**Ref No: GC121217R05 - (45)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Signatures Cafe, GC280217F01*, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates to commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Signatures Café Lease, GC101017F03**  
**Ref No: GC121217R05 - (46)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Signatures Cafe Lease, GC101017F03*, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates proposed tender and commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Signatures Café Update, GC241017F02**  
**Ref No: GC121217R05 - (47)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report *Signatures Cafe Update, GC241017F02*, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates proposed tender and commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item:**  
**Cove Civic Centre – Cost and Programme Management, GC240215F01**  
**Ref No: GC121217R05 (48)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Cove Civic Centre – Cost and Programme Management, GC240215F01*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (*Section 90(3)(b) of the Local Government Act 1999*) and would breach a duty of confidence (*Section 90(3)(g)*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidentiality Order: Surplus Land associated with City Services  
Redevelopment, GC240315F02  
Report Reference: GC121217R05 – (49)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that report *Surplus Land associated with City Services Redevelopment, GC240315F02* having been considered in confidence under Section 90(2) and (3)(b) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the disclosure of 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, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate effectively for the benefit of the Council and the community.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the General Council meeting in December 2018.

**Carried Unanimously**

**Review of Confidential Order for the Item – Internal Audit and Service Reviews – Tender  
Assessment, AC180815F8.2  
Report Reference: GC121217R05 – (50)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Committee orders that the report Internal Audit and Service Reviews – Tender Assessment, AC180815F8.2, appendices to the report and minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) and (3)(g) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, on the basis that it contains information relating to a tender assessment for the provision of services that is commercial in confidence, and the release would, on balance, be contrary to the public interest, and to ensure Council does not breach any duty of confidence

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the December 2018 Council meeting.

**Carried Unanimously**

**Review of Confidential Order for the Item – Internal Audit and Service Review Tender, GC250815F04**  
**Report Reference: GC121217R05 – (51)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 Council orders that Appendix A to the report *Internal Audit and Service Review Tender, GC250815F04* having been considered in confidence under Section 90(2) and (3)(d) and (3)(g) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, on the basis that it contains information relating to a tender assessment for the provision of services that is commercial in confidence, and the release would, on balance, be contrary to the public interest, and to ensure Council does not breach any duty of confidence.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidentiality order will be reviewed at the December 2018 Council meeting.

**Carried Unanimously**

**Review of Confidential Order for the Item: Internal Audit Contract, FAC151216F02**  
**Ref No: GC121217R05 - (52)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report and Appendix 1 (*Internal Audit Contract, FAC151216F02*) to this report, having been considered in confidence under Section 90(2) and (3)(d) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting as the information relates to commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Telecommunication Facilities Morphettsville, GC131015R01**  
**Ref No: GC121217R05 - (55)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that Appendix 3 to the report, '*Telecommunication Facilities Morphettsville, GC131015R01*' be kept confidential and not available for public inspection on the basis that the report contains legal advice (Section 90(3)(h)).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Glenthorne Farm, GC280616F01**  
**Ref No: GC121217R05 - (56)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Glenthorne Farm, GC280616F01*, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates to commercial information of a commercial nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of a 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.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**



**Review of Confidential Order for the Item: Local Government Association Membership,  
SGC010816F01  
Ref No: GC121217R05 - (57)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report and Appendix 1 (*Local Government Association Membership SGC010816F01*) to this report be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order is made on the basis that the report contains information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council and would, on balance, be contrary to the public interest (*Section 90(3)(b) of the Local Government Act 1999*) and contains legal advice (*Section 90(3)(h)*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Local Government Association  
Insurance Schemes Review, FAC280217R7.1  
Ref No: GC121217R05 - (58)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report, Appendix to this report and minutes (*Local Government Association Insurance Schemes Review FAC280217R7.1*) be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order is made on the basis that the report contains information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council and would, on balance, be contrary to the public interest (*Section 90(3)(b) of the Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Local Government Association Membership, FAC280217R7.2**  
**Ref No: GC121217R05 - (59)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report and Appendix 1 (*Local Government Association Membership FAC280217R7.2*) to this report, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order is made on the basis that the report contains information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council and would, on balance, be contrary to the public interest (*Section 90(3)(b) of the Local Government Act 1999*) and contains legal advice (*Section 90(3)(h)*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Local Government Association Membership, GC140317F02**  
**Ref No: GC121217R05 - (60)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer Councillor that:**

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report and Appendix 1 (*Local Government Association Membership GC140317F02*) to this report, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order is made on the basis that the report contains information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council and would, on balance, be contrary to the public interest (*Section 90(3)(b) of the Local Government Act 1999*) and contains legal advice (*Section 90(3)(h)*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Local Government Association Insurance Schemes Review, GC140317F03**

**Ref No: GC121217R05 - (61)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report and Appendix 1 (*Local Government Association Insurance Schemes Review GC140317F03*) to this report, having been considered in confidence under s 90(2) and (3)(b) and (d) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order is made on the basis that the report contains information that could confer a commercial advantage to a third party and prejudice the commercial position of the Council, and the release would on balance be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Internal Audit Program, FAC160816R7.8**

**Ref No: GC121217R05 – (62)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Appendix to the report, '*Internal Audit Program, FAC160816R7.8*' and the minutes be kept confidential and not available for public inspection on the basis that the Appendix and minutes contains information the disclosure of which could reasonably be expected to affect the security of Council property (Section 90(3)(e) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Finance and Audit Committee Confidential Minutes, GC230816F01**  
**Ref No: GC121217R05 – (63)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Appendix to the report, '*Finance and Audit Committee Confidential Minutes, GC230816F01*' be kept confidential and not available for public inspection on the basis that the Appendix to the Report contains information the disclosure of which could reasonably be expected to affect the security of Council property (Section 90(3)(e) of the *Local Government Act 1999*).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2018 meeting of Council

**Carried Unanimously**

**Review of Confidential Order for the Item: Organisational Service Reviews Quarter 1 2016/17, FAC151216F01**  
**Ref No: GC121217R05 - (64)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report and Appendix 1 (*Organisational Service Reviews Quarter 1 2016/17, FAC151216F01*) to this report, having been considered in confidence under s 90(2) and (3)(d) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting as the information relates to commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Finance and Audit Committee Confidential Minutes, GC240117F01**  
**Ref No: GC121217R05 – (65)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Appendix to the report, '*Finance and Audit Committee Confidential Minutes, GC240117F01*' be kept confidential having been considered in confidence under s 90(2) and (3)(d) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting as the information relates to commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2018 meeting of Council

**Carried Unanimously**

**Review of Confidential Order for the Item: Marion Outdoor Swimming Pool Service Review, GC240117F02**  
**Ref No: GC121217R05 - (66)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report and Appendix 1 (*Marion Outdoor Swimming Pool - Service Review, GC240117F02*) to this report, having been considered in confidence under s 90(2) and (3)(d) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. as the information relates to commercial arrangements, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Code of Conduct Complaint, GC140217F01  
Ref No: GC121217R05 – (67)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Code of Conduct Complaint, GC140217F01* minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*);

This order is to remain in force for the current term of Council.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Code of Conduct - Mediation, GC110417F03  
Ref No: GC121217R05 – (68)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Code of Conduct - Mediation, GC110417F03* minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*);

This order is to remain in force for the current term of Council.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Code of Conduct,  
GC241017F03  
Ref No: GC121217R05 – (69)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Code of Conduct, GC241017F03* minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the Local Government Act 1999);

This order is to remain in force for the current term of Council.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Code of Conduct, GC281117F08  
Ref No: GC121217R05 – (70)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Code of Conduct, GC281117F08* minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the Local Government Act 1999);

This order is to remain in force for the current term of Council.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Code of Conduct, GC281117F09  
Ref No: GC121217R05 – (71)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Code of Conduct, GC281117F09* minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*);

This order is to remain in force for the current term of Council.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Organisational Service Reviews - Libraries 2017, FAC280217R7.3  
Ref No: GC121217R05 - (72)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report and Appendix 1 (*Organisational Service Reviews - Libraries 2017, FAC280217R7.3*) to this report, having been considered in confidence under s 90(2) and (3)(a) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**



**Review of Confidential Order for the Item: Organisational Service Reviews - Public Litter Service Review  
2017, FAC280217R7.4  
Ref No: GC121217R05 - (73)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report and Appendix 1 (*Organisational Service Reviews - Public Litter Service Review 2017, FAC280217R7.4*) to this report, having been considered in confidence under s 90(2) and (3)(d) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order was made on the on the grounds that the report contains commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: External Audit Tender, FAC280217R7.5  
Ref No: GC121217R05 - (74)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report and Appendix 1 (*External Audit Tender, FAC280217R7.5*) to this report, having been considered in confidence under s 90(2) and (3)(d) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order was made on the on the grounds that the report contains commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Finance and Audit Committee Confidential Minutes, GC140317F01**  
**Ref No: GC121217R05 – (75)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Appendix to the report, '*Finance and Audit Committee Confidential Minutes, GC140317F01*' be kept confidential having been considered in confidence under Section 90(2) and (3)(a), (b), (d) and (h) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting given the information relates to personal affairs, commercial information of a confidential nature and legal advice.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2018 meeting of Council

**Carried Unanimously**

**Review of Confidential Order for the Item: External Audit Tender, GC140317F04**  
**Ref No: GC121217R05 - (76)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report and Appendix 1 (*External Audit Tender, GC140317F04*) to this report, having been considered in confidence under s 90(2) and (3)(d) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Organisational Service Reviews - Status Report March 17 – City of Marion Library Service Review, GC280317F01  
Ref No: GC121217R05 - (77)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report and Appendix 1 (*Organisational Service Reviews - Status Report March 17 - City of Marion Library Service Review, GC280317F01*) to this report, having been considered in confidence under s 90(2) and (3)(a) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Commercial Proposal for a Recreational Facility Development, GC080817F01  
Ref No: GC121217R05 - (78)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report and Appendix 1 (*Commercial Proposal for a Recreational Facility Development, GC080817F01*) to this report, having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Edwardstown Oval Redevelopment - Financial and Management Model, GC080817F02**  
**Ref No: GC121217R05 - (79)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer** that:

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report, *Edwardstown Oval Redevelopment - Financial and Management Model, GC080817F02*, appendices and minutes relating to this report, having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act be kept confidential and not available for public inspection on the upon the basis that the matter relates to commercial information the disclosure of which could prejudice the commercial position of Council and/or the person who supplied the information and would on balance be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Edwardstown Oval - Pre-tender Estimate and Approval to Call the Stage 2 Construction Tender, SGC120917F01**  
**Ref No: GC121217R05 - (80)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer** that:

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report, *Edwardstown Oval - Pre-tender Estimate and Approval to Call the Stage 2 Construction Tender, SGC120917F01*, appendices and minutes relating to this report, having been considered in confidence under Section 90(2) and (3)(k) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to the pre-tender estimate for the carrying out of works and disclosure of 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.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Edwardstown Oval - Approval to Award Construction Tender, GC281117F05  
Ref No: GC121217R05 - (81)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report, *Edwardstown Oval - Approval to Award Construction Tender, GC281117F05*, appendices and minutes relating to this report, having been considered in confidence under Section 90(2) and (3)(k) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to the pre-tender estimate for the carrying out of works and disclosure of 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.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council

**Carried Unanimously**

**Review of Confidential Order for the Item: Marion Sports and Community Club Lease, GC220817R07  
Ref No: GC121217R05 - (82)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report and Appendix 5 (*Marion Sports and Community Club Lease, GC220817R07*) to this report, having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis it contains commercial information of a commercial nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of a person who supplied the information, or confer a commercial advantage on a third party: and (ii) would, on balance, be contract to public interest

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Selection of candidates for interview/appointment for Council**

**Assessment Panel, RSC190917R8.1**

**Ref No: GC121217R05 – (83)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report *Selection of candidates for interview/appointment for Council Assessment Panel, RSC190917R8.1* and minutes arising from this report to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*);

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Section 48 Prudential Report - BMX, FAC101017R8.14**

**Ref No: GC121217R05 - (84)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report ,*Section 48 Prudential Report - BMX, FAC101017R8.14*, and the minutes arising from this report, having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the upon the basis that disclosure of 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 and the release would, on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: 73 Cove Road Marino, FAC101017R8.15  
Ref No: GC121217R05 - (85)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report ,73 Cove Road Marino, FAC101017R8.15, and the minutes arising from this report, having been considered in confidence under Section 90(2) and (3)(a) and (i) of the Act be kept confidential and not available for public inspection on the upon the basis that disclosure of 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 and the release would, on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Confirmation of the Confidential Minutes of the Finance and Audit Committee Meeting Held 10 October 2017, GC241017F01  
Ref No: GC121217R05 – (86)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Appendix to the report, 'Confirmation of the Confidential Minutes of the Finance and Audit Committee Meeting Held 10 October 2017, GC241017F01' be kept confidential having been considered in confidence under Section 90(2) and (3)(a), (b), (h) and (i) 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 order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. This confidential order be reviewed at the December 2018 meeting of Council

**Carried Unanimously**

**Review of Confidentiality Order: Lot 198 Greenfield Road Seaview Downs - Community Land Division and Residential Development, GC241017F04**  
**Report Reference: GC121217R05 – (87)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer** that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Lot 198 Greenfield Road Seaview Downs - Community Land Division and Residential Development, GC241017F04*' together with appendices and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information over which Council has a duty of confidence (Section 90(3)(g)).

This order is to remain in force until the Department of Planning, Transport and Infrastructure have issued their final decision on the application.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidential Order for the Item: Morphettsville Park Sports and Community Club Redevelopment, GC281117F06**  
**Ref No: GC121217R05 - (88)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer** that:

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report and Appendix 1 (*Morphettville Park Sports and Community Club Redevelopment, GC281117F06*) to this report, having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the basis that disclosure of 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 and the release would, on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**



**Review of Confidential Order for the Item: Expression of Interest for Potential Land Acquisition Opportunity at Morphetville, GC281117F07**  
**Ref No: GC121217R05 - (89)**

**Moved Councillor Telfer, Seconded Councillor Pfeiffer** that:

1. In accordance with s 91(7) and (9) of the *Local Government Act 1999*, orders that this report and Appendix 1 (*Expression of Interest for Potential Land Acquisition Opportunity at Morphetville, GC281117F07*) to this report, having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the upon the basis that disclosure of 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 and the release would, on balance, be contrary to the public interest.

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. Unless revoked prior, this confidential order be reviewed at the December 2018 meeting of Council.

**Carried Unanimously**

**Review of Confidentiality Order: Investigation, GC250815F05**  
**Report Reference: GC121217R05 – (53)**

**Moved Councillor Pfeiffer Seconded Councillor Telfer** that:

1. Pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Abby Dickson, Adrian Skull and Kate McKenzie, be excluded from the meeting as the Council receives and considers information relating to the *Review of Confidentiality Order: Investigation, GC250815F05* into a council community facility, 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 personal affairs

**Carried Unanimously**

8.29pm the meeting went into confidence

**Moved Councillor Kerry, seconded Councillor Pfeiffer** that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Investigation, GC250815F05*' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information over which Council has a duty of confidence or other legal obligation (Section 90(3)(g)).
2. This confidential order be reviewed at the 30 January 2018 meeting of Council.

**Carried**

**Review of Confidentiality Order: Investigation, GC080915F03**  
**Report Reference: GC121217R05 – (54)**

**Moved Councillor Telfer, Seconded Councillor Prior that:**

1. Pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Abby Dickson, Adrian Skull and Kate McKenzie, be excluded from the meeting as the Council receives and considers information relating to to the *Review of Confidentiality Order: Investigation GC080915F03* into a Council Community Facility 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 personal affairs

**Carried Unanimously**

8.40pm the meeting went into confidence

**Moved Councillor Kerry, Seconded Councillor Pfeiffer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the Appendix 4 of the report, '*Investigation, GC080915F03*' be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the *Local Government Act 1999*)

This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.

2. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the report, '*Investigation, GC080915F03*' together with appendices 1 to 3 and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information over which Council has a duty of confidence (Section 90(3)(g)).
3. This confidential order be reviewed at the 30 January 2018 meeting of Council.

**Carried**

8.48pm the meeting came out of confidence

8.49pm Councillor Prior left the meeting

8.49pm Councillor Hutchinson left the meeting

**8.49pm Community Grants Round One, 2017/2018**  
**Report Reference: GC121217R06**

Councillor Pfeiffer noted a perceived conflict of interest in the item *Community Grants Round One, 2017/2018 (Report Reference: GC121217R06)* as the school his son attends applied for three grants however will remain for the item.

**Moved Councillor Hull, Seconded Councillor Crossland** that Council:

1. Approves the Community Grant applications, totalling \$41,453 as recommended in Appendix 1.
2. Notes the grants will generate community projects to the value of \$104,690 (consisting of Council's \$41,453 contribution plus \$63,237 of community contribution).

**Carried Unanimously**  
**Councillor Pfeiffer voted for the Motion**

8.50pm Councillor Hutchinson re-entered the meeting

**8.50pm Fund My Neighbourhood**  
**Report Reference: GC121217R07**

8.51pm Councillor Prior re-entered the meeting

**Moved Councillor Hull, Seconded Councillor Veliskou** that Council:

1. Notes the report
2. Writes to the Department of Premier and Cabinet accepting the funding for Oaklands Estate Reserve.
3. Writes to the Department of Premier and Cabinet advising it accepts the funding for Marion Outdoor Pool dependent on the outcome of a report in February 2018.

**Carried Unanimously**

**8.54pm Temporary Community Open Space at Ash Avenue, Clovelly Park**  
**Report Reference: GC121217R08**

**Moved Councillor Telfer, Seconded Councillor Hutchinson** that Council:

1. Endorses the arrangement for Renewal SA to maintain the Council owned land at Chestnut Court, Clovelly Park (Certificate of Title Volume 5387 Folio 191) at their expense while the City of Marion assumes care and control of the site at Ash Avenue, Clovelly Park.
2. Authorises the Chief Executive Officer to negotiate, provided agreements do not affect the general purpose and intent of the arrangement, and sign the lease agreement with the South Australian Housing Trust.

3. Pursuant to Section 193(4) of the Local Government Act 1999 the land comprised in Certificates of Title Volume 5478 Folio 862 being Allotment 1 in DP 25435, Volume 5396 Folio 194 being Allotment 2 in DP 25435, Certificate of Title Volume 5799 Folio 62 being Allotment 3 in DP 25435, Volume 5799 Folio 63 being Allotment 4 in DP 25435, Volume 5385 Folio 838 being Allotment 21 in DP 25435 and Volume 5385 Folio 763 being Allotment 22 in DP25435, to be leased to Council from the South Australian Housing Trust is to be excluded from the Community Land Classification.
4. Notes that in accordance with Section 49(2)(a) of the Development Act, an application for the temporary change of use of the land, from residential to temporary recreation area, will be submitted to the State Commission Assessment Panel by Renewal SA.
5. Notes that the cost of this temporary arrangement to Council will be approximately an extra \$200 a year, which can be accommodated within the existing maintenance budget.
6. Provides in principle support for the draft landscape concept plan attached as Appendix 1.

**Carried Unanimously**

**8.55pm Goodman Court Development Open Space Contribution**  
**Report Reference: GC121217R09**

**Moved Councillor Pfeiffer, Seconded Councillor Kerry** that Council:

1. Endorses in principle support for the provision and location of open space to be vested to Council (subject to development approval).
2. Notes the development approval process.
3. Endorses Council administration to negotiate and enter into an open space agreement with Renewal SA (RSA) and the developer to consider the design and development of the infrastructure within the vested open space to Council's agreed local level of service (subject to development approval).

**Carried Unanimously**

**9.00pm Hendrie Street Reserve Inclusive Playground Shade Sail**  
**Report Reference: GC121217R10**

**Moved Councillor Hull, Seconded Councillor Veliskou** that Council:

1. Utilises up to \$35,000 from the existing 2017/18 playground shade budget to fund the installation of the central play area shade sail within the approved 2017/18 scope of works for Hendrie Street Reserve Inclusive Playground.

**Carried Unanimously**

**9.04pm Asset Optimisation - Ranger Street Reserve, Hallett Cove – Rescission**  
**Report Reference: GC121217R11**

**Moved Councillor Hutchinson, Seconded Councillor Byram** that Council:

1. Rescinds the following motion passed at the 24 October Council Meeting 2017 (GC241017R10)  
*That Council:*  
*Retains Ranger Street Reserve*
2. Acknowledges the Ministerial approval to revoke the community land classification dated 3 October 2017 for Ranger Street Reserve, 5 Ranger Street Hallett Cove being the whole of the land in Certificate of Title Volume 5110 Folio 876.
3. Revokes the community land classification in respect of Ranger Street Reserve, 5 Ranger Street Hallett Cove being the whole of the land in Certificate of Title Volume 5110 Folio 876.
4. Notes that 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.
5. Authorises the disposal of Ranger Street Reserve, 5 Ranger Street Hallett Cove being the whole of the land in Certificate of Title Volume 5110 Folio 876 in accordance with Council's Disposal of Land and Assets Policy.
6. Authorises the revenue from the sale net of all associated disposal costs of the Ranger Street Reserve Hallett Cove to be transferred to the Open Space Reserve Fund for the development of open space facilities as approved by Council.
7. Pursuant to Section 37 (b) of the Local Government Act 1999 authorises the Chief Executive Officer to negotiate, enter into and sign all contracts and documentation necessary to effect a sale and settlement of the Ranger Street Reserve, Hallett Cove.

**Carried Unanimously**

**9.05pm Castle Plaza Activity Centre Development Plan Amendment (DPA) – Interim Road Infrastructure Design and Delivery Deed**  
**Report Reference: GC121217R12**

Councillor Pfeiffer declared a conflict of interest in the item *Castle Plaza Activity Centre Development Plan Amendment (DPA) – Interim Road Infrastructure Design and Delivery Deed* Report Reference: GC121217R12 due to the proximity of his home to the Development.

9.05pm Councillor Pfeiffer left the meeting

**Moved Councillor Hutchinson, Seconded Councillor Telfer** that Council:

1. Delegates to the Chief Executive Officer the authority to negotiate the Interim Road Infrastructure Design and Delivery Deed relating to the Castle Plaza Activity Centre DPA;
2. Authorises the Mayor and Chief Executive Officer to enter into and sign and seal all documentation necessary to facilitate the Interim Road Infrastructure Design and Delivery Deed on behalf of Council (pursuant to Section 38C of the Local Government Act 1999);

3. Subject to building the connector road as part of Stage 1.

**Carried Unanimously**

9.10pm Councillor Veliskou left the meeting

**9.11pm Sector Agreement for Climate Change Adaptation for the Southern Adelaide Region 2017-2020**

**Report Reference: GC121217R13**

9.11pm Councillor Appleby left the meeting

9.11pm Councillor Pfeiffer re-entered the meeting

9.11pm Councillor Kerry left the meeting

**Moved Councillor Crossland, Seconded Councillor Gard** that Council:

1. Endorses the Southern Region (Metropolitan Adelaide) Sector Agreement between the Government of South Australia and the Cities of Holdfast Bay, Marion, Mitcham and Onkaparinga (Appendix 1);
2. Notes the update on delivery of priorities identified in the Resilient South 'Southern Region Local Government Implementation Plan 2015 – 2019' (Appendix 2).

9.13pm Councillor Appleby re-entered the meeting

9.13pm Councillor Kerry re-entered the meeting

9.14 Councillor Veliskou re-entered the meeting

**Carried**

**CORPORATE REPORTS FOR INFORMATION / NOTING**

**9.15pm Denham Avenue Traffic Report**

**Reference No: GC121217R14**

**Moved Councillor Veliskou, Seconded Councillor Appleby** that Council:

1. Notes the report.
2. Endorses an investigation into extending Morphettsville Oval to provide a fit for purpose playing field and improve pedestrian movements and traffic management.
3. Receives a further report that outlines details of expanding Morphettsville Oval and includes a scope of works, indicative costs and timeframes.

**Carried Unanimously**

**9.18pm Mitchell Park Sports and Community Centre Expression of Interest Outcomes**  
**Report Reference: GC121217R15**

**Moved Councillor Telfer, Seconded Councillor Hutchinson** that Council:

1. Notes the outcomes from the Expression of Interest undertaken for potential users of the redeveloped Mitchell Park Sports and Community Centre.

**Carried Unanimously**

**MEETING EXTENSION**

**Moved Councillor Pfeiffer, Seconded Councillor Telfer** that formal meeting procedures be extended until all items have been considered

**Carried**

**Moved Councillor Pfeiffer, Seconded Councillor Telfer** that the following items be moved 'en bloc'

- Finance Report – October 2017
- WHS Monthly Performance Report – October & November 2017

**Carried Unanimously**

**9.21pm Finance Report – October 2017**  
**Report Reference: GC121217R16**

**Moved Councillor Pfeiffer, Seconded Councillor Telfer** that Council:

1. Receives the report "Finance Report – October 2017"

**Carried Unanimously**

**9.21pm WHS Monthly Performance Report – October & November 2017**  
**Report Reference: GC121217R17**

**Moved Councillor Pfeiffer, Seconded Councillor Telfer** that Council:

1. That Council notes the report and statistical data contained therein.

**Carried Unanimously**

**WORKSHOP / PRESENTATION ITEMS**

**Nil**

## **MATTERS RAISED BY MEMBERS**

### **Motions with Notice**

#### **9.25pm Upgrade of Playgrounds Report Reference: GC121217M01**

**Moved Councillor Telfer, Seconded Councillor Hutchinson** that:

Flyers and advertising brochures for the upgrade of playground, as part of community consultation and engagement, include the proposed cost of the playground.

**Carried Unanimously**

#### **9.25pm Dog On-Leash Provisions Report Reference: GC121217M02**

**Moved Councillor Pfeiffer, Seconded Councillor Kerry** that:

The dog on-leash provisions at Dumbarton Avenue Reserve in Edwardstown be revoked.

**Carried Unanimously**

#### **9.29pm Leaflet Advertising on Car Windscreens Report Reference: GC121217M03**

**Moved Councillor Veliskou, Seconded Councillor Appleby** that:

A report be provided to council outlining the options available for council to restrict (totally or partially) leaflet advertising on car windscreens. That this report look at if powers extend to both public land and private land like shopping centres, even if allowed by consent of landowner

**Carried**

#### **9.35pm State Wide Industrial Relations Agreements Report Reference: GC121217M04**

**Moved Councillor, Seconded Councillor** that:

Marion Council at the next LGA meeting ask the following

Local Government Association to take the lead on managing industrial relations.  
& negotiate 1 statewide agreement with Indoor staff ie ASU & 1 statewide agreement with outdoor staff ie AWU.

**Moved Councillor Kerry, Seconded Councillor Pfeiffer** that the matter be left lying on the table pending the outcome of the current LGA investigation into this issue.

**Carried**



## **Questions with Notice**

### **Use of Drones**

**Report Reference: GC121217Q01**

#### **QUESTION:**

1)What are the current rules regarding the use of drones?

Are there different rules in regards to drones flying over private property, council land such as parks, council roads and footpaths, federal and state public lands such as parks roads etc, sensitive sites and private land not owned by drone user?

If so please elaborate?

Do any rules currently require enforcement by council?

#### **COMMENTS: Councillor Veliskou**

After reading the recent article where a councillor is suggesting council look into using drones for safety and crime prevention, I think it's pertinent to get an idea of the current legal issues surrounding drone use as it stands. From recollection I was under the impression that drones cannot fly over council roads without permission, but seek clarification.

#### **COMMENTS: Brendon Lyons, Team Leader Asset Systems**

Rules around the use of drones (Remotely Piloted Aircraft - RPA) are specified based on the weight of the RPA. These weight thresholds determine the requirement to obtain specific licences and if the RPA is excluded. All RPA's must comply with the Standard Operating Conditions.

#### **The Standard Operating Conditions are defined in the regulations as:**

- Only fly one RPA at a time;
- Do not fly into cloud / fog without approval from air traffic control and training;
- Only fly during the day;
- Keep your RPA within visual line-of sight;
- Do not fly your RPA higher than 120 metres (400ft) above ground level (exceptions apply);
- Keep your RPA at least 30 metres away from other people (exceptions apply);
- Keep your RPA at least 5.5km away from an aerodrome or helicopter landing site without approval;
- Do not fly your RPA over or near an area affecting public safety or where emergency operations are underway (without prior approval) - This could include situations such as a car crash, police operations, fire and associated fire-fighting efforts and search and rescue;
- Do not operate your RPA in a prohibited area or in a restricted area (as defined in the regulations) unless you have the permission of, and operate in accordance with any conditions imposed by, the authority controlling the area;
- Do not fly your RPA unless you have it under complete control;
- Do not fly your RPA over any *populous areas* - A populous area is: an area that has a sufficient density of population, these can include: beaches, parks and sporting ovals.

### **Excluded RPA's**

Excluded RPA's are defined by their size and are defined below. Excluded RPA's can be operated without certain licences and permissions.

### **RPA Sizes and requirements:**

**Micro RPA's** ( $\leq 100\text{g}$ ) **are excluded RPA**. Neither a remote pilot licence nor an operator's certificate are needed to fly this aircraft. A micro RPA is subject to all the general regulations regarding RPA operation including the Standard Operating Conditions.

**Very Small RPA's** ( $100\text{g} < 2\text{kg}$ ): If this RPA is used for sport / recreational purposes or in accordance with the Standard Operating Conditions then neither a remote pilot licence nor an operators certificate are needed to fly this aircraft. This RPA may be flown for commercial gain provided it is flown within the Standard Operating Conditions without the need for either a remote pilot's licence or an operator's certificate.

**Small RPA's** ( $2 < 25\text{kg}$ ): If this RPA is used for sport/ recreational purposes then neither a remote pilot licence nor an operator's certificate are needed to fly this aircraft. Small RPA's flown for sport / recreation purposes must be able to be seen by the operator continuously, must not be flown at night without complying with the procedures of an approved aviation administration organisation, must stay away from people and populous areas; and must fly below 120 metres.

Neither a remote pilot licence nor an operators certificate are needed to fly a small RPA on your own land providing the Standard Operating Conditions are met and the Civil Aviation Safety Authority are notified of the intention to conduct an RPA operation.

**Medium RPA** ( $25 < 150\text{kg}$ ): If this RPA is used for sport/ recreational purposes then neither a remote pilot licence nor an operator's certificate are needed to fly this aircraft. Medium RPA's flown for sport / recreation purposes must comply with the provisions for model aircraft.

A remote pilot licence *is* needed but not an operator's certificate to fly a medium RPA providing the Standard Operating Conditions are met and the Civil Aviation Safety Authority are notified of the intention to conduct an RPA operation.

Limited training and experience exceptions also apply to allowing use without licence or certificate [see Standard Operating Conditions].

**Large RPA** ( $> 150\text{kg}$ ): A large RPA is **not** an *excluded RPA*. To operate it legally you needed a remote pilot licence; an operators certificate; and a special certificate of airworthiness (restricted category), or an experimental certificate. The large RPA has to be maintained as a *class B* aircraft and is only able to be operated with approval of the Civil Aviation Safety Authority.

**Flying RPA's – The following are derived from frequently asked questions regarding the use of RPA's**

*Q: Can I fly an RPA over Privately Owned or Council Owned land?*

A: Yes, as long as the drone is high enough that it doesn't detract from the landowner's use and enjoyment of the land and as long as you adhere to the Standard Operating Conditions. This includes Council roads and footpaths.

*Q: Can I fly an RPA in a South Australian National Park or Reserve?*

A: Yes, but a permit is required and as long as you adhere to the Standard Operating Conditions.

*Q: Can I fly my recreational RPA over a sporting event, a busy beach or other heavily populated areas?*

A: No. CASA advises recreational drone owners to steer clear of populated areas.

*Q: Can I fly my RPA and use it to take photos or videos of people?*

A: The legal view on this varies depending on who you talk to. There is no specific piece of legislation that protects the privacy of individuals against recreational drones.

*Q: Can my neighbour use an RPA to take video footage of what's going on in my backyard without my knowledge?*

A: The legal view on this varies depending on who you talk to. There is no specific piece of legislation that protects the privacy of individuals against recreational drones. However, it is not recommend you record footage of anyone without seeking permission first.

*Q: Can I fly an RPA over an airfield?*

A: No. If your drone weighs more than 100g, you must not launch within 5.5km of any aerodrome, airport or helicopter landing site. In the City of Marion 5.5km exclusion zones exist around the helicopter landing sites at the Morphettville Race Course and Flinders Medical Centre.

*Q: Can I wear virtual reality style, first-person goggles while I pilot the drone?*

A: No. It's illegal to wear first-person goggles while piloting your drone, as CASA regulations require you to maintain a direct line of sight at all times.

Some areas are designated no fly zones.

**Enforcement:**

As the Civil Aviation Safety Authority (CASA) is under federal jurisdiction, all enforcement is their responsibility.

South Australian Police (SAPOL) may respond to an incident relating to the use of an RPA but will pass on the details to CASA for enforcement.

Council have no responsibility to monitor or enforce any infringement relating to an RPA.

**Motions without Notice**

Nil

**Questions without Notice**

Nil

**OTHER BUSINESS**

**MEETING CLOSURE** - Meeting Declared Closed at 9.37pm

**CONFIRMED THIS 30 JANUARY 2018**

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**CHAIRPERSON**

# Mayoral Communication Report

**Date of Council Meeting: 30 January 2018**

**Name of Elected Member: Mayor Kris Hanna**

Date	Event	Comment
23 November 2017	Hallett Cove R – 12 School Presentation Awards Night	Presented award
24 November 2017	16 <sup>th</sup> Annual City of Marion Community Art Exhibition	Opened exhibition
25 November 2017	PEET Drop in info session	Attended
25 November 2017	Edward Said Lecture	Attended
26 November 2017	Trott Park Neighbourhood Centre Open Day	Attended
27 November 2017	Community Care Volunteer Christmas Celebration	Attended
1 December 2017	Hallett Cove Business Association Christmas Celebration	Attended
2 December 2017	Onsite Playground Community Consultation, Brandon Terrace Reserve and Shamrock Road Reserve	Attended
5 December 2017	Coastal and Southern Hills Ward Briefing	Attended
5 December 2017	MPNHC Volunteer Christmas (A very Aussie Christmas)	Attended
6 December 2017	Glandore Community Centre Christmas Carols event launch	Attended
7 December 2017	Search Engine Optimisation (SEO) Snakes and Ladders	Attended
8 December 2017	Vietnam Veterans' Federation SA Branch Christmas Luncheon	Attended
9 December 2017	ST Elizabeth's Anglican Church "Welcome to Australia" event	Attended
10 December 2017	Multifaith Church Service	Attended
10 December 2017	Volunteer Recognition Event – International Volunteers Day	Attended
11 December 2017	Living Smart Celebration	Attended
13 December 2017	Active Elders Christmas Lunch	Attended
13 December 2017	Cooinda Volunteer Christmas Lunch	Attended
13 December 2017	Mayors End of Year Business Function	Hosted
13 December 2017	Hamilton College Presentation Evening	Presented Award
14 December 2017	Lord Mayor's 2017 Christmas Reception	Attended
15 December 2017	Trott Park NHC Volunteer Christmas Lunch	Attended
15 December 2017	AFOPA Celebration	Attended
16 December 2017	Community Gathering for Syrian Families	
16 December 2017	Rebel Softball Open Day	Attended
16 December 2017	Casa di Flamenco	Attended
18 December 2017	Mayors Multicultural Forum	Hosted
19 December 2017	Afternoon Tea for Edwardstown Hall Committee	Attended
20 December 2017	Trott Park Fencing Club 2017 Breakup Event	Attended
22 December 2017	Meeting with South Adelaide Malayalee Community	Attended
22 December 2017	City of Marion Christmas Party	Guest speaker

## Mayoral Communications Report

6 January 2018	South Adelaide Malayalee Community Group, celebration of South Indian Culture	Attended
14 January 2018	SA Athletic League's Marion Gift Carnival	Presented awards
15 January 2018	Edwardstown Oval Ground Breaking Ceremony	Guest speaker
16 January 2018	Oaklands Crossing Tender Announcement	Attended
In addition, the Mayor has met with residents, MPs, Candidates and also with the CEO and Council staff regarding various issues.		

# Deputy-Mayor Communication Report

**Date of Council Meeting: 30 January 2018**

**Name of Elected Member: Deputy Mayor Janet Byram**

Date	Event	Comment
4 December 2017	LKCC Steering Group Meeting	Attended
5 December 2017	Coastal & Southern Hills Ward Briefing	Attended
5 December 2017	MPNHC Volunteer Christmas (A very Aussie Christmas)	Attended
5 December 2017	Centennial Park: end of year thank you get together	Attended
10 December 2017	BMX AGM	Received award
10 December 2017	Volunteer Recognition Event – International Volunteers Day	Attended
14 December 2017	Glandore Volunteer Christmas Lunch	Attended
14 December 2017	Tour of Trott Park Nursing Home with David Speirs MP	Attended
15 December 2017	Trott Park NHC Volunteer Christmas Lunch 'Casual Pizza Lunch'	Attended
15 December 2017	Justice of the Peach Christmas Celebration	Attended
18 December 2017	Mayors Multicultural Forum	Attended
19 December 2017	Women's Memorial Playing Fields Round table Meeting	Attended
22 December 2017	Marion RSL Christmas Party	Attended
23 December 2017	Cooinda Cultural Celebration	Delivered opening speech, lighting ceremony and raffle drawn
28 December 2017	Holdfast Bay 181 <sup>st</sup> Proclamation Day Commemoration	Attended
9 January 2018	Meeting with Rotary Club Hallett Cove	Attended
10 January 2018	Hallett Cove Baptist Care, Youth Grants Talk	Attended
11 January 2018	Funeral Service for Norman James Hay	Attended
11 January 2018	MYSA NBL's 2017/18 Season Multicultural Round	Attended
14 January 2018	RSL Committee Meeting	Council Liaison
14 January 2018	Opening of Tonsley Residential	Attended
15 January 2018	Meeting with Resident re Fund My Neighbourhood process	Attended
15 January 2018	Meeting with Marion RSL secretary	Attended
15 January 2018	Edwardstown Oval Ground Breaking Ceremony	Attended
16 January 2018	Women's Memorial Playing Fields meeting with board	Attended
18 January 2018	City of Marion NHC Seniors Programs and Activities and My Aged Care Info	Attended
19 January 2018	MINGLE Opening of Exhibition at Gallery M	Attended
20 January 2018	Elected Member Planning Day	Attended
22 January 2018	Australia Day Luncheon	Attended

In addition, the Deputy Mayor has met with residents, MP's and also with the CEO and Council staff regarding various issues.

## **Mayoral Communications Report**



# CEO and Executive Communications Report

**Date of Council Meeting: 30 January 2018**

<b>Date</b>	<b>Activity</b>	<b>Attended by</b>
9 November 2017	Enwave	Tony Lines
10 November 2017	Fleet Meeting with City of Charles Sturt	Vincent Mifsud
21 November 2017	Woodend Primary School	Tony Lines
22 November 2017	Enwave	Tony Lines
30 November 2017	Collaboration event with City of Charles Sturt and SLT	Adrian Skull Tony Lines Abby Dickson Vincent Mifsud
30 November 2018	2017 Zone Emergency Management Symposium	Tony Lines
1 December 2017	Western Adelaide Consultative Group (WACG)	Adrian Skull
1 December 2017	Met with Ben Cowling, Managing Director, Civica Pty Ltd	Vincent Mifsud
1 December 2017	Local Government Functional Support Group Briefing - Extreme Weather Event 00005-17-EW	Tony Lines
4 December 2017	SRWRA Board Meeting	Vincent Mifsud
4 December 2017	LKCC Steering Group meeting	Tony Lines
6 December 2017	LKCC Conservation Activities	Tony Lines
7 December 2017	Council Solutions Board of Management Meeting	Adrian Skull
7 December 2017	Meeting with CAMMS	Vincent Mifsud
12 December 2017	Fleet Optimisation Project – planning meeting for data gathering	Vincent Mifsud
13 December 2017	Meeting re RSPCA Shelter Proposal	Adrian Skull
13 December 2017	Mayor's End of Year Business Function	Tony Lines Adrian Skull Abby Dickson
14 December 2017	SWBMX Project Advisory Group Meeting	Abby Dickson
15 December 2017	Trott Park Neighbourhood Centre Volunteer Christmas Lunch	Adrian Skull
18 December 2017	Meeting with Roger Rasheed (re: Rajah Reserve)	Adrian Skull Tony Lines
19 December 2017	Meeting with Football Federation South Australia	Abby Dickson Adrian Skull
20 December 2017	Meeting with Greg Garrihy – Southern Business Connections (SBC)	Adrian Skull

## CEO and Executive Communications Report

20 December 2017	Meeting with Adam Reid – Department State Development (DSD)	Adrian Skull
21 December 2017	City of Marion Fleet Optimisation Project – Tom Sexton (Bedford Industries)	Vincent Mifsud
14 December 2017	Opening of Tonsley Residential	Abby Dickson
11 January 2018	Meeting with Westfield Marion	Abby Dickson
15 January 2018	Edwardstown Oval ground breaking ceremony	Abby Dickson Tony Lines Adrian Skull
17 January 2018	Meeting with City of Onkaparinga and Flinders University on Innovation Capability Building	Adrian Skull Abby Dickson
26 January 2018	Citizenship Ceremony	Adrian Skull
29 January 2018	Community Grants Cheque Presentation	Tony Lines

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Originating Officer:** Nakita Van Rooijen, Elected Member Support Officer

**Corporate Manager:** Kate McKenzie, Manager Corporate Governance

**General Manager:** Vincent Mifsud, General Manager Corporate Services

**Subject:** Mitchell Park Sports and Community Centre Scoreboard  
Water and Power Connection

**Ref No:** GC300118D01

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**SPEAKER:**

Mr Ken Kelsall

**ORGANISATION:**

Mitchell Park Sports & Community Club

**COMMENTS:**

President of Mitchell Park Sports and Community Club Mr John Gumley, has requested that committee member Mr Ken Kelsall give a five-minute deputation to Council relating to the motion *Mitchell Park Sports and Community Centre Scoreboard Water and Power Connection*.

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Originating Officer:** Mathew Allen, Manager Engineering & Field Services  
**General Manager:** Tony Lines, General Manager City Services  
**Subject:** Petition – Rockford Place Reserve, Marino  
**Reference No:** GC300118P01

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**PETITION FROM:** Peter Hoskin

**NO OF SIGNATORIES:** 64

**DATE PETITION RECEIVED:** 10/12/2017

**CORRESPONDENCE:**

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

**COMMENTS:** Mathew Allen, Manager Engineering & Field Services

Based on Council's Irrigation Support Tool the score required for a reserve's irrigation system to be switched on must be 13 or above or it must have a public value of 4 or above.

Rockford/Robertson Place Reserve has an irrigation system that is currently switched off due to it having a public value of 1 and a total score of 5.

	Natural Amenity 1-3	Developed Amenity 1-3	Community Usage 1-3	Public Value 1-5	Irrigated Turf Function 1-3	Total Score
Rockford/Robertson Place Reserve	1	1	1	1	1	5

Rockford Place / Robertson Place has been identified as a pilot site for the Natural Landscapes Guideline (NLG). It was proposed that \$30k would be needed for design and implementation of the guideline at this site. The funding is part of a \$70k project for trialling of the NLG which is currently on Council's unfunded priorities list. At the last review Council requested further information so that the project could be considered at the next quarterly review.

The redesign of Robertson Place is proposed to include:

- Non-irrigated amenity plantings
- Native grass landscaping
- Revegetation / conservation planting.

**RECOMMENDATIONS**

**DUE DATES:**

**That Council:**

- |   |                        |
|---|------------------------|
| <b>1. Notes the petition.</b>   | <b>30 January 2018</b> |
| <b>2. Advises the head petitioner that Council has noted the petition.</b>  | <b>30 January 2018</b> |
| <b>3. Maintains the current irrigation scoring for Rockford/Robertson Place Marino of a public value of 1 and a total score of 5.</b> | <b>30 January 2018</b> |
| <b>4. Implements the NLG at this site, subject to project funding in 2018/19.</b>   | <b>June 2019</b>       |
| <b>5. Consults with local residents on the plans for the NLG at this site, subject to project funding in 2018/19.</b>                 | <b>June 2019</b>       |

**Appendix 1: Petition**

**CITY OF MARION  
PETITION**

**TO HIS WORSHIP THE MAYOR AND COUNCILLORS OF THE CITY OF MARION**

**Petition Contact Person: Mr Peter Hoskin**

**Telephone Number: 0400289232**

**Address: 6 Robertson Place, Marino SA**

**Date Petition Initiated: 10 December 2017**

**Rockford Place Reserve Marino**

The Petition of the local residents, in particular those who reside at Robertson Place, Rockford Place and Shaftesbury Terrace, of the City of Marion; draws attention to the poor state of our local reserve.

During summer, when most residents enjoy outside activities, the reserve is a 'dust bowl'. It is infested with weeds, such as 3 Corner Jack (*Emex australis*). Very little of the original grass has survived, since the council stopped using the irrigation system. Many plants have died or are in poor condition, 'stressed' by the lack of water.

The local residents who live near to Rockford/Robertson Place reserve, respectfully request:

1. Restoration and regular operation of the irrigation system to ensure a sustainable green grassed area, suitable for playing on and socializing, surrounded by areas of local native plants.

The Rockford Place Reserve for the community benefit, in terms of environmental sustainability and amenity.

2. A commitment to periodic consultation with local residents on plans for the future development and maintenance of the above reserve.

Please note this is a public document, by signing it, I understand that my name address and signature will be made available in the public realm. The city of Marion will record these details for the purpose of the petition only.

### Rockford Place Reserve Marino

The Petition of the local residents, in particular those who reside at Robertson Place, Rochford Place and Shaftsbury Terrace of the City of Marion.

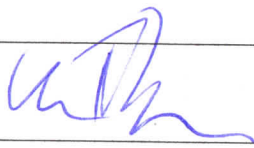
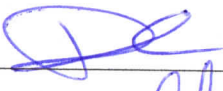
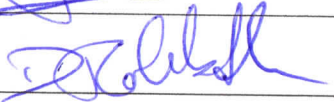
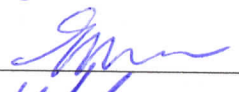
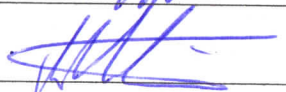
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NAME	ADDRESS	SIGNATURE
Lange Powell	14 Shaftsbury <sup>Marino</sup> Terrace	
Dave Colebatch	25 Shaftsbury <sup>Marino</sup> Terrace	
Debbie Colebatch	25 Shaftsbury <sup>Marino</sup> Terrace	
Eva Martin	15 Shaftsbury <sup>Marino</sup> Terrace	
Russell Martin	15 Shaftsbury <sup>Marino</sup> Terrace	



STEPHEN CARTHEW	8 Shaftesbury Tce Marino	Stephen Cartew
Pamela Francis	23 Shaftesbury Tce, Marino	P Francis
Sean Francis	23 Shaftesbury Tce	<del>Sean Francis</del>
John Markyevic		
Trudy Markyevic	4 Rockford Pl MARINO	Markyevic
Anthony King	24 Shaftesbury Tce Marino	832
Penny Malt-Warden	26 " " "	P Malt-Warden
PETER ST C. JONES	3 KINSALE CR.	<del>Peter St C. Jones</del>
Terri Bromilow	3 Kinsale Cr	<del>Bromilow</del>
David Smith	8A SHAFESBURY TCE MARINO	<del>David Smith</del>
Kate Setchell	6 Shaftesbury Tce	CM. Setchell
PAM GREEN	10 SHAFESBURY TCE	P Green
Evan Markyevic	4 Rockford Pl	Markyevic
Alannah " " "	" " "	Alannah
June Pelland.	10 Shaftesbury St.	J Pelland
Brian Ireland	7 Shaftesbury	B Ireland
S Cartew	8 Shaftesbury	S Cartew

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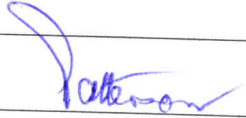
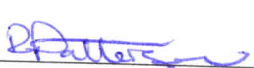

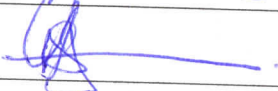

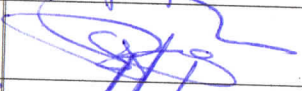





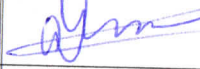
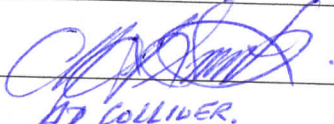
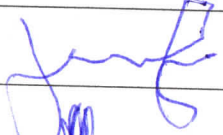




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The Rockford Place reserve for the community benefit, in terms of environmental sustainability and amenity.

2. A commitment to periodic consultation with local residents on plans for the future development and maintenance of the above reserve.

NAME	ADDRESS	SIGNATURE
Peter Hoskin	6 Robertson Place Marino	P. Hoskin
SALLY GRAFTON	35 SHAFTESBURY TCE MARINO	S. Grafton
STAN GRAFTON	"	Stan Grafton
Viv Owen	18 Shaftsbury Tce Marino	V. Owen
Evelyn Wallace- Garter (Dr)	12 Shaftsbury Tce Marino	E. Wallace-Garter

ROBERT PATTERSON	3 SHAFTESBURY TERRACE MARINO	
ROSEMARY PATTERSON	3 SHAFTESBURY TCE MARINO	
John SETCHELL	6 SHAFTESBURY TCE MARINO	
John Bobngel	32 SHAFTESBURY TCE MARINO	
Yuliani Babrige	32 Shaftesbury Tce Marino	
SHARA PUGH	50 ANGAS CRES MARINO	
Tony Schnaars	29 Shaftesbury Tce Marino	
Margaret Schnaars	29 Shaftesbury Tce MARINO	
Trudy Martyn	4 Rockford	
John "	4 " Place	
Josh Hooper	20 SHAFTESBURY TCE	
Christian Hoslein	6 Robertson Pl	
MARGUERITE SMITH TONY COLLIVER	8A SHAFTESBURY TCE 6 ESPLANADE	
Howard Schulze	1 Rockford Pl Marino	
Kim COOK	2 Rockford Pl	
Victoria Hall	27 Shaftesbury Tce	
Don HALL	27 Shaftesbury Tce	
Camera Water	31 Shaftesbury Tce	

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NAME	ADDRESS	SIGNATURE
LEE NEWTON	37 SHAFESBURY Tce	[Signature]
NICK BENTON	22 SHAFESBURY Tce	N Behl
Renato Minichello	39 Shaftesbury Tce	R. Minichello
Brooke Angel	28 Shaftesbury Tce	Bray
Kym Davis	6A Rickford Place	[Signature]
Joan Penn	20A Shaftesbury Tce	[Signature]
Steve Weeks	6 Bundarra Rd	[Signature]
Phil ROGERS	6 HOLDER PDE	[Signature]
JO ROGERS	6 HOLDER PDE	[Signature]
RICHARD BARKER	18A SHAFESBURY Tce	[Signature]
Julie Pelly	1 Lifford Pde	[Signature]
Debra [unclear]	8 KINSALE CREST MARINO	[Signature]
Mark Bond	1 KINSALE CR, MARINO	[Signature]
KYM BRICE	4 Shaftesbury Tce	MARINO
Stacey Kelly	17 Shaftesbury Tce	Marino

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**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Originating Officer:** Sherie Walczak, Acting Manager Corporate Governance

**General Manager:** Vincent Mifsud, General Manager Corporate Services

**Subject:** Finance and Audit Committee - Confirmation of Minutes of Meeting held on 12 December 2017

**Report Reference:** GC300118R01

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**DISCUSSION:**

The purpose of this report is to facilitate the receiving and noting of the minutes from the 12 December 2017 Finance and Audit Committee meeting.

Items considered at this meeting are summarised below:

- Elected Members Report
- Framework and Key Assumptions for the preparation for the 2018/19 ABP&B and LTFP
- Finance and Audit Committee Work Program and Meeting Schedule for 2018
- Ombudsman SA Annual Report 2016/17
- Auditor-General Report 2017 – status of key recommendations as at December 2017
- Property Internal Audit Update
- Draft Building Asset Management Plan
- Internal Audit Program 2017/18 Year 1
- Service Review Program 2017/18 Update
- Service Review - Scope

Confidential Items:

- Service Review Report – Open Space Transformation Phase 1
- BMX Project Update Report

**RECOMMENDATIONS**

**DUE DATES**

**That Council:**

- |  |             |
|--|-------------|
| 1. Receives and notes the minutes of the Finance and Audit Committee meeting of 12 December 2017 (Appendix 1).                           | 30 Jan 2018 |
| 2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Finance and Audit Committee. | 30 Jan 2018 |

**MINUTES OF THE FINANCE AND AUDIT COMMITTEE MEETING  
HELD AT THE ADMINISTRATION CENTRE  
245 STURT ROAD, STURT  
ON 12 DECEMBER 2017**



**PRESENT**

Mr Greg Connor (Chair), Ms Kathryn Presser, Councillor Telfer and Councillor Kerry (from 9.47am)

**In Attendance**

Mr Adrian Skull	Chief Executive Officer
Mr Vincent Mifsud	General Manager Corporate Services
Ms Abby Dickson	General Manager City Development
Mr Tony Lines	General Manager, City Services
Ms Kate McKenzie	Manager Corporate Governance
Mr Ray Barnwell	Manager Finance and Contracts
Ms Deborah Horton	Governance Quality Coordinator
Ms Cassandra Gannon	Performance and Innovation Leader
Mr Mathew Allen	Manager Engineering and Field Services
Mr Justin Jamison	KPMG
Mr Jared Lawrence	KPMG

**1. OPEN MEETING**

The meeting commenced at 9.33 am. The Chair welcomed all those present to the meeting.

**2. KAURNA ACKNOWLEDGEMENT**

We begin by acknowledging 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 interests were declared.

**4. CONFIRMATION OF MINUTES**

**9.33 am Confirmation of Minutes for the Finance and Audit Committee held 10 October 2017**

**Moved Councillor Telfer, Seconded Ms Presser** that the minutes of the Finance and Audit Committee (the Committee) meeting held on 10 October 2017 are confirmed as a true and correct record of proceedings.

**Carried Unanimously**

## 5. BUSINESS ARISING

### **9.33 am Review of the Business Arising from previous meetings of the Finance and Audit Committee**

#### **Report Reference: FAC121217R5.1**

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

The Committee noted that the commentary was fulsome and provided good detail.

The Manager Finance and Contracts provided a verbal update regarding the new accounting standards indicating that out of three (3) new standards, two (2) will not affect Local Government and the third item may impact on leases. Further analysis will occur in due course.

The Committee queried if the Council needed to undertake a commercial impact review of all Councils leases. The Committee was advised that this is not required at this point.

## 6. ELECTED MEMBER REPORT

### **9.38 am Elected Members' Report**

#### **Report Reference: FAC121217R6.1**

Councillor Telfer assumed the report as read and mentioned that she will bring up some other items later in the meeting.

The Committee noted that the CEO had received an additional KPI from Council with focus on timely information being provided to Elected Members. The Committee recommended that Council provide some clarity to the CEO regarding how the KPI will be measured to ensure he can meet expectations.

## 7. REPORTS

### **Matters for Discussion**

#### Corporate and Financial Management

### **9.43 am Framework and Key Assumptions for the preparation of the 2018/19 ABP&B and LTFP**

#### **Report Reference: FAC121217R7.1**

The Manager Finance and Contracts indicated that the planning for the 2018/19 ABP&B and LTFP process is well advanced. A similar process to last financial year has been implemented with a number of touch points with the Committee and Council.

The Manager Finance and Contracts indicated that Council is reviewing a number of unfunded initiatives. The total of these unfunded initiatives is approximately \$4.6m and these have yet to be prioritised.

The Committee noted the report.

The Committee queried if the employee costs of 2% was realistic? The CEO indicated that the AWU Employee Agreement is still not resolved. The last offer was again rejected by 84% of the AWU staff. Management will continue to work with staff in the New Year.

9.47am Councillor Kerry entered the meeting

The Committee indicated that the process is sound and management have refined it over the past few years to ensure good engagement with Council. The Committee also noted

that the organisation has pushed targeted savings in recent years meaning there is less to be found in future years.

The challenge for Council is keeping rates low with a desire to increase spending. Council can further investigate extra savings through service reviews. If there are any services that council can charge for and hence create an opportunity for an additional revenue stream from non-rates sources these should be investigated.

The Committee recommended to management to use the budget tools to clearly identify to Council when budgets will tip cash into the red (deficit) or when the financial reserves are proposed to be used.

The Committee discussed rate capping noting that the models adopted in NSW would indicate that our current rate increases would be below the cap in any event.

Councillor Kerry raised the cost of the Oaklands Crossing and it was confirmed that Council was contributing \$1.1m in cash and \$3.9m of in kind support. Works will be re-prioritised to accommodate this in-kind support (which is common practice and will have little impact on the capital works program as a whole).

#### **9.58 am Finance & Audit Committee Work Program & Meeting Schedule for 2018 Reference No: FAC121217R7.2**

The Committee reviewed the report and requested that the Committee's performance review be added to the work program in August 2018.

#### **Action – Add the Committee performance review to the August 2018 meeting**

**Moved Councillor Kerry, Seconded Ms Presser** that the Finance & Audit Committee:

1. Notes the proposed work program for 2018 identified at Appendix 1 to the report.
2. Adopts the following schedule of meetings for 2018;
  - a. TUESDAY, 27 February 2018 (9.30am – 12.30 pm)
  - b. TUESDAY, 29 May 2018 (9.30am – 12.30 pm)
  - c. TUESDAY, 14 August 2018 (4.00 – 6.00 pm, followed by joint workshop with Council from 7.00 – 9.00 pm)
  - d. TUESDAY, 2 October 2018 (9.30am – 12.30 pm)
  - e. TUESDAY 11 December 2018 (9.30am – 12.30 pm)

**Carried Unanimously**

#### **9.59 am Ombudsman SA Annual Report 2016/17 Report Reference: FAC121217R7.3**

The Governance Quality Coordinator provided an overview of the report noting that Marion had a total of 26 complaints to the Ombudsman in the 2016/17 financial year. This equates to a total of 2% of all complaints made to the Ombudsman. Of these complaints, the Ombudsman declined to investigate 40% and referred the other 60% back to Council to manage.

Not all people who were referred back to the Council pursued their complaint. There were no major learnings from these complaints which often related to parking issues, development concerns or the complaints processes in general.

Council has recently reviewed its Grievances Policy and made some minor changes to ensure that Elected Members are informed throughout the process.

The Committee noted the report.



**10.05am Auditor-General Report 2017 - status of key recommendations as at December 2017**

**Report Reference: FAC121217R7.4**

The Committee noted the report and the progress made. The Committee requested that management informed the Auditor General of the progress made against his recommendations by 31 December 2017 and ensured that any risks were appropriately managed on an ongoing basis.

**Action – That Management write to the Auditor General by 31 December 2017 and advise of progress made against recommendation within the report.**

**10.07 am Property Internal Audit Update**

**Report Reference: FAC121217R7.5**

The General Manager City Development provided an overview of the report noting that the new leasing policy is now in place. The Committee noted that the Land and Property team have come a long way but still require improvement. The renewal of the leases has been a long process but progress is being made. The organisation is still struggling to connect/engage with some community Committees.

It was noted that the new Leasing Policy has incentives included if the clubs/groups meet a number of requirements.

The Committee queried what was the difference between a permit and a lease? It was advised that a lease provides a contract for the access to land/building whilst a permit is often short term and allows permission for an element of the land/building to be temporarily used.

The Committee noted the report and the progress made. It was estimated that within the next 6 months a number of leases will be under control.

**ACTION – the Committee requested that at the May 2018 Committee meeting a short report is provided regarding progress.**

**10.10 am Draft Building Asset Management Plan**

**Report Reference: FAC121217R7.6**

The General Manager City Development provided an overview of the report noting that the report provides an update on building asset management plans and management is aware of the gaps in the program. It was also raised that there is a significant spike in the renewal requirements in 2025. The Committee advised that this spike needs to be spread evenly across a number of years as such a spike is not manageable. It was noted that the last building condition audit conducted identified a number of gaps and further detail and analysis is required to fill in these gaps. A more detailed review will occur to provide this data which is estimated to be around \$100k to complete.

The Committee also noted that the new building condition audit will discuss maintenance versus renewal and address any opportunities for asset optimisation.

The Committee advised that Council needs to consider how it will measure or what key performance indicator may be necessary to monitor community service levels for assets into the future.

The Committee also noted that Council had completed a community survey that had only received a 10% response rate. The Committee suggested that this could still be improved but did note that the Council had completed the survey twice and a better response was received the second time.

The Committee also noted that a survey had been completed regarding community leases and approximately 70% of these were returned.

It was highlighted that a 20% dissatisfaction was received from the community lease survey and the Committee suggested that council may like to investigate further into this.

Councillor Telfer raised that community facilities under lease often require repairs and maintenance meaning the little things that require fixing can take time to be resolved. This can cause dissatisfaction.

It seems that council inherited a number of properties over time and now a number of these are coming to the end of their useful life. When council was gifted buildings, not much was required at the time but they are now requiring significant work. The cost of this needs to be appropriately built into the Long Term Financial Plan but Council should also consider what buildings are surplus to requirements.

The Committee noted the report and suggested that further work was required before community engagement commenced.

### Internal Audit

#### **10.25 am Internal Audit Program 2017/18 Year 1 Report Reference: FAC121217R7.7**

10.26 am Mr Justin Jamison and Mr Jared Lawrence from KPMG entered the meeting.

The Governance Quality Coordinator provided an overview of the report highlighting that the internal audit program was on track and a number of recommendations from the previous Plan had been closed out. Those that were still outstanding were all low risk. The Committee requested that when reporting overdue recommendations that the risk rating is included in the report.

The Committee also requested if a due date for a recommendation is extended, it is evidenced that the relevant General Manager has approved the extension and the reasons why.

Mr Jamison provided an overview of the Corporate Reporting Audit highlighting it was a broad review and looked at accuracy, timing and reporting. It was noted that a number of corporate reports lacked structure and didn't cascade through the hierarchy meaning that there are some gaps and duplication. Improvements could be made regarding monitoring and reporting as often the reports lacked rigor and did not report against targets and variances.

It was noted that the new Work Area Plan process and KPI reporting was heading in the right direction and demonstrated improvement.

Data integrity was an issue as often data was contained in spreadsheets without controls to ensure accuracy.

The Committee noted the report and the recommendations and requested a report be provided to the May 2018 Committee meeting regarding progress.

**ACTION – the Committee requested that at the May 2018 Committee meeting a short report is provided regarding progress.**

Mr Lawrence presented four scopes to the Committee as follows:

- Contractor Management – this audit focuses on the end to end life cycle from contract execution to delivery. The audit will focus on WHS, value for money, service delivery and performance.

- Volunteer Management – this audit will review the strategy, process and procedures. The audit will address the attraction, supervision and the value of volunteers. It will also explore a different model to see if further value can be obtained for the community.
- Fines and Enforcement – this audit will review the process for enforcement of various legislation, fines and waiving fines. The Committee raised the matter of the Westfield Marion agreement and it was noted that this will be addressed via the service review rather than through the internal audit.
- NDIS – it was noted that this was not a traditional internal audit and the review will address a range of opportunities, risks and what are the future strategies/opportunities in this space. It was noted that the bulk of the work will be completed by Ben Wallace and Liana Frame from KPMG who specialise in this area. The Committee sought assurance that KPMG will not be charging the City of Marion for work already completed by them in this field. Mr Lawrence confirmed that the review will focus on the opportunities for Marion specifically.

The Committee endorsed all scopes.

10.54 am        The meeting agreed for a short adjournment  
 10.54am        Meeting adjourned  
 11.00am        Meeting resumed

### Service Reviews

#### **11.00am Service Review Program 2017/18 - Update Report Reference: FAC121217R7.8**

The Performance and Innovation Leader advised the Committee that the program was progressing well and to date seven (7) reviews were completed. The reviews were generating good outcomes and savings for Council.

The Committee noted the report and the updated provided.

#### **11.02am Service Review – Scopes Report Reference: FAC121217R7.9**

Two scopes were presented to the Committee for review being the Community Safety Inspectorate and the Open Space Transition Part 2.

The Performance and Innovation Leader advised the Committee that:

- The Community Safety review looks at the whole system of the Community Safety Team. This will also include the review of the Westfield Marion arrangements.
- The Open Space Transformation Part 2 will focus on service levels, productivity, quality, value and define meaningful metrics.

The Committee noted the scopes and recommended that the reviews look beyond local government and examine what may exist in the marketplace external to Councils that could be of benefit. It was also noted that any customer feedback obtained during the review is thorough and robust.

**11.05am Service Review - Update - Public Place Litter**  
**Report Reference: FAC121217R7.10**

The Committee noted the report and it was highlighted that the review has been managed well by staff involved. It was noted that consultation had occurred with both staff and the union. The service review was now finalised and the implementation of the recommendations had now commenced.

**8. CONFIDENTIAL ITEMS**

**11.09am Service Review – Report – Open Space Transformation Phase 1**  
**Report Reference: FAC121217F01**

**Moved Councillor Kerry, Seconded Ms Presser that:**

1. Pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Finance and Audit Committee orders that all persons present, with the exception of the following persons: Councillor Janet Byram, Adrian Skull, Tony Lines, Vincent Mifsud, Abby Dickson, Kate McKenzie, Mathew Allen, Brett Jaggard, Cassandra Gannon, Mel Nottle-Justice and Karen Brewster be excluded from the meeting as the Committee receives and considers information relating to the *Service Review – Report – Open Space Transformation Phase 1*, upon the basis that the Committee 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 personnel matters.

**Carried Unanimously**

**Moved Councilor Kerry, Seconded Councillor Telfer that:**

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Committee orders that this report, any attachment to this report and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act except when required to effect or comply with Council's resolution(s) regarding this matter, 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 2018.

**Carried Unanimously**

11.27 am the meeting came out of confidence

**11.27am BMX Project – Update Report**  
**Reference No: FAC121217F02**

**Moved Ms Presser, Seconded Councillor Telfer that:**

1. Pursuant to Section 90(2) and (3)(b)(i)(ii) of the *Local Government Act 1999*, the Finance and Audit Committee orders that all persons present, with the exception of the following persons: Adrian Skull, Chief Executive Officer; Vincent Mifsud, General Manager Corporate Services; Abby Dickson, General Manager City Development; Tony Lines, General Manager City Services; Kate McKenzie, Manager Corporate Governance; Donna Griffiths, Acting Manager City Activation; Ray Barnwell, Manager Finance and Contracts; Malcolm Eagles, Strategic Projects Officer; Councillor Janet Byram, City of Marion; Phil Freeman, Office of Recreation and Sport; Brian Delaney, Office of Recreation and Sport; Geoff Norris, City of Onkaparinga be excluded from

the meeting as the Council receives and considers information relating to Section 48 Prudential Report – BMX Confidential, upon the basis that the Finance and Audit Committee 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 and would on balance, be contrary to the public interest.

**Carried Unanimously**

**Moved Councillor Telfer, Seconded Ms Presser that:**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Committee orders that this report, Section 48 Prudential Report – BMX Confidential and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(i)(ii) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, 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 2018.

**Carried Unanimously**

11.54am the meeting came out of confidence

**9. ANY OTHER BUSINESS**

The Committee thanked Ms Presser for her professionalism, contribution and well considered advice to the Committee over the past two and a half years.

Ms Presser also thanked the Committee and recognised the progress achieved during her time on the FAC.

The Chair also thanked staff for their efforts during the year and wished everyone a merry Christmas and happy new year.

**10. MEETING CLOSURE**

The meeting was declared closed at 11.57 pm.

**11. NEXT MEETING**

The next meeting of the Finance and Audit Committee is scheduled to be held:

**Time: 9.30am**

**Date: 27 February 2018**

**Venue: Council Chamber, Administration Building**

.....

**CHAIRPERSON**

/ /

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

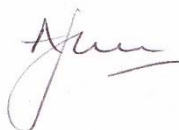
**CONFIDENTIAL REPORT**

**Corporate Manager:** Sherie Walczak, Acting Manager Corporate Governance  
**General Manager:** Vincent Mifsud, General Manager Corporate Services  
**Subject:** Finance and Audit Committee Confidential Minutes  
**Reference No:** GC300118F01

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If the Council so determines, this matter may be considered in confidence under Section 90(2) and (3)(a), (b), (d) and (h) of the *Local Government Act 1999* on the grounds that the report contains:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and would, on balance, be contrary to the public interest
- commercial information of a commercial nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest
- information relating to legal advice.



**Adrian Skull**  
Chief Executive Officer

**RECOMMENDATION**

1. That pursuant to Section 90(2) and (3)(a), (b), (d) and (h) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Chief Executive Officer; Vincent Mifsud, General Manager Corporate Services; Abby Dickson, General Manager City Development; Tony Lines General Manager Operations; Kate McKenzie, Manager Corporate Governance; Jaimie Thwaites, Unit Manager Governance and Records, be excluded from the meeting as the Council receives and considers the confidential minutes of the Finance and Audit Committee, 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 personal affairs, commercial information of a confidential nature and legal advice.

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**CONFIDENTIAL REPORT**

**Originating Officer:** Malcolm Eagles, City Activation  
**Manager:** Greg Salmon, Manager City Activation  
**General Manager:** Abby Dickson, General Manager City Development  
**Subject:** BMX Project – Update Report  
**Reference No:** GC300118F02

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If Council so determines, this matter may be considered in confidence under Section 90(3)(b)(i)(ii) of the *Local Government Act 1999* on the grounds that the report contains information that;

- (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.



**Adrian Skull**  
Chief Executive Officer

**RECOMMENDATION**

1. That pursuant to Section 90(2) and 90(3)(b) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Abby Dickson, Tony Lines, Vincent Mifsud, Kate McKenzie, Greg Salmon, Malcolm Eagles and Jaimie Thwaites be excluded from the meeting as the Council receives and considers information relating to the BMX Project, 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 BMX Project and disclosure of 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.

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**CONFIDENTIAL REPORT**

**Originating Officer:** Jaimie Thwaites, Unit Manager Governance and Records

**Corporate Manager:** Kate McKenzie, Manager Corporate Governance

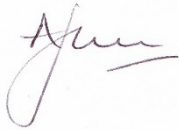
**General Manager:** Vincent Mifsud, General Manager Corporate Services

**Subject:** Review of Confidentiality Orders: Investigation, GC250815F05 and Investigation, GC080915F03

**Report Reference:** GC300118F03

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If the Council so determines, this matter may be considered in confidence under Sections 90(3)(g) and (h) of the *Local Government Act 1999* on the grounds that the report contains information that Council has a duty to keep confidential and legal advice.



**Adrian Skull**  
Chief Executive Officer

**RECOMMENDATION:**

- 1. That pursuant to Section 90(2) and (3)(g) and (h) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Abby Dickson, Vincent Mifsud, Kate McKenzie and Jaimie Thwaites, be excluded from the meeting as the Council receives and considers information relating to 'Review of Confidentiality Orders: Investigation, GC250815F05 and Investigation, GC080915F03', 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 item contains information Council has a duty to keep confidential and legal advice.**



**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Originating Officer:** Glynn Ricketts, Water Resources Coordinator

**Corporate Manager:** Mathew Allen, Manager Engineering and Field Services

**General Manager:** Tony Lines, General Manager City Services

**Subject:** Oaklands Education Centre

**Report Reference:** GC300118R02

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### **REPORT OBJECTIVES**

This report seeks the approval of Council to partner with Flinders University for the two-year provision of an Education Centre at Oaklands Wetlands.

### **RECOMMENDATIONS**

### **DUE DATES**

**That Council:**

- |  |                    |
|--|--------------------|
| <b>1. Notes the Report and supporting Business Case.</b>   | <b>30 Jan 2018</b> |
| <b>2. Delegates authority to the CEO to enter into an Agreement with Flinders University in relation to the development of an Education Centre at Oaklands Wetland, with Option 2 being the preferred delivery model.</b>                        | <b>30 Jan 2018</b> |
| <b>3. When the priority of items on the Unfunded Initiatives list is next reviewed, Council will consider a matching contribution of up to \$100k over a 2 year period to support the provision of an Education Centre at Oaklands Wetlands.</b> | <b>30 Jan 2018</b> |
| <b>4. Notes that a further report detailing the utilisation of the centre, actual cost of occupancy and next steps will be presented to Council in June 2020.</b>  | <b>June 2020</b>   |

### **BACKGROUND**

A report was presented to Council in October 2017 (GC101017R04) in regards to the opportunity to develop an Education Centre at Oaklands Wetlands, in conjunction with Flinders University (as funding partner). At that time, Council requested that the opportunity be further explored and that a Business Case be developed for further consideration. This Business Case is attached (Appendix 1).

Oaklands Wetland has established itself as an education and research platform since its construction in 2012. The current educational activities at the wetlands are as follows:

- Under and post graduate students from local universities regularly use the wetlands for projects and to conduct relevant, local, and applied research.
- In October, a second Bioblitz was undertaken at the site, to further understand the ecology.

- Local schools and colleges regularly visit the wetlands. It is estimated that two school visits are conducted per month, with little promotion of the location and/or its activities.
- The NRM Education Officer (hosted by Council) also regularly takes school students to the wetlands for field-testing and experiments.

Currently there are no buildings/shelters to enhance or encourage the use of the wetlands as an educational platform. Having a facility will enable Council and our wetland funding partners to further showcase the stormwater reuse process and the response to drought events, to our residents, visitors and overseas delegations. Several visiting Government delegations have explored and examined the operation of the wetlands.

## DISCUSSION

The business case for the provision of a building at the wetlands has been developed as a result of continued discussions between the Flinders University and Council. The concept involves:

- A classroom capable of holding 30 students;
- A small-scale wet laboratory;
- Kitchen;
- Toilet facilities.

It is proposed to locate the building adjacent to the existing pump shed to utilise the car park and landscaping already proposed and costed within Stage 2 of the Youth Plaza project.

Three delivery models are assessed in the supporting business case, these are:

	Option Description	Set up costs/formation <sup>1</sup>	Build/lease costs	Annual cost
1.	Purchase of building	\$100,000	\$450,000	\$10,000
2.	Lease/rent building	\$100,000	\$37,387 p.a.	\$10,000
3.	Lease with option to buy	\$100,000	\$37,387 per year (2 years), then circa \$400,000 after 2 year hire period	\$10,000

Note 1: Initial set up costs required for delivery, slab/footings, tie downs, utilities, stormwater, fencing, security, etc.

Options 2 and 3 enable the vested parties to explore usage rates before any long-term commitment. Option 2 is preferred by Flinders University. The attached Business Case also supports this delivery option. Funding requested is based on Option 2, with a hold point and further report to Council on usage rates/value for money assessment.

Advice from Council's Land and Property Department is that any Education Centre at the wetlands would complement our current long-term land lease agreement with the State Government.

## Funding

The delivery of this project will require \$200,000 over 2 years (Capex and Opex). After two years the utilisation rates will be measured and a "value for money assessment" undertaken. This information, along with long term options and ongoing cost/revenue valuation will be detailed in a report to Council.

As a result of discussions the funding model for the establishment of a building and associated maintenance costs (for 2 years) is as follows.

Organisation	Contribution (Capex and Opex)
Flinders University	\$100,000
City of Marion	\$100,000 (matching funding required)

A support letter from the Flinders University advising their commitment to funding is attached, refer to Appendix 2.

## CONCLUSION

An Education Centre located within the Oaklands Wetlands will add more value to the site and further establish Wetlands as a leading research platform, showcasing Council's stormwater reuse program and the response to drought events. This is a joint venture between the Flinders University and the City of Marion.

A Business Case has been developed detailing costs and benefits of this opportunity. Option 2, a two-year lease arrangement, with hold point is the preferred delivery model for Flinders University and is supported by the Business Case assessment.

## APPENDICES

Appendix 1 – Oaklands Education Centre Proposal Business Case

Appendix 2 – Flinders University letter of support

**Project Name: Education Centre; Oaklands Wetlands**

**Date:** 20/12/2017

**Project Sponsor:** Tony Lines

**Project Manager:** Glynn Ricketts

**Report prepared by:** Glynn Ricketts

**Report forwarded to:**

Mark Griffin Unit Manager Engineering

ELT

Elected Members (Via Council Report GC300118R)

## 1. Project Background

### Objectives:

Oaklands wetland has established itself as an education and research platform since its construction in 2012. Under and post graduate students from local universities regularly use the site for projects and to conduct relevant, local, and applied research. In October, Council hosted the second Bioblitz at the site, to further understand its ecology.

In addition, Council promotes the wetlands as an educational opportunity to local schools and colleges. It is estimated that two school visits are held per month with little promotion of the site tours. The NRM Education Officer hosted by Council also regularly takes school students to the site for field-testing and experiments.

Currently there are no buildings/shelters on the site to enhance, or encourage the use of the wetlands, as an educational platform.

Consequently, staff have been exploring the possibility of improving the "Oaklands Wetland Education Experience".

### Deliverables:

Locating a hired semi-permanent, educational standard, demountable building next to the existing pump shed for a period of two years to enable the assessment of the facility, including utilisation rates and value for money before deciding on any long term arrangement.

### Project History:

Key project steps	Date achieved	Council report reference (where applicable)
Initial discussions with staff from Council/Finders Uni:	June- Oct 2017	

Meeting with CEO/Staff and Senior Staff from Flinders to discuss concept/possibly service delivery and funding options	29/08/17	
Staff presented concept at a Ward Briefing	12/09/17	
Project concept presented to Council:	10/10/17	GC101017R1
<ol style="list-style-type: none"> <li>Notes the Report.</li> <li>Delegates Authority to the CEO to enter into an Agreement with Flinders University in relation to developing a Business Case including funding options to develop an Education Centre at Oaklands wetland.</li> <li>Notes that a further report containing the Business Case will be presented to Council in January 2018.</li> </ol>		

## 2. Project Next Steps

What	Why / Further detail	Who	Council Report reference	Key Dates
<b>Council Report seeking approval for project and matched funding</b>	As per Council resolution.	Glynn Ricketts in consultation with the <u>Working Group</u> : <ul style="list-style-type: none"> <li>Flinders Uni Property Officers</li> <li>Flinders Uni working group</li> <li>Open Space Planning</li> <li>Arborist</li> <li>Biodiversity Officer</li> </ul>	GC300118R	30/01/18
<b>Implementation of shared cost/preferred procurement methodology</b>	As per Council Procurement policy	<ul style="list-style-type: none"> <li>Glynn Ricketts</li> <li>Contract team</li> </ul>		March 2018
<b>Pilot use of Education Centre</b>		<u>Working Group</u> : <ul style="list-style-type: none"> <li>Plus City Activation team and NRM</li> </ul>		July 2020
<b>2 year operation hold point</b>	A Report will be presented to Council and Flinders Executive detailing usage rates and	<u>Working Group</u>		August 2020

What	Why / Further detail	Who	Council Report reference	Key Dates
	value for money to determine longer term future			

### 3. Contract status

#### Flinders University

A formal response has been received from Flinders (as a result of several meetings) supporting the initiative. An invoice, along with supporting documentation will be raised for the Flinders University funding contribution, along with ongoing payments for operational expenses.

#### Supplier

A Contract will be required between Council and the building supplier.

### 4. Risk Management

1. Education pilot program is not funded out of the Unfunded Initiatives List

*Likelihood:* Possible *Consequence:* Minor *Rating:* **Medium**

Not funding the pilot program would mean that the wetland would still serve as an education centre but at its present low "energy" level. An Education Centre was planned during the site's Master planning and associated public consultation.

2. Increased maintenance is required beyond budget allowance

*Likelihood:* Unlikely *Consequence:* Minor *Rating:* **Low**

The operational costs have been estimated and a joint funding proposal requested. This has already been approved in principle by Flinders Executive team

3. Unbudgeted increased maintenance requirement for vandalism/theft

*Likelihood:* Unlikely *Consequence:* Minor *Rating:* **Low**

The buildings will be insured and added to Council asset management system. A security fence will be installed with lighting and an alarm system (aligning with systems within the adjacent pump shed)

4. Community dissatisfaction in changes to reserve management.

*Likelihood:* Unlikely *Consequence:* Minor *Rating:* **Low**

An Education Centre was planned during the site's Master planning and associated public consultation, consequently it is considered that there was/is a community expectation that a facility would be located at the wetlands.

### 5. Communication Management

### External Stakeholders

- Oaklands Estate Residents Association has expressed interest in seeing Council further develop Oaklands Reserve/Wetlands.
- The recently formed Friends Group has already asked if they can use the facility for meetings/hosting events.
- The AMLR Natural Resources Board has also been briefed and if the building is available has also expressed an interest in using the facility.

### Internal Stakeholders

- Advice from Council's Land and Property Department is that any Education Centre would complement the current long-term land lease agreement with the State Government.
- Council's City Activation Department has been briefed and will promote the building and wetland complex.

## 6. Finance Management

Detailed discussion with Flinders University has resulted in a preferred concept, involving:

- A classroom capable of holding 25 students
- A small-scale wet laboratory
- Kitchen
- Toilet block located next to the existing pump shed (Refer Appendix 1)
- Car parking, access and landscaping (already planned and costed in the Stage 2 Youth Plaza project).

Three delivery models were available;

- Capital acquisition (rejected due to high upfront costs)
- Lease rent (preferred with two year review)
- Lease rent with option to buy (costing not forthcoming as condition of asset after two years needs assessment along with market conditions at that time)

	Option Description	Set up costs/formation <sup>1</sup>	Build/lease costs	Annual cost
1.	Purchase of building	\$100,000	\$450,000	\$10,000
2.	Lease/rent building	\$100,000	\$37,387 p.a.	\$10,000
3.	Lease with option to buy	\$100,000	\$37,387 per year (2 years), then circa \$400,000 after 2 year hire period	\$10,000

Note 1: Initial set up costs required for delivery, slab/footings, tie downs, utilities, stormwater, fencing, security, etc.

Options 2 and 3 enable the vested parties to explore usage rates before any long-term commitment.

Flinders University has indicated it is willing to contribute \$100,000 towards capital costs and ongoing maintenance costs, refer the Letters of Support (Appendix 2).

Matched funding is required from Council of \$100,000 over two years, sourced from the unfunded initiatives program.

\$200,000 over two years provides the budget (both Capex and Opex). After two years the utilisation rates will be assessed and a “value for money assessment” undertaken with a Council report detailing the longer term options and ongoing costs/revenue (via any building hire cost recovery).

## 7. An added value proposition

Council has expressed support for this initiative. An Education Centre was always proposed for the Oaklands Wetland complex. It is not considered core business for Council but it will add value to the overall wetland experience for our ratepayers, stakeholders and visitors.

It has not been possible to add an economic value of the externalities due to intangibility and indirect nature of the value add aspects. Nevertheless, the indications of interest, indicate that it will be well utilised. This is reinforced by the commitment of Flinders University, that is, they are a 50% finance partner and they want to see the facility work.

At the time of writing 2 PhD Students are using Oaklands for relevant applied research, with two more research papers under consideration (2 Doctorate thesis on the site and catchment). In addition, undergraduate students are routinely brought to the site. As such Flinders University would be a priority customer for the facility.

The intent is to generate a modest income by renting out the building for meetings and community events. Any revenue generated will be reported back to Council during the 2 year review reporting. Flinders University won't be charged for the use of the facility.

The actual value to our rate payers is unquantifiable and depends upon how the site is promoted and used. It is proposed that we set up a working group with staff from Flinders University and Council to ensure utilisation of the facility.





**Flinders**  
UNIVERSITY

College of Science  
& Engineering

Professor John Beynon  
FIMMM, FIEAust, FTSE, FREng  
Vice President & Executive Dean  
College of Science and Engineering

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Adelaide SA 5001

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john.beynon@flinders.edu.au

flinders.edu.au/science\_engineering

22 December 2017  
Ref 1102

Glynn Ricketts  
Water Resources Coordinator  
City of Marion  
PO Box 21  
Oaklands Park  
SA 5046

Dear Glynn

#### **Oaklands Wetland Education Centre**

On behalf of the College of Science and Engineering, Flinders University (Flinders) I express our immediate and ongoing support to the City of Marion Council's (CoM) commitment to create an Education Centre (Centre) at Oaklands Wetland. The Centre aims to become a hub for a wide-range of community education, outreach and capacity building activities.

It is envisioned that the Centre will engage a broad community: from early childhood, to primary, secondary, university and vocational students and teachers, researchers, government agencies, mature-age citizens, traditional owners and community organisations. This is in no way a complete list, and it is expected to grow as Centre programs are developed.

We understand that procurement, project management, operation and ownership of the Centre facilities will be undertaken wholly by the CoM. It is anticipated that facility bookings would be also managed by CoM with Flinders to provide a single contact person to assist with booking coordination for Flinders' use of the Centre.

Flinders will be involved in an advisory capacity in the procurement and we understand the CoM's preferred model of a term of 2 years hire with an option to purchase, return or extend the hire period. Flinders is supportive of the procurement method, as representing a low risk and capacity investment compared to a custom build.

The early concept plan for the facilities are for teaching, learning and outreach activities requiring internal fit-out of a small research and teaching wet lab; a larger space for groups of up to 30 seated with shelves or space for school bags; space to house educational materials with some lockable storage; basic kitchen facilities; toilets; Wi-Fi access and a large screen TV for computer projection.

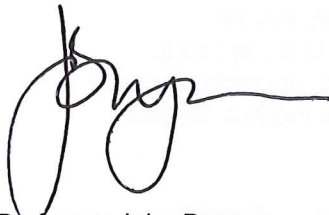
Flinders commits a \$100,000 contribution, as per my letter to Glynn Ricketts sent on the 21<sup>st</sup> September, 2017. In exchange for the contribution, Flinders expects exclusive use of the facilities by a university, supported by co-branding of the Centre. Without wishing to specify a time fraction, Flinders expects cooperative discussions on availability, particularly to deal with the cyclic nature of school and university needs. Within the 2-year timeline, we support a review of the arrangements for facilities and utilisation being undertaken so that a decision on arrangements beyond the initial 2-year period is well-founded.

In addition to the monetary contribution, Flinders would provide in-kind support, promoting and self-funding a range of community engagement, research and education programs. For example:

- PhD and Masters Students undertaking practical research around water linked to Oaklands, which already occurs and is likely to grow with the availability of the facilities of the Centre.
- Taking a lead role in raising student STEM aspirations and teacher professional development across the Earth and Environment SACE topics, and Geosciences pathway projects to support teachers in the delivery of earth and environmental sciences topics.
- Developing educational resources and materials that schools can utilise in university-led workshops and field trips to the Centre.
- Indigenous engagement collaboration through Flinders' Office of Indigenous Strategy and Engagement (OISE) on the upcoming commission with WAX design and Centre development that encompasses the Wetland.

We look forward to working with you to further develop the design brief, co-branding opportunities and operational arrangements.

Yours sincerely,



Professor John Beynon  
Vice President & Executive Dean  
College of Science and Engineering

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Originating Officer:** Rachel Read, Unit Manager Human Resources  
**Corporate Manager:** Steph Roberts, Manager Human Resources  
**Chief Executive Officer:** Adrian Skull  
**Subject:** Diversity and Inclusion Plan  
**Report Reference:** GC300118R03

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**EXECUTIVE SUMMARY**

Council's Diversity and Inclusion Plan demonstrates our commitment to Diversity and Inclusion within our workforce.

Building on our Corporate Values of Respect, Integrity, Achievement and Innovation, we strive to build on a workforce that is inclusive of employees of various ages, sexuality, genders, cultural backgrounds and employees with physical and mental disabilities.

**RECOMMENDATIONS**

<b>That Council:</b>	<b>Due Date</b>
<b>1. Notes this report and accompanying Diversity and Inclusion Plan.</b>	<b>30 Jan 18</b>

**BACKGROUND**

The Diversity and Inclusion Plan was previously known as the Equity and Diversity Plan, 2008 and has been enhanced to reflect the strategic approach of Council.

**DIVERSITY AND INCLUSION PLAN**

The Plan embraces practices which value diversity and inclusion through Council operations and employment activities. There are three key objectives within the plan which identify strategies on leadership, environment and awareness. Greater emphasis has been placed on developing employee awareness and employment practices in relation to minority groups.

The Plan is aligned to the City of Marion's Reconciliation Action Plan July 2016 – June 2019.

In addition, the Diversity and Inclusion Committee has recruited new members, increasing the diversity of the committee in the areas of age, gender, ethnic background, nationality and disability. The Committee works in conjunction with the Human Resources Unit to identify develop and implement programs, initiatives, policies and procedures relating to diversity and inclusion in our workforce, in accordance with the Diversity and Inclusion Plan.

## **CONCLUSION**

Council recognises the importance of embracing this plan to enable us to achieve a workforce that reflects diversity and inclusiveness.

## **Appendix 1: Diversity and Inclusion Plan**



# Draft Diversity & Inclusion Plan



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## From the Chief Executive Officer

Our Diversity & Inclusion Plan 2017-2020 shows our commitment to having an organisation that welcomes diversity and is inclusive.

The Plan builds upon our foundation values of Respect, Achievement, Integrity and Innovation. Our approach embraces strategies to foster an inclusive and safe workplace where all persons are welcomed, valued, and have opportunities to grow and develop.

We strive to develop an inclusive workforce comprising people of various genders, ages, sexuality, cultural backgrounds and those with physical and mental disabilities.

Our approach embraces strategies to:

- Provide inclusive and equitable work environments free from discrimination and harassment
- Reduce employment barriers and attract a diverse, talented workforce
- Develop, retain and value a diverse workforce

Each of us has a role to play and a responsibility to contribute to this inclusive environment.

Together we can foster a workplace that promotes a positive and safe space for all.

I look forward to working with you to achieve this together.

Adrian Skull  
CHIEF EXECUTIVE OFFICER

## Context and purpose

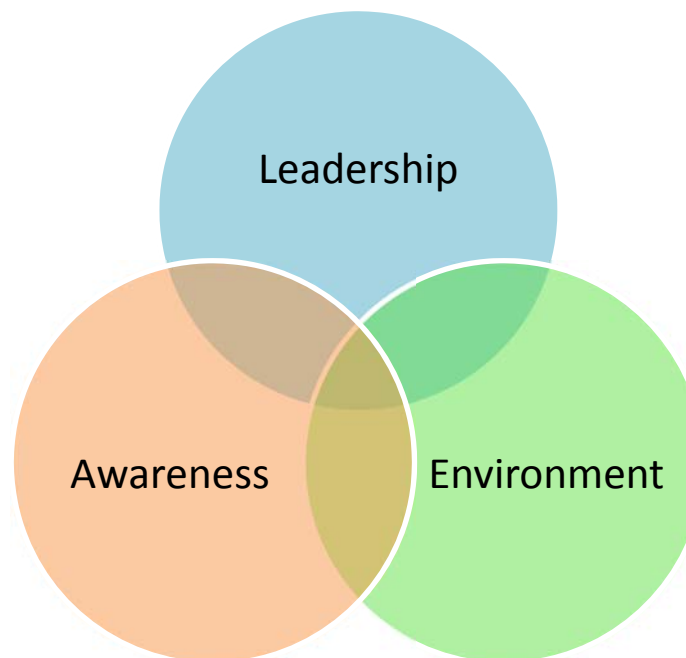
City of Marion's Diversity and Inclusion Plan seeks to promote practices that value diversity throughout all operations and employment related activities, including recruitment and selection, training and development, remuneration and benefits, performance management as well as the grievance and disciplinary procedures.

The Plan itself has three key objectives under the focus objectives: *Leadership*; *Environment* and *Awareness*

**Objective 1** – Our Leaders embrace a workplace that values diversity and inclusion and proactively creates a positive and safe space for all people.

**Objective 2** – Our policies, procedures and practices foster a workplace environment that embraces diversity and inclusion.

**Objective 3** – We have a culture, where everyone values the importance of diversity and inclusion in both driving organisational performance and providing a welcoming and safe workplace for everyone.



These objectives are accompanied by initiatives to enable an inclusive work place.



## **Responsibility for our Diversity and Inclusion Plan**

Council recognises the importance of embracing this plan to have an inclusive workplace.

Human Resources (HR) has responsibility for the Diversity and Inclusion management plan, however, the implementation of the Plan will be monitored by the Diversity and Inclusion Committee with quarterly progress reports provided to the Executive Leadership Team.

## **Implementing the plan**

HR will coordinate the implementation of initiatives, which support the Plan in consultation with the committee.

The support of the leadership team and staff is critical to implementing initiatives and achieving the outcomes in the plan.

People Leaders are accountable for ensuring all staff understand and are committed to contributing to the achievement of outcomes in this Plan.

## **Monitoring and reporting**

HR will monitor, review, amend and report on the Plan in consultation with the committee.

Progress against employment diversity data will be reported annually to the committee.

# City of Marion Strategic Direction and Values

## Strategic Direction

The Strategic Plan – Towards 2040 is a shared vision for the future of our City. It plays an important role in influencing Council's planning, policymaking, allocation of resources and will therefore shape the future of the Marion Community.

### Our Community Vision:

*A Community which is Livable, Valuing Nature, Engaged, Prosperous, Innovative and Connected.*

### Our Purpose:

*To improve our residents' quality of life, continuously, smartly and efficiently.*

## Our Values

Our values are important to us as they help drive behaviours that will enable us to achieve the strategic direction of the Council.

With the community and safety at the forefront of everything we do, Marion values:

**Respect** – Treat everyone as we want to be treated, where all contributions are valued

- We embrace and celebrate diversity
- We demonstrate courtesy
- We acknowledge and listen to others
- We communicate and provide explanation for your decisions

**Integrity** – Fostering trust and honesty in all of our interactions

- We follow through on commitments
- We are frank, open, courageous and transparent
- We are genuine and authentic
- We lead by example

**Achievement** – Enhancing our knowledge and performance to reach our shared goals, while being directed to supporting one another

- We are responsible and accountable for your actions
- We give and accept feedback
- We display courage and are decisive
- We get things done and celebrate

**Innovation** – Encouraging new ideas, and learning from our experience to do things better

- We look for ideas and opportunities to better deliver
- We pursue informed risk-taking
- We practice creative problem solving
- We explore and share best practice

## WE LIVE OUR VALUES

### Respect

Treating everyone as we want to be treated, where all contributions are valued

### Integrity

Fostering trust and honesty in all of our interactions

### Achievement

Enhancing our knowledge and performance to reach our shared goals, while being dedicated to supporting one another

### Innovation

Encouraging new ideas, and learning from our experience to do things better

## OUR COMMUNITY VISION



## City of Marion's commitment to Diversity and Inclusion

The City of Marion (Council) embraces diversity and inclusion to deliver outcomes to our business, people and workplace.

Diversity and Inclusion strategies have a positive impact on staff and help to drive performance. Council has a strong commitment to diversity and inclusion that will assist in ensuring:

- A safe, healthy, caring and working environment
- A workforce that is tolerant, understanding and accepting of diversity both in our workplace and our community
- The protection of employee wellbeing
- All of our employees are supported and respected
- Our workforce is efficient and productive
- Every employee has the opportunity to apply for positions
- The best person for the job is selected (Merit Principle)
- Less disruption and work conflict

All employees, volunteers, labour hire employees and contractors providing labour and services to Council have a joint responsibility to meet these commitments.

The Diversity and Inclusion Plan should be read in conjunction with Council's Reconciliation Action Plan and the Equity, Access and Inclusion Policy.

## What is Diversity and Inclusion?

Diversity represents differences in age, gender, ethnicity, religion, socio-economic status, life experiences, disability, sexual orientation, education and national origin that are implemented by laws and policies.

Inclusion is a sense of belonging, feeling respected and valued as individuals or members of a group.

*“Diversity is the mix; inclusion is getting the mix to work well together”.*

**Reference - Global Diversity Ltd.**

### Legislation that supports this plan

Australian Legislation:

- Human Rights Commission Act 1986
- Australian Privacy Act 1988
- Workplace Gender Equality Act 2012
- Racial Discrimination Act 1975
- Disability Discrimination Act 1992
- Age Discrimination Act 2004
- Sex Discrimination Act 1984

South Australian Legislation:

- Equal Opportunity Act 1984 (SA)
- Racial Vilification Act 1996 (SA)
- Whistle Blowers Protection Act (SA)

## Leadership

Objective: Our Leaders embrace a workplace that values diversity and is truly inclusive and proactively creates a positive space for all.

	Initiative	Value Alignment	Outcome	Responsibility	Measure	Review Date	Status
	<i>Strategies we put in place to achieve the outcome – what we aim to do</i>		<i>What we want to see as the outcome Where we aim to get to</i>	<i>For achieving the initiative</i>	<i>The evidence of success. The frequency</i>	<i>Date to assess review how we are progressing</i>	
1.1	Provide opportunities for employees to realise work/life balance (taking into account corporate needs) through our Flexible Working Arrangement Policy	Respect	All leaders are aware of the policy and apply consistently while balancing operational requirements in accordance with the Fair Work Act	Senior Leadership Team	>90% of staff believe that the organisation provides equitable access to flexible working arrangements, which are balanced with operational requirements	Bi-annually	
1.2	Provide Recruitment and Selection training to the Leadership Team, ensuring that Equal Employment Opportunity (EEO) and “values fit” are included.	Integrity Achievement	Training has occurred for all members of the Leadership Team	Human Resources	95% participation rate of the Leadership Team in training	Tri-annually	
1.3	Identify targeted employment strategies that address gaps (where the applicant meets the merit principle): <ul style="list-style-type: none"> <li>Indigenous employment</li> <li>Age</li> <li>Disability employment</li> <li>Gender</li> <li>Cultural diversity</li> </ul>	Innovation	Increased awareness and support for targeted employment strategies Increased diversity	Diversity and Inclusion Committee in consultation with HR and ELT	Employment strategies included in Council's Workforce Plan. Aboriginal and Torres Strait Islander Employees make up 1% of the workforce.	Ongoing	Workforce planning occurring
1.4	Develop training and support materials for the Leadership Team on inclusivity and	Respect	Leaders are aware of inclusive work practices and understand the value of	HR, ELT, SLT	95% of Leaders attend training	Tri-annually	

	<b>Initiative</b>	<b>Value Alignment</b>	<b>Outcome</b>	<b>Responsibility</b>	<b>Measure</b>	<b>Review Date</b>	<b>Status</b>
	diversity which addresses unconscious bias and develops leadership capabilities in fostering inclusive work practices	Integrity	diversity				
<b>1.5</b>	Develop an Inclusivity Strategy	Respect Integrity	An inclusive and safe workplace free from discrimination	HR, ELT, SLT	>90% of staff feel we have an inclusive workplace		

## Objective 2: Environment

Our policies, procedures and practices foster a workplace environment that embraces diversity and inclusion.

	Initiative	Value Alignments	Outcome	Responsibility	Measure	Review Date	Status
	<i>Strategies we put in place to achieve the outcome – what we aim to do</i>		<i>What we want to see as the outcome? Where we aim to get to</i>	<i>Responsible for achieving the initiative</i>	<i>The evidence of success. The frequency?</i>	<i>Date to assess how we are progressing.</i>	
2.1	Undertake a staff and volunteer survey to evaluate attitudes to and awareness of Council's diversity and inclusion aspirations	Innovation Integrity	Initiatives identified and a program established to support staff and volunteer wellbeing and provide the opportunity for feedback to CoM  Survey provides data to support diversity and inclusion initiatives and evaluate effectiveness	Human Resources	Survey is administered bi-annually  Base line data obtained in 2017-18 survey	Bi-annually	
2.2	Build an organisational workforce demographic profile to identify where and how we can improve in diversity and inclusion	Innovation Achievement	Information linked into targeted employment strategies	Human Resources	All LT have a demographic profile for their work area	June 2018	
2.3	Review the following Policies and Procedures to ensure fairness and inclusivity: <ul style="list-style-type: none"> <li>Employee Wellbeing</li> <li>Employee Performance</li> <li>Equal Opportunity, Discrimination, Harassment and Bullying</li> <li>Termination and Separation</li> </ul>	Achievement Innovation Integrity Respect	All Human Resource policies and procedures comply with EEO principles and further enhance an inclusive, fair and equitable culture	Human Resources	100% of identified policies reviewed by January 2020	3 yearly	

	<b>Initiative</b>	<b>Value Alignments</b>	<b>Outcome</b>	<b>Responsibility</b>	<b>Measure</b>	<b>Review Date</b>	<b>Status</b>
<b>2.5</b>	Provide information to the Leadership Team around EEO legislative changes and requirements.	Achievement	Current information is provided to the Leadership Team	HR Unit	All LT are up to date with legislation relating to EEO.	Ongoing	
<b>2.6</b>	Evaluate the effectiveness and review the nomination process/term of the D&I Contact Officers	Achievement	Effective Contact Officer Network that meets the needs of the organisation	HR Unit		31 October annually	
<b>2.7</b>	Any changes/ refurbishment of accommodation for employees take into consideration the Disability Discrimination Act (DDA) standards	Integrity Respect	DDA standards are referred to Accommodation Policy	Manager City Property	Percentage of staff Accommodation which meets DDA standards	As required	



## Objective 3: Awareness

We have a culture in which everyone values the importance of diversity and inclusion in both driving organisational performance and providing a welcoming workplace for all

	Initiative	Alignment with Values	Outcome	Responsibility	Measure	Review Date	Status
	<i>Strategies we put in place to achieve the outcome – what we aim to do.</i>		<i>What we want to see as the outcome. Where we aim to get to.</i>	<i>For achieving the initiative.</i>	<i>The evidence of success. The frequency?</i>	<i>Date to assess how we are progressing.</i>	
3.1	Facilitate non-mandatory employee awareness sessions on cultural diversity	Respect	Staff are aware of the cultural diversity of 'minority' groups	Human Resources	Offer sessions throughout the year Incorporate into staff induction sessions	Annually	
3.2	Facilitate volunteer awareness sessions on cultural diversity	Respect	Volunteers are aware of the cultural diversity of 'minority' groups	Volunteer Development Officer	Volunteer attendance at awareness sessions	Bi-annually	
3.3	<p>Promote employment practices that support diversity and inclusion and reduce barriers to employment by:</p> <ul style="list-style-type: none"> <li>Increasing awareness of people leaders of equal employment opportunity.</li> <li>Providing information and resources on reviewing, supporting and managing flexible work practices to leaders</li> <li>Providing information and resources on flexible work practices to staff</li> <li>Incorporating into our employment branding</li> </ul>	<p>Respect</p> <p>Respect</p>	<p>Managers attend EEO training</p> <p>Policies &amp; procedures available to staff</p>	<p>Human Resources</p> <p>HR and Customer Experience Manager</p>	<p>100% leaders attending training</p>	Bi-annually	

	<b>Initiative</b>	<b>Alignment with Values</b>	<b>Outcome</b>	<b>Responsibility</b>	<b>Measure</b>	<b>Review Date</b>	<b>Status</b>
<b>3.4</b>	Increase and promote the network of trained Diversity & Inclusion contact officers to support staff resolve workplace discrimination, harassment and bullying issues within the scope of their role	Respect	Staff are aware of the D&I Contact Officers	Human Resources Diversity and Inclusion Contact Officers	100% of staff are aware of the D&I Contact officers D&I contact Officers are trained	Bi-annually	
<b>3.6</b>	Conduct EEO information sessions for new employees	Respect	All new employees are aware of diversity and inclusion principles and practices at CoM	Contact Officers HR Unit	100% of new employees attend a session	ongoing	
<b>3.7</b>	Conduct EEO information sessions for new volunteers	Respect	All new volunteers are aware of diversity and inclusion principles and practices at CoM	Volunteer Development Officer	100% of volunteers attend a session	ongoing	
<b>3.8</b>	Conduct EEO revision and refresher training for all staff, including the Leadership Team	Achievement	All staff are aware of EEO principles and practices at CoM	Contact Officers HR Unit	90% of all staff attend a revision/refresher training session	Bi-annually	
<b>3.9</b>	Conduct EEO revision and refresher training for all volunteers	Achievement	All volunteers are aware of EEO principles and practices at CoM.	Volunteer Development Officer	90% of volunteers attend a revision/refresher training session	Bi-annually	
<b>3.10</b>	Deliver "diversity and inclusion in the workplace" information sessions for people leaders	Respect	People Managers value and seek diversity within work teams	Human Resources	2 sessions per year with 90% attendance	Annually	
<b>3.11</b>	Deliver disability information sessions to staff	Respect	Staff respect and support people with disabilities within the workplace	Human Resources	2 sessions per year with 90% attendance	Annually	

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Originating Officer:** David Sheldrick, Coordinator Arboriculture

**Manager:** Mathew Allen, Manager Engineering and Field Services

**General Manager:** Tony Lines, General Manager City Services

**Subject:** Tree Management Framework Review

**Report Reference:** GC300118R04

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## **REPORT OBJECTIVES**

This report updates Council on the preparation of the City of Marion *Tree Management Framework* review and its future implementation.

## **EXECUTIVE SUMMARY**

The City of Marion Tree Management Framework 2012 documented a review date of 2017. The review has resulted in a modified vision, objectives and a comprehensive action plan to guide tree management over the next five years. The review summarises the current situation of trees in the city and outlines the actions required to improve the quality and quantity of trees in the City of Marion. A primary focus is on increasing street and reserve tree planting throughout the City. A copy of the draft Framework is included in Attachment 1.

## **RECOMMENDATIONS**

## **DUE DATES**

### **That Council:**

- |    |  |                        |
|----|--|------------------------|
| 1. | <b>Notes the draft <i>Tree Management Framework 2018</i> and approves the draft for community consultation.</b>  | <b>30 January 2018</b> |
| 2. | <b>Receives a further report on the community consultation feedback prior to endorsing the final <i>Tree Management Framework 2018</i>.</b>  | <b>30 January 2018</b> |
| 3. | <b>At the time of the endorsement of the Tree Management Framework 2018, endorses an allocation of up to \$138,500 for inclusion in the Draft 2018/19 Annual Budget to deliver the unfunded year 1 Action Plan items on page 25 of Attachment 1.</b>   | <b>30 January 2018</b> |
| 4. | <b>At the time of the next review of the Tree Management Framework 2018, endorses the allocation of up to \$2.366m, for inclusion in Council's Long Term Financial Plan in the years 2019-20 to 2022/23 to deliver the unfunded action plan items and all other ongoing unfunded items to 22/23.</b> | <b>30 January 2018</b> |

## **DISCUSSION**

The reviewed vision of the *Tree Management Framework 2018* is "Our streets and parks are lined with mature, healthy trees that are a habitat for birds and other wildlife. The community values and appreciates the city's trees for their shade, appearance and the contribution they make to the environment."

The Framework aims to achieve this vision through the following objectives:

- Prioritised actions that focus on improving the quality and quantity of the City of Marion Urban Forest
- A framework that leads to increased tree species diversity and tree age spread within the urban forest.
- Efficient tree management programming that balances the benefits and positive values of trees with the risks and nuisances they can contribute.
- Clear links to Council documents that direct and influence the framework.
- Increase awareness to the community, developers and Council staff on the value of trees and the actions required to best manage them.

The *Tree Management Framework 2018* directs all tree management activities throughout the City. Activities such as tree removal will be governed by general asset management principles, where certain criteria will need to be met to justify the activity. Tree planting will be carried out equitably and will focus on improving the quality and quantity of the City of Marion Urban Forest.

The *Tree Management Framework 2018* has determined that street tree numbers per square kilometre in the City of Marion are approximately half of the average street trees per square kilometre of twelve similar metropolitan Adelaide Councils. A further canopy cover assessment by the Institute of Sustainable Futures reported in 2014 that the average urban tree canopy coverage of these same twelve Council's was 21.4 percent. In comparison, the City of Marion's tree canopy coverage was 15.3 percent.

To achieve a comparable number of street trees per square kilometre the City of Marion would have to support a street tree population of 50,000 to 55,000 trees. It is estimated that this population number would result in a similar or greater canopy coverage percentage to that of the surveyed council areas (21.4 percent).

The *Tree Management Framework 2018* contains a renewed vision, objectives and a comprehensive action plan to guide tree management over the next five years. The framework identifies that the highest priority action to achieve the renewed vision is to markedly increase annual tree planting.

Taking into consideration that on average, 750 City of Marion trees are removed annually, to accomplish similar tree numbers per square kilometre (a street tree population of 52,500), tree planting efforts need to increase to 3,000 trees annually for ten years.

## Financial Implications

Annual tree management funding is currently \$1.52 million (including labour, vehicles, water, equipment, materials and contractor support). The *Tree Management Framework 2018* has identified 19 targets/actions required to achieve its objectives, 10 of these targets/actions are unfunded. The extra budget requirements for implementing the Tree Management Framework Target/Action Plan (page 24) will be \$2,504,500 over five years. The following table outlines the indicative annual funding requirements:

Budget requirements for Tree Management Framework Action Plan	
Year 1	\$ 138,500
Year 2	\$ 614,000
Year 3	\$ 584,000
Year 4	\$ 584,000
Year 5	\$ 584,000
Total 5 year requirement	\$ 2,504,500

Street tree, and to a lesser degree, reserve tree planting are the focus of the unfunded actions. Approximately \$2,257,000 of the total funding requirement will plant 1,000 new reserve trees and 6,400 new street trees over the five year plan. These would be in addition to the current 1,400 street trees planted annually. This funding requirement considers spending in the 16/17 financial year, where \$427,000 was spent to plant 1400 trees (\$305/tree).

### Tree planting plan

Year one funding requirements are for data collection and program planning that will inform the following four years of the tree planting plan. During year one the currently funded annual street tree planting will continue at 1,400 trees. The second and subsequent years following, it is proposed that street tree planting will increase to 3,000 trees annually.

### Consultation

The *Tree Management Framework 2018* is supported by the community vision of valuing nature. The feedback sought on the *Tree Management Framework 2018* will be via an on-line survey that will be developed with the assistance of the City of Marion communications team, and will address:

- The level of support for the *Tree Management Framework 2018*
- Acceptance of the vision, objectives and direction of the *Tree Management Framework 2018* and the focus on increasing tree planting throughout the city.
- The way people currently use and interact with trees
- Opportunities for the community to provide feedback.

A summary report of the general findings will be presented to Council prior to endorsement of the final *Tree Management Framework 2018*.

### CONCLUSION

The City of Marion Tree Management Framework 2012 documented a review date of 2017. The *Tree Management Framework 2018* provides a modified vision, clear objectives and a comprehensive action plan to guide tree management in the City of Marion over the next five years with a primary focus on street and reserve tree planting. Community consultation on the draft *Tree Management Framework 2018* will allow Council to better understand the Community's feelings towards the document before seeking its endorsement and beginning its initial implementation in 2018/19.

### Appendix 1 - Tree Management Framework 2018 Draft



# **TREE MANAGEMENT FRAMEWORK**

**2018 DRAFT**

DRAFT

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## 1.0 GLOSSARY

<b>Biodiversity:</b>	The variety of plant and animal life in the world or in a particular habitat, a high level of which is usually considered important and desirable.
<b>30 year plan for Greater Adelaide:</b>	First introduced in 2010, the plan outlines directions and policies that will shape the future of Adelaide and how it should grow to improve livability, competitiveness and sustainability.
<b>Climate change:</b>	Refers to any change in the Earth's climate, or in the climate of a region or city over time, whether due to natural variability or because of human activity.
<b>Community requests:</b>	A Customer Request includes a request to take action about a Council service, or a request for information.
<b>Canopy coverage:</b>	In the context of a tree population, canopy cover is the layer of leaves, branches and stems that cover the ground when viewed from above.
<b>Formative pruning:</b>	Pruning of young trees to modify their form at maturity, either to avoid future structural defects (for instance by singling a twin-stem) or to create a desired cultivated tree form. The term is reserved for young trees because all pruning could be said to change form.
<b>Urban heat island:</b>	Is an urban area or metropolitan area that is significantly warmer than its surrounding rural areas due to human activities. The main cause of the urban heat island effect is from the modification of land surfaces by urban development and the use of materials that effectively retain heat (e.g. concrete, asphalt pavements and dark coloured roofs).
<b>Monoculture:</b>	The cultivation of a single crop on a parcel of land or in a region or country. In the context of a tree population, the cultivation of a single species in a region or suburb.



## 2.0 VISION

Our streets and parks are lined with mature, healthy trees that are a habitat for birds and other wildlife. The community values and appreciates the city's trees for their shade, appearance and the contribution they make to the environment.





### 3.0 OBJECTIVES

#### City of Marion Tree Management Framework Objectives

- Prioritised actions that focus on improving the quality and quantity of trees cared for by the City of Marion.
- A framework that leads to increased tree species diversity and tree age spread across the City.
- Efficient tree management programming that balances the benefits and positive values of trees with the risks and nuisances they can contribute.
- Clear links to Council documents that direct and influence the framework.
- Increase awareness and education to the community, developers and Council staff on the value of trees and the actions required to best manage them.



## 4.0 BACKGROUND

### Tree Management Framework 2012 - 2017

The Tree Management Framework 2012 was a landmark document of its time that guided robust planning and management of trees across the City of Marion. This provided strategic direction for street and reserve trees and guided tree management on private property. The Tree Management Framework guided the provision of trees and aimed to appropriately 'green' the City to enhance its value and appeal, provide and enhance biodiversity and habitat and improve the overall livability of the City.

Implementation of the Tree Management Framework called for an action plan to be developed from its directions, the action plan included the following priority projects:

1. Undertake audits of street and reserve trees
2. Review provisions of resources for tree management
3. Develop service level agreements for tree management
4. Determine specific projects and works programs.

During the life of the Tree Management Framework, the provisions and resources for tree management and service levels were assessed and reviewed to develop the current budgets for tree maintenance throughout the City. An audit of street trees was carried out between 2013 and 2015, which drove the development of some tree maintenance programs, however until recently, the majority of tree management across the city has largely been reactive in nature.

### Managing Trees

Trees play an important role by providing many functional characteristics that improve the overall comfort of our urban areas.

Trees provide habitat for native fauna, have significant health benefits for residents of the city and can lead to economic benefits such as the reduction of energy costs, and increased property values. Trees also play an important role in the creation of a sense of place and social wellbeing.

Despite its multitude of benefits, a variety of arboricultural, planning, social, public safety and legal issues are involved in the complex process of managing trees. Many issues revolve around the interaction of trees with people, and trees with the built environment. Enhancing amenity, managing public safety and minimising infrastructure damage requires intensive management.

According to a survey of over 100 Australian Government Authority tree managers carried out by Parks Base in 2014 (2017), three main challenges are faced when managing the City's trees: Increasing tree canopy coverage while competing with growing urbanisation, managing urban forest resilience to emerging climate change influences, and managing risk. The following Tree Management Framework Objectives will meet these challenges.

## Tree Management Framework Direction

During 2010, the South Australian Government released its 30 year plan for Greater Adelaide. More recently, under its theme 'A Greener City' a 2016 plan update set the ambitious target:

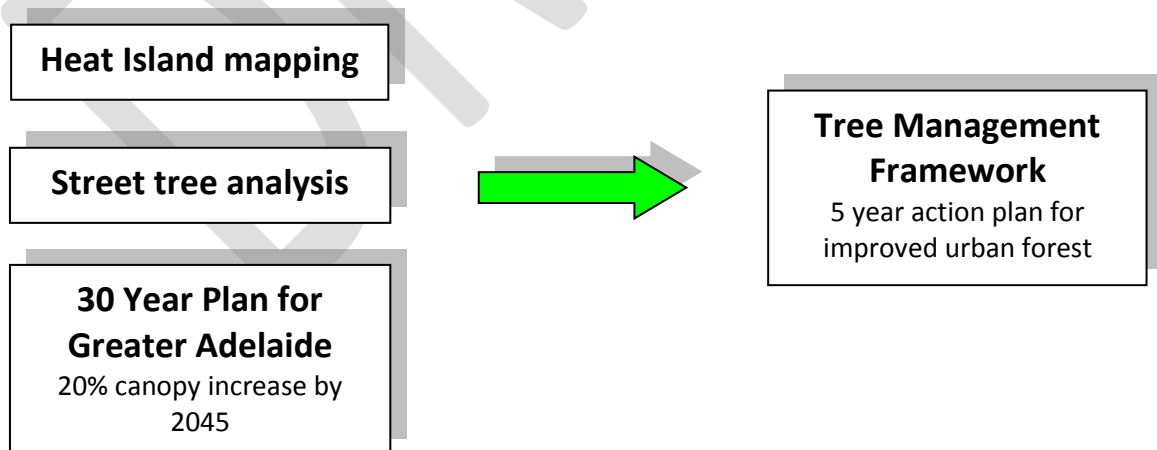
***Tree canopy is increased by 20% across metro Adelaide by 2045.***

The target is a necessary response to the onset of climate change; increasing vegetation across urban areas brings with it carbon storage, improved air quality, reduced temperatures and a range of social and environmental benefits. The review of the *Tree Management Framework* contains ambitious planting targets to increase canopy coverage across the City of Marion.

During 2016, Council's *Environmental Sustainability team* as part of *Resilient South* undertook the collection and analysis of high-resolution thermal infrared imagery over the City to determine the spread of surface temperatures throughout the City. In part, this information determined the locations of heat islands within the city and within the context of the *Tree Management Framework*, the most appropriate places to focus increased tree planting to reduce these heat islands.

Recommendations from this project include undertaking further analysis to determine the precise relationships between vegetation cover types (i.e. canopy versus non-canopy) and surface temperature, developing KPI's for vegetation cover and surface heat for zones within the Council, and in subsequent years acquiring data for the measurement of progress against KPI's. This project has influenced the objectives and directions of the *Tree Management Framework*; it will further inform tree planting programs as new information becomes available.

Further examination and analysis of Council's existing urban forest will highlight the opportunities to effectively increase canopy coverage and improve programmed tree management.



## 5.0 STRATEGIC DIRECTION

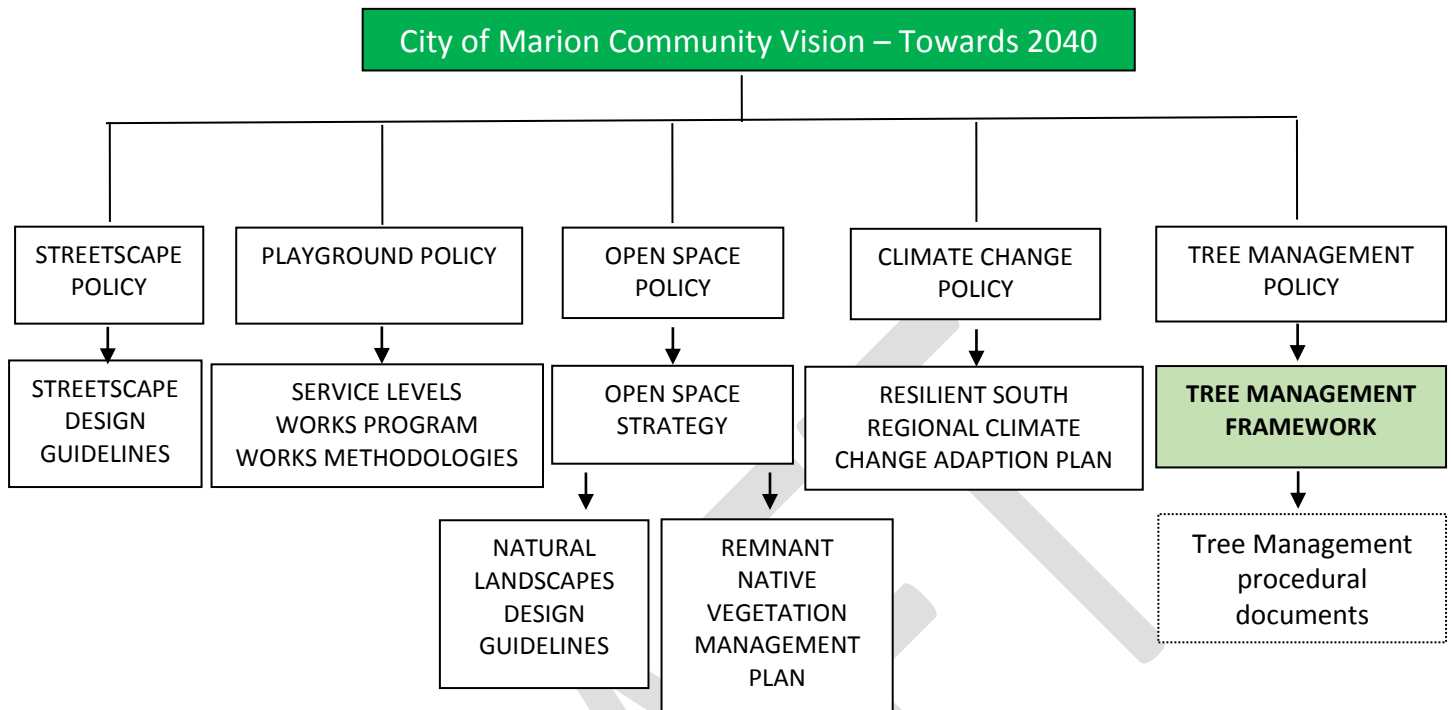
### City of Marion Community Vision Directions

The City of Marion Community Vision 2017-2027 includes a number of directions and strategies that are relevant to tree management. These are summarised in the chart below.

Community Vision Theme	Strategies
<b>LIVEABLE</b>	<ul style="list-style-type: none"> <li>We will make our services, facilities and open spaces more accessible.</li> <li>We will create more opportunities for residents to enjoy recreation and social interaction in our neighbourhood centres, libraries, sport facilities and other Council facilities.</li> <li>We will celebrate our rich cultural diversity and heritage through artistic, cultural and community activities and vibrant destinations.</li> </ul>
<b>VALUING NATURE</b>	<ul style="list-style-type: none"> <li>We will plan for and respond to extreme weather events through our services and urban form.</li> <li>We will build community resilience to the impacts of climate change.</li> <li>We will operate more efficiently and sustainably in terms of energy and water use, using the best technologies and methods to be as self-sufficient as possible.</li> </ul>
<b>INNOVATIVE</b>	<ul style="list-style-type: none"> <li>We will use the best technology possible to improve efficiency of our operations and delivery of our services.</li> <li>We will use data to provide evidence for resource allocation relating to our services.</li> </ul>
<b>PROSPEROUS</b>	<ul style="list-style-type: none"> <li>We will seek to activate our city through quality streetscapes and place making initiatives to deliver prosperous business precincts.</li> </ul>
<b>CONNECTED</b>	<ul style="list-style-type: none"> <li>We will provide a variety of options for social interaction.</li> </ul>
<b>ENGAGED</b>	<ul style="list-style-type: none"> <li>We will increasingly use data and community responses to understand what our community values and then we will deliver what they want.</li> </ul>

The Tree Management Framework directions are also aligned with the City of Marion Strategic Plan 2017-2027.

## Strategic context



## Strategic, Legislative and Operational Documents influencing Tree Management

### Legislative controls

Local Government Act 1999  
 Planning, Development and Infrastructure Act 2016  
 City of Marion Development Plan  
 Native Vegetation Act 1991 (SA)  
 Heritage Places Act 1993 (SA)  
 Electricity Act 1996 (SA)  
 Environment Protection and Biodiversity Conservation Act 1999  
 Water Industry Act 2012  
 Water Industry Regulations 2012  
 Natural Resource Management Act 2004  
 National Parks and Wildlife Act 1972

### Strategic

City of Marion Community Vision – Towards 2040  
 City of Marion Climate Change Policy  
 City of Marion Open Space Policy  
 City of Marion Tree Management Policy  
 City of Marion Streetscape Policy  
 City of Marion Strategic Asset Management Framework  
 Local Government Association and Mutual Liability Scheme: Independent Inquiry into the Management of Trees on Public Land (2012)

### Operational Documents

EM02 – Environmental Management of Construction Activities (Predesign and works Environmental Checklist)  
 Streetscape Program of Works  
 Tree Management Procedural Documents



## Asset management principles and trees

Trees are important community assets and are developed and managed for the needs of the community. Best practice tree management is underpinned by the asset management principles below that are contained within Councils strategic asset management framework.

### 1. **Assets exist to support the delivery of services to the service levels adopted by Council.**

Trees provide many beneficial qualities and a balanced delivery of tree management will ensure that residents across the community have equal access to the benefits of trees. Tree removal and planting will follow clear and robust criteria and develop strong links with the streetscape plan. The Tree Management Framework will guide tree planting choices that are fit for the locality and maintained to meet the desired service levels.

### 2. **Asset management is an integral element of Strategic Management and forms part of key strategic management plans.**

The Tree Management Framework is part of a strategic approach with other guiding policy documents to ensure an integrated approach to enhancing the environment across the City. On-ground tree management will be planned and the Tree Management Framework targets will be delivered through the annual business plan.

### 3. **All relevant legislative requirements together with political, social and economic environments are taken into account in asset management.**

Tree removal, planting and maintenance will comply with relevant legislation. The foremost maintenance focus is the appropriate management of tree risk, followed by the health and condition of the City's trees and planning the Urban Forest of the future. Property owners within the City of Marion are responsible for the management of trees on private property in accordance with the requirements of the Planning, Development and Infrastructure Act 2016 and any other relevant legislation.

### 4. **Asset renewal actions will consider all options and opportunities for more efficient and effective means of service delivery prior to investment.**

All tree renewal or enhancement options will be explored to identify opportunities and ensure best value application. Innovation in tree management is required to withstand climatic extremes and changing environments.

### 5. **Prioritisation of new asset investments and asset disposal decisions are based on an evaluation of potential public value, encompassing consideration of such criteria as asset utilisation potential, benefits, risks, ownership and management options, life cycles and costs.**

Council is responsible for the planning, establishment, maintenance and removal of trees located within the City's streets properties and reserves. It aims to prolong the benefits that trees provide to the community and environment. The primary focus of tree renewal and enhancement will be to increase tree age and species diversity toward improving resilience against pests, diseases and weather extremes.

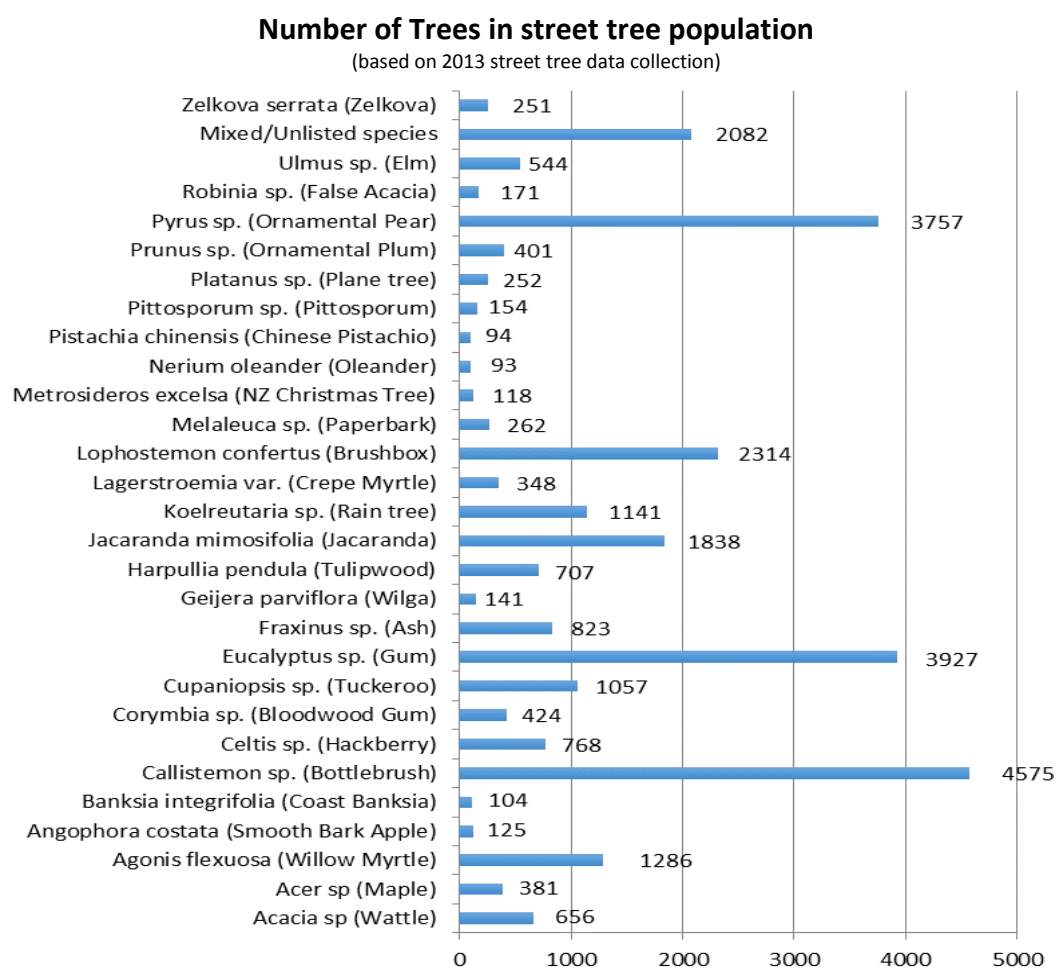
## 6.0 THE CURRENT SITUATION

### Street tree species analysis

An action of the 2012 Framework was to undertake an audit of street trees. A collection of tree data occurred between 2013 and 2015 indicating a population of 28,898 street trees. The audit focused on the species distribution and condition of the population, information critical to proactive tree management and planning. The chart below illustrates the dominant species within the city (excluding tree species with numbers less than 90.)

The chart clearly shows that five genera, *Pyrus* (Ornamental Pear), *Lophostemon* (Brush box), *Jacaranda* (Jacaranda), *Eucalyptus* (Gum) and *Callistemon* (Bottlebrush) represent more than 55% of the street tree population. In the urban forest, a diverse population of species leads to a lesser fall out should it experience pest and disease challenges and or inevitable extreme weather conditions and events.

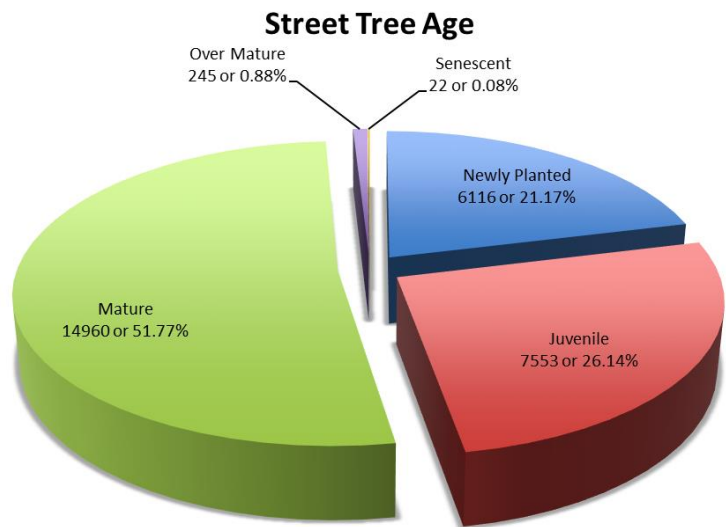
In the City of Marion context, the challenge is to future proof the tree population over time by increasing tree species diversity so that future challenges do not significantly affect large portions of the population.





### Street tree and community request analysis

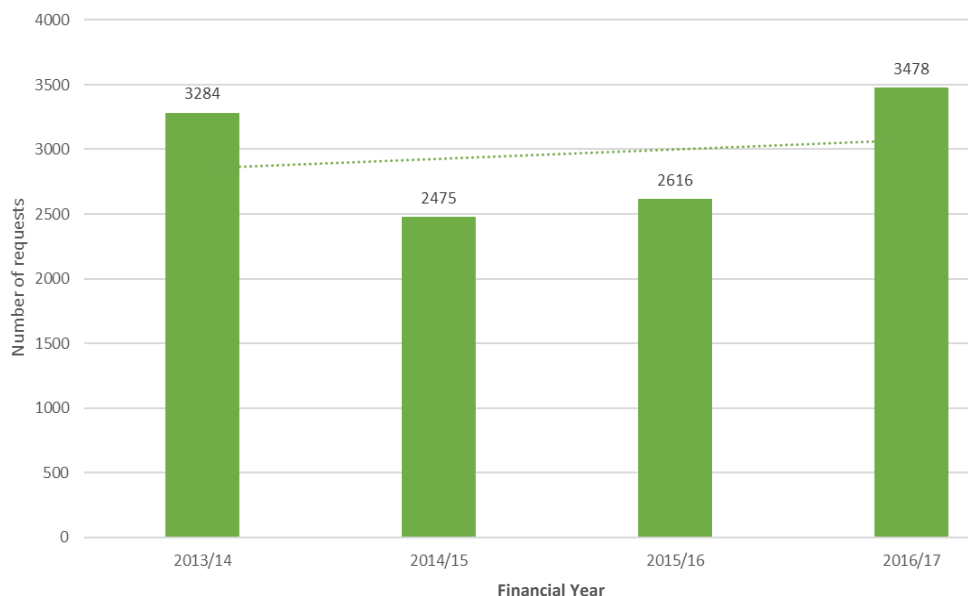
An objective for sustainability is a wide age distribution of trees to create a continuous cycle of succession. The adjacent graph illustrates the City of Marion's street tree population age spread, demonstrating that more than half of the trees are mature, potentially providing a time lag that could result in the replacement of many trees in a short period. A key objective of the Tree Management Framework is to increase tree age spread within the City to temper the effect of this time lag.



Trees provide numerous functional characteristics, including absorbing carbon, improving air quality, conserving habitats and helping people connect with nature. These benefits do not come free, establishing and maintaining trees in the urban environment requires high levels of management in order to minimize hazards to infrastructure or the public. In the City of Marion context, they also rank highly in community generated service requests as shown in the chart below. In recent years, Council has received in excess of 3,000 tree-related community requests per annum.

Each request varies and requires visual inspection to understand Council's liability and adequately service the customer's request, often resulting in maintenance such as pruning. The challenge into the future is to ensure equality while managing Council's tree population in an environment of increasing community requests. A key objective of the Tree Management Framework is to introduce efficient tree management programming that will be underpinned by detailed tree management procedural documents.

### Number of tree related customer requests received 2013 to 2017



## Street tree density analysis

Annual tree removals and planting programs effect tree population maintenance. For example, to maintain the City's current street tree population at 30,000 trees, continued planting efforts would need to remain at approximately 750 trees annually.

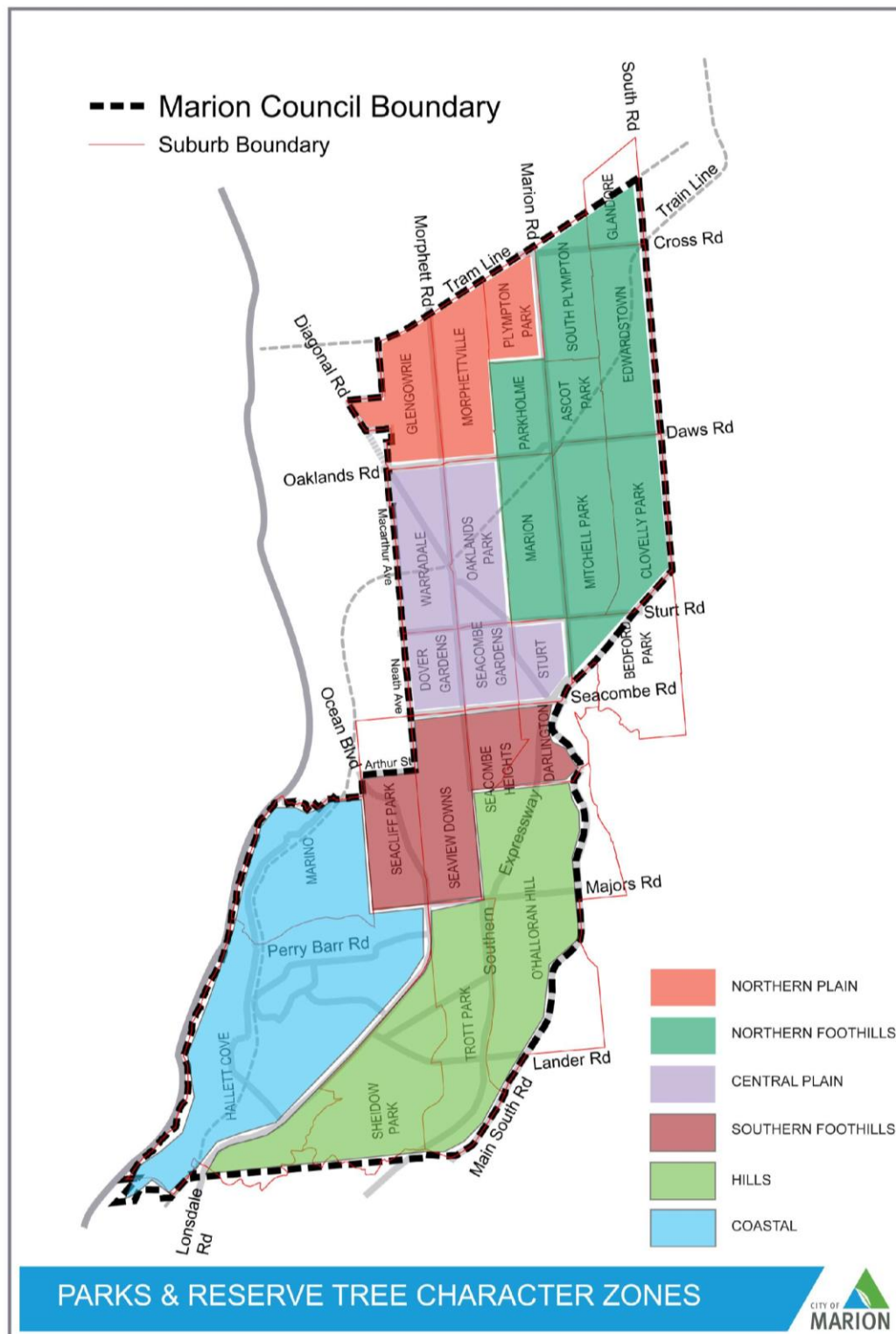
The average street tree density of twelve metropolitan Adelaide Councils is approximately 1,000 street trees per square kilometre. A further 2014 canopy cover assessment by the Institute of Sustainable Futures indicates that the average urban tree canopy coverage of these same twelve Council's is 21.4 percent. In comparison, the City of Marion's street tree density is approximately 535 street trees per square kilometre with an average urban tree canopy coverage of 15.3 percent.

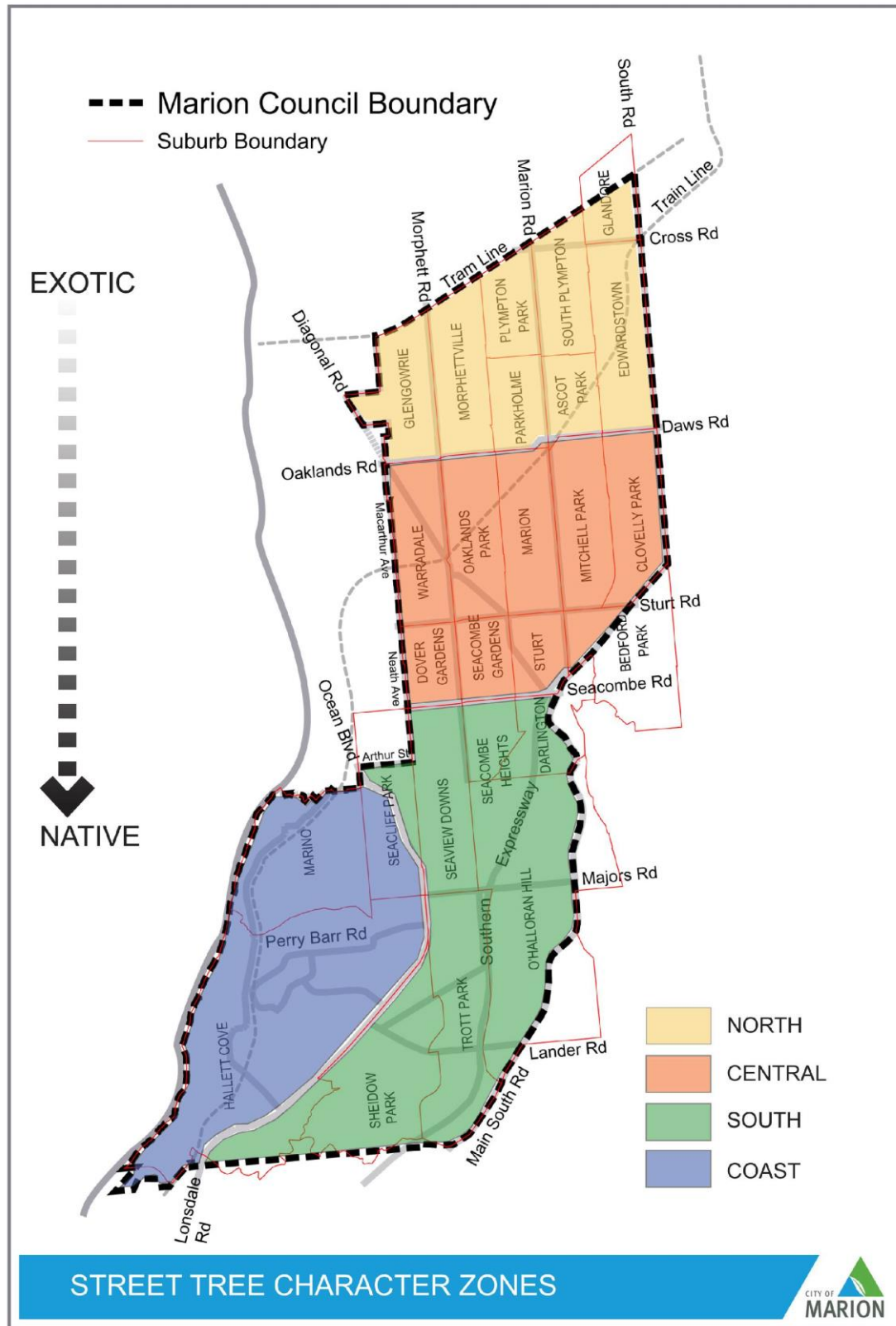
To achieve a similar average tree density to the twelve metropolitan Adelaide Councils, City of Marion would need to support a street tree population of 50,000 - 55,000 trees. Increased canopy coverage is estimated over time to that similar of the survey Council areas (21.4 percent). To accomplish similar tree numbers and estimated canopy coverage, tree planting efforts would need to increase to 3,000 trees annually for ten years to increase the City of Marion street tree population to 52,500 trees.

Targeted increases in tree numbers will attribute to increased canopy coverage. However, respective percentages are estimates only. Canopy coverage from newly planted trees will continue to increase as the trees mature. A greater understanding of the City of Marion's contribution to metropolitan Adelaide's canopy coverage and the impact of targeted tree planting will be available through the next tree data analysis (see Street tree direction D9.1).

## Existing Tree Character Zones

The Framework aims to build upon existing tree character across the City, guided by the 'tree character plan' diagrams on the following pages and the suggested species lists (Appendix 1 and 2). These suggest tree species to complement and strengthen local character. The suggested street tree species list (Appendix 2) aligns with tree species recommendations within the City of Marion Streetscape Design Guidelines 2016.





## 7.0 TREE MANAGEMENT PRINCIPLES

### Principles

The management of trees contained within the City of Marion's boundaries fit into one of the following three key principles:

- TREES IN PARKS AND RESERVES
- STREET TREES
- PRIVATE TREES AND DEVELOPMENT

Each principle captures trees under Council's care and control or where it influences tree management decisions. The tree management directions specific to each principle work toward the most appropriate management approaches for the future success of street and reserve trees.

### Directions

Directions are set to guide the future planning and management of trees contained within each key Principle. Many link to current standards or require the development of City of Marion procedures (refer to 8.0 Implementing the Tree Management Framework) and technical documents that will instruct best management practice.

### Targets

A number of framework targets are set to meet the directions within each key Principle. The targets will form a Target/Action plan to implement over the life of the Framework. Some targets will meet more than principle and direction within the Tree Management Framework

## 7.1 PRINCIPLE ONE – TREES IN PARKS AND RESERVES

The need to develop and improve the urban green spaces within the City of Marion is essential to meet the needs of the local community. Urban green spaces are an integral part of the local landscape and provide areas for community use. The provision of open spaces are shown to increase social, economic and community values, whilst moderating the actions of development and suburban activity. Public open space has significant value to local neighbourhoods especially during increased urban consolidation within metropolitan Adelaide.

An emphasis will be placed on strengthening the Pre European landscape in those reserves with the Open Space Policy classification of culture, nature conservation, wetlands, watercourse or coastal. This will include collaborating with Council's Remnant Native Vegetation Plan to increase the areas of Grey Box woodland in the Southern parts of the City, especially adjacent Glenthorne Farm and O'Halloran Hill Recreation Park. Similarly, large and established character or specimen trees will be planted in reserves with the Open Space Policy classification of recreation, dog park, formal gardens, play and sport. The parks and reserve element of the tree management framework will play an important role in providing landscape connections and habitat provisions across the city.

### Directions

#### Tree Selection and Planting Location

D1.1	Reinforce the current pattern of tree species and select new species that reflect the character zone in which each park and reserve is located.
D1.2	Aim to plant trees in all reserves where there is suitable space to enable proper establishment and allow them to develop to their full potential.
D1.3	Prioritise reserve planting where shade is required in accordance with Council's natural shade program.
D1.4	While respecting the current palette of trees within parks and reserves, seek to provide a diversity of species elsewhere, which enhances ecological value and arboricultural interest.

#### Tree Replacement

D2.1	Ensure that all tree replacement reflects the species selection identified for each identified character zone.
D2.2	To improve new planting stock, specify tree procurement in line with the current best practice of Australian Standard 2303 – 2015 Tree stock for landscape use.
D2.3	Identify key suppliers throughout the nursey industry, and develop programs and methods for the supply of plants consistent with the species framework developed for the character zones.
D2.4	Increase species diversity and combat the creation of monocultures by increasing the species palette contained within the Suggested Parks and Reserves Species List.
D2.5	Aim to achieve a procurement plan for tree stock to meet identified deadlines and ensure stock is available in the right quantities, and quality.

## Planting and Establishment

D3.1	Work towards proactive tree planting in reserves that considers the most appropriate tree species based on site suitability, aesthetics, functional and biological attributes, performance and the potential to contribute to the landscape character of the park or reserve.
D3.2	Ensure a consistent approach to planting that will provide trees with the best possible potential to establish within the park or reserve.
D3.3	Maintain and improve tree watering and aftercare consistency that meets new tree planting requirements.

## Tree Removal

D4.1	Tree removals within parks and reserves are guided by procedure that includes correct arboriculture assessment criteria underpinned by the framework vision, objectives and strategic direction.
D4.2	Aim to achieve a proactive approach to identifying trees within its parks and reserves, for removal that are poorly performing, declining and provide limited environmental benefit.
D4.3	Address trees classified as environmental weed species, considering the impacts removal will have on the overall aesthetic appearance of the park or reserve.

## Maintenance

D5.1	Ensure ongoing auditing of trees contained within parks and reserves, which includes ongoing maintenance and assessment protocols to minimise risks to park and reserve users.
D5.2	Oversee the implementation of appropriate Australian Standards to achieve best practice maintenance of the trees within parks and reserves.
D5.3	Develop appropriate levels of staff and contractor competency to ensure all works undertaken achieve best management practices.
D5.4	Actively encourage the professional development of staff to achieve the identified industry standard for arboriculture.
D5.5	Ensure a consistent approach to ongoing maintenance that clearly reflect current best practices and provides a methodology for all maintenance activities including the care of trees that are contained within areas described within Council's Natural Landscape Guidelines document.
D5.6	Council will generally not undertake the treatment of termites/pests in trees within parks or bushland reserves as they are considered a natural part of the environment and the treatment of termites/pests in trees/logs will not stop them invading from other sources or properties. It is the landowner's responsibility to take the appropriate action to adequately protect their property from the invasion of termites/pests.

## Community Consultation

D6.1	Ensure that each reserve tree-related customer request is inspected to understand Council's liability and determine the most appropriate course of action.
D6.2	Where large scale plantings or tree removal projects are proposed, the council will engage the local community in accordance with community engagement guidelines.
D6.3	The council will inform the community on the benefits of trees and the management requirements, and assist community participation in the greening of the city.



## Framework targets for Trees in Parks and Reserves

Target Number	Target description
1	Develop and implement a reserve tree planting program in accordance with Council's reserve shade program and seek to meet a renewal target of an additional 1,000 reserve trees planted over the next 5 years
2	Develop a City of Marion tree planting specification and procedure (Year 2)
3	Develop and implement a reserve tree risk and tree amenity audit and management plan for trees within Council's parks and reserves (2018-2022)
4	Develop and maintain a staff competency matrix and identify training opportunities that will effectively benefit tree care in the City of Marion.
5	Develop and implement a program for the appropriate after care of newly planted trees.
6	Develop a suite of procedural documents relevant to tree management in the City of Marion that guide best practice management of all public trees.
7	Develop and implement a targeted woody weed control plan for City of Marion reserves (2018-2022)
8	Develop and implement a tree procurement specification and quality control procedure in line with AS2303 - 2015 and identify key suppliers to ensure quality tree stock for the City of Marion into the future.
9	Maintain the management of current tree-related customer requests to the requirements of the COM Customer service Charter.
10	In consultation with the Community Engagement Team Develop a local community consultation and notification suite of documents and procedures for community engagement.





## 7.2 PRINCIPLE TWO – STREET TREES

Street trees play an important role in improving the character and amenity and managing microclimates and the overall liveability of the city. The ongoing management of the current street trees asset is key to achieving the sustainability of local streetscapes that reflect the nature and history of the City of Marion.

### Directions

#### Tree Selection and Planting Location

D7.1	Ensure site-specific indicators, such as above and below ground infrastructure are addressed when determining tree species selection including its suitability to local environmental conditions, and its ability to enhance the landscape and neighbourhood character.
D7.2	Select only species suitable for street tree planting, considering the various character zones and increasing species diversity in relation to the existing street tree population.

#### Planting and Establishment

D8.1	Work towards programmed tree planting to reflect the City of Marion's direction and in line with the streetscape guidelines.
D8.2	Street tree planting priorities are determined by data analysis and will target areas in order of poor canopy coverage, capital funded programs, street rejuvenation and densification, replace those removed during the year and then individual requests from the community.
D8.3	Ensure a consistent approach to planting that will provide trees with the best potential to establish within typical street environments.
D8.4	Maintain and improve aftercare consistency that meets new tree planting requirements.

#### Maintenance

D9.1	Implement sound data collection of all street trees on average every ten years. Data analysis should enhance an understanding of Council's tree asset so that maintenance and planting can be effective and tailored.
D9.2	Aim to achieve a proactive approach to the management of the risks of a large street tree population.
D9.3	Oversee the implementation of appropriate Australian Standards to achieve best practice maintenance of the City's trees.
D9.4	Develop appropriate levels of staff and contractor competency and skill levels to ensure all works undertaken achieve best management practices.
D9.5	Actively encourage the professional development of staff to achieve the identified industry standard for arboriculture.
D9.6	Council will generally not undertake the treatment of termites/pests in trees within road reserves as they are considered a natural part of the environment and the treatment of termites/pests in trees/logs will not stop them invading from other sources or properties. It is the landowner's responsibility to take the appropriate action to adequately protect their property from the invasion of termites/pests.

## Tree Removal

D10.1	Street tree removals are guided by robust procedure that includes correct arboriculture assessment criteria underpinned by the framework vision, objectives and strategic direction.
D10.2	Utilize street tree data to identify appropriate street tree removal programs.
D10.3	Target weed species for removal when deemed to be inappropriately located or causing issues to public or private property.

## Tree Replacement

D11.1	Ensure that all tree replacement programs reflect the species selection identified for each character zone. Consistent species use in streets will strengthen character in these zones.
D11.2	To improve new planting stock, specify tree procurement in line with the current best practice of Australian Standard 2303 – 2015 Tree stock for landscape use.
D11.3	Identify key suppliers throughout the nursery industry, and develop programs and methods for the supply of plants consistent with the species framework developed for the character zones.
D11.4	Increase species diversity and combat the creation of monocultures by increasing the species palette contained within the Suggested Street tree Species List.
D11.5	Aim to achieve a procurement plan for tree stock to meet identified deadlines and ensure stock is available in the right quantities, and quality.

## Community Consultation

D12.1	Ensure that each street tree-related customer request is inspected to understand Council's liability and determine the most appropriate course of action.
D12.2	Where large scale plantings or street tree removal projects are proposed, the council will engage the local community in accordance with community engagement guidelines.
D12.3	The council will inform the community on the benefits of trees and the management requirements, and assist community participation in the greening of the city.

## Framework Targets for Street trees

Target Number	Target description
11	Develop a street tree planting program based on sound data and seek to achieve a street tree planting target of 3,000 trees per year or 13,400 trees over the next 5 years (2018-2022)
12	Gather and analyse street based tree-scape data to assist the development of a 5 year street tree planting program (Year 1)
13	Review tree populations by suburbs to inform equitable planting locations throughout the City.
14	Introduce and plant five tree species to increase diversity and lessen the dependency of those that make up 55% of the street tree population. (2018-2022)
15	Integrate a program that targets the removal and replacement of environmental weed species growing as street trees adjacent environmentally sensitive areas.
16	Maintain and seek to improve Council's current proactive street tree pruning program.



### 7.3 PRINCIPLE THREE – PRIVATE TREES AND DEVELOPMENT

The diverse landform areas throughout the City of Marion have resulted in a large population of mature trees situated on land under private ownership. Retaining trees that have a high amenity value or special botanic interest is for the benefit of the local community and residents within the city.

The impacts of urban consolidation have placed significant pressures on the retention of trees in private ownership as development increases. The management of urban consolidation needs to be balanced with appropriate tree retention where they provide landscape and amenity value.

The inclusion of regulated trees within the Planning, Development and Infrastructure Act 2016 and Development Regulations 2008 has placed a development requirement on landholders where they have large trees on their property. The City of Marion should develop and implement strategies and actions to retain trees that have high amenity value, good health and structure.

#### Council Trees and Development

D13.1	Ensure that development applications include all necessary information so that a full assessment can be carried out of the potential impacts the development may have on Council owned trees.
D13.2	Council owned tree assets impacted by any new forms of development will be subject to Council's arboricultural assessment that includes industry best practice criteria underpinned by the framework vision, objectives and strategic direction.
D13.3	Develop procedures for determining crossover or services access to ensure the valuable tree asset is maintained in a healthy and vigorous state.
D13.4	Develop a method of applying an appropriate dollar valuation to trees that are identified suitable for removal to facilitate private development. All costs associated with tree value, tree removal and replacement and aftercare will be borne by the developer/resident applying for tree removal.
D13.5	Examine the Marion Council Development Plan to ensure adequate consideration to council owned trees where they conflict with proposed development.

#### Private Trees

D14.1	Assess Development applications that propose to remove or impact private Regulated trees within the Council area lead to appropriate outcomes in accordance with the Development Regulation 2008.
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**Framework Targets for Private trees and Development**

Target Number	Target description
17	Review current documents and procedures that address the appropriate management of public trees in relation to private development. (Year 1)
18	Ensure public tree removal and replacement costs related to private development are maintained in Council's Fees and Charges register and develop a transparent procedure for applying these fees.
19	In consultation with Council's Planning, Development and Regulatory Services Department, maintain the current assessment process for development applications that affect private regulated and significant trees.



## 8.0 IMPLEMENTING THE TREE MANAGEMENT FRAMEWORK

### Approach to Implementing the Framework

The Tree Management Framework 2018 reflects the changes in local government tree management since its 2012 endorsement. The clear direction that this document delivers will help protect and enhance the many benefits that trees provide the community. The 2018 Framework calls for a number of targets to be met, these are collated in the Target/Action Plan on the next page, informing timing and responsibilities over the life of the framework.

### Ongoing Review

The Target/Action Plan be reviewed annually, with stakeholder input. The Tree Management Framework will be reviewed in full every five years as the broad principles and directions could change over time.

### Tree Management Framework Target/Action Plan

Target number	Target	Addresses Direction number						Implementation (Yrs)
1	Develop and implement a reserve tree planting program and seek to meet a renewal target of 1,000 reserve trees planted over the next 5 years.	D1.2	D1.3	D2.4	D3.2			1 - 5
2	Develop a City of Marion tree planting specification and procedure.	D1.1	D1.3	D2.1	D2.4	D3.2	D8.2	2
3	Develop and implement a reserve tree risk and tree amenity audit and management plan for trees within Council's parks and reserves.	D3.1	D4.1	D4.2	D4.3	D5.1		1 - 5
4	Develop and maintain a staff competency matrix and identify training opportunities that will effectively benefit tree care in the City of Marion.	D5.2	D5.3	D5.4	D9.4	D9.5		1 - 5
5	Develop and implement a program for the appropriate after care of newly planted trees.	D1.2	D2.2	D3.3	D5.2	D5.5		2
6	Develop a suite of procedural documents relevant to tree management in the City of Marion that guide best practice management of all public trees.	D2.2	D2.3	D2.4	D3.2	D3.3		2
		D4.1	D5.2	D8.3	D9.3	D10.1		
7	Develop and implement a targeted woody weed control plan for City of Marion reserves.	D4.2	D4.3					1 - 5
8	Develop and implement a tree procurement specification and quality control procedure in line with AS2303 - 2015 and identify key suppliers to ensure quality tree stock for the City of Marion into the future.	D2.2	D2.3	D2.5	D11.2	D11.3	D11.5	1
9	Maintain the management of current tree related customer requests to the requirements of the City of Marion Customer service Charter.	D6.1	D12.1					1 - 5
10	In consultation with the Community Engagement Team develop a local community consultation and notification suite of documents and procedures for community engagement.	D6.2	D6.3	D12.3	D12.2			2
11	Develop and implement a street tree planting program based on sound data and seek to achieve a street tree planting target of 13,400 trees over the next 5 years.	D7.1	D8.1	D8.2	D11.5			1 - 5
12	Gather and analyse street based treescape data to assist the development of a 5 year street tree planting program.	D9.1	D9.2	D10.2	D10.3			1
13	Review tree populations by suburbs to inform equitable planting locations throughout the City.	D7.1	D8.1	D8.2	D11.5			1
14	Introduce and plant five tree species to increase diversity and lessen the dependency of those that make up 55% of the street tree population.	D7.1						1 - 5
15	Integrate a program that targets the removal and replacement of environmental weed species growing as street trees adjacent environmentally sensitive areas.	D10.3						1 - 5
16	Maintain and seek to improve Council's current proactive street tree pruning program.	D9.2	D9.3					1 - 5
17	Review current documents and procedures that address the appropriate management of public trees in relation to private development.	D13.1						1
18	Ensure public tree removal and replacement costs related to private development are maintained in Council's Fees and Charges register and develop a transparent procedure for applying these fees.	D13.2	D13.3	D13.5				1
19	In consultation with Council's Planning, Development and Regulatory Services Department, maintain the current assessment process for development applications that affect private regulated and significant trees.	D14.1						1 - 5

## 9.0 APPENDICES

### APPENDIX 1 SUGGESTED PARK & RESERVE SPECIES LISTS City of Marion - Tree Species Listing for Parks & Reserves

Division of Areas	Suburb	Soil Description	Landscape Description	Average Annual Rainfall	Pre-European Vegetation Potential Directions	Specimen tree potential Directions
NORTHERN PLAIN	Glengowrie	Red brown earths (red brown clay to red brown sandy clay)	Plains Grasslands	445.9 mm	<i>Acacia pycnantha</i> (Golden Wattle) <i>Eucalyptus porosa</i> (Mallee Box) <i>Eucalyptus leucoxylon ssp. leucoxylon</i> (SA Blue Gum) <i>Eucalyptus camaldulensis</i> (River Red Gum)	<i>Pinus canariensis</i> (Canary Island Pine) <i>Fraxinus angustifolia</i> 'Raywood' (Claret Ash) <i>Quercus sp.</i> (Oaks) <i>Ficus sp.</i> (Figs) <i>Acer sp.</i> (Maples) <i>Corymbia sp.</i> (Bloodwoods) <i>Cedrus sp.</i> (Cedars) <i>Araucaria sp.</i> (Southern conifers)
	Morphettville	Red brown earths, Alluvial soils (through Sturt River)	Plains, Watercourse	445.9 mm		
	Plympton Park	Red brown earths, (red brown clay to red brown sandy clay)	Footslopes, Plains Grasslands	445.9 mm		



NORTHERN FOOTHILLS	<b>South Plympton</b>	Red brown earths	Footslopes	445.9 mm	<i>Acacia melanoxylon</i> (Blackwood) <i>Acacia pycnantha</i> (Golden Wattle) <i>Eucalyptus camaldulensis</i> (River Red Gum) <i>Eucalyptus leucoxylon ssp. leucoxylon</i> (SA Blue Gum) <i>Eucalyptus microcarpa</i> (Grey Box) <i>Eucalyptus porosa</i> (Mallee Box) <i>Pittosporum angustifolium</i> (Native Apricot)	<i>Acer sp.</i> (Maples) <i>Angophra sp.</i> (Angophra) <i>Araucaria sp.</i> (Southern conifers) <i>Cedrus sp.</i> (Cedars) <i>Corymbia sp.</i> (Bloodwoods) <i>Ficus sp.</i> (Figs) <i>Fraxinus angustifolia</i> 'Raywood' (Claret Ash) <i>Pinus canariensis</i> (Canary Island Pine) <i>Quercus sp.</i> (Oaks)
	<b>Glandore</b>	Red brown earths, (red brown clay to red brown sandy clay)	Footslopes, Plains Grasslands	445.9 mm		
	<b>Edwardstown</b>	Red brown earths	Footslopes	445.9 mm		
	<b>Parkholme</b>	Red brown earths	Footslopes	445.9 mm		
	<b>Ascot Park</b>	Red brown earths	Footslopes	445.9 mm		
	<b>Marion</b>	Red brown earths, Alluvial soils (through Sturt River)	Footslopes, Watercourse	445.9 mm		
	<b>Mitchell Park</b>	Red brown earths	Footslopes	445.9 mm		
	<b>Clovelly Park</b>	Red brown earths	Footslopes	445.9 mm		
	<b>Bedford Park</b>	Heavy red brown clay to red brown clay	Footslopes	445.9 mm		

CENTRAL PLAIN	<b>Dover Gardens</b>	Terra rossa	Plains	445.9 mm	<i>Acacia pycnantha</i> (Golden Wattle) <i>Allocasuarina verticillata</i> (Drooping Sheoak) <i>Eucalyptus camaldulensis</i> (River Red Gum) <i>Eucalyptus microcarpa</i> (Grey Box) <i>Eucalyptus porosa</i> (Mallee Box) <i>Pittosporum angustifolium</i> (Native Apricot)	<i>Pinus canariensis</i> (Canary Island Pine) <i>Quercus sp.</i> (Oaks) <i>Ficus sp.</i> (Figs) <i>Acer sp.</i> (Maples) <i>Corymbia sp.</i> (Bloodwoods) <i>Cedrus sp.</i> (Cedars) <i>Araucaria sp.</i> (Southern conifers) <i>Brachychiton sp.</i> (Kurrajongs)
	<b>Seacombe Gardens</b>	Terra rossa	Plains	445.9 mm		
	<b>Sturt</b>	Terra rossa	Plains	445.9 mm		
	<b>Warradale</b>	Red brown earths (red brown clay to red brown sandy clay)	Plains Grasslands	445.9 mm		
	<b>Oaklands Park</b>	Red brown earths (red brown clay to red brown sandy clay)	Plains Grasslands	445.9 mm		
SOUTHERN FOOTHILLS	<b>Darlington</b>	Shallow red-brown to grey-brown soils with shale and limestone deposits	Footslopes	445.9 mm	<i>Acacia pycnantha</i> (Golden Wattle) <i>Allocasuarina verticillata</i> (Drooping Sheoak) <i>Callitris gracilis</i> (Southern Cypress Pine) <i>Eucalyptus camaldulensis</i> (River Red Gum) <i>Eucalyptus microcarpa</i> (Grey Box) <i>Eucalyptus porosa</i> (Mallee Box) <i>Melaleuca lanceolata</i> (Dryland Tea-tree) <i>Pittosporum angustifolium</i> (Native Apricot)	<i>Pinus canariensis</i> (Canary Island Pine) <i>Ficus sp.</i> (Figs) <i>Cedrus sp.</i> (Cedars) <i>Araucaria sp.</i> (Southern conifers)
	<b>Seacombe Heights</b>	Shallow red-brown loams over limestone	Plains	445.9 mm		
	<b>Seaview Downs</b>	Shallow red-brown loams over limestone	Plains	445.9 mm		
	<b>Seacliff Park</b>	Shallow red-brown loams over limestone	Plains	445.9 mm		

HILLS	<b>O'Halloran Hill</b>	Shallow red-brown to grey-brown soils with shale and limestone deposits	Footslopes	441.7 mm	<i>Eucalyptus porosa</i> (Mallee Box) <i>Eucalyptus camaldulensis</i> (River Red Gum)	
	<b>Trott Park</b>	Shallow red-brown loams over limestone	Plains	441.7 mm	<i>Acacia pycnantha</i> (Golden Wattle) <i>Allocasuarina verticillata</i> (Drooping Sheoak) <i>Pittosporum angustifolium</i> (Native Apricot)	<i>Pinus canariensis</i> (Canary Island Pine) <i>Ficus sp.</i> (Figs) <i>Cedrus sp.</i> (Cedars)
	<b>Sheidow Park</b>	Shallow red-brown loams over limestone	Plains	441.7 mm	<i>Melaleuca lanceolate</i> (Dryland Tea-tree) <i>Callitris gracilis</i> (Southern Cypress Pine)	<i>Araucaria sp.</i> (Southern conifers)
COAST	<b>Marino</b>	Brown sandy to clayey soils often calcareous	Coastal Cliffs	445.9 mm	<i>Eucalyptus porosa</i> (Mallee Box) <i>Eucalyptus camaldulensis</i> (River Red Gum) <i>Acacia pycnantha</i> (Golden Wattle)	<i>Pinus canariensis</i> (Canary Island Pine)
	<b>Hallett Cove</b>	Shallow red-brown loams over limestone	Plains Footslopes & Swamp flats	441.7 mm	<i>Allocasuarina verticillata</i> (Drooping Sheoak) <i>Pittosporum angustifolium</i> (Native Apricot) <i>Melaleuca lanceolate</i> (Dryland Tea-tree) <i>Callitris gracilis</i> (Southern Cypress Pine)	<i>Ficus sp.</i> (Figs) <i>Cedrus sp.</i> (Cedars) <i>Araucaria sp.</i> (Southern conifers)

\* Please Note: Suggested species will make up the majority of plantings within the described zones, but may not be exclusive to.

## APPENDIX 2 SUGGESTED STREET TREE SPECIES LISTS

Division of Areas	Suburb	Existing Dominant Species	Suburb Visual Character Consideration	Soil Description	Landscape Description	Annual Rainfall (mm)	Potential Species Directions
North	Glengowrie	Lophostemon confertus	Tree species have been selected in response to the built and historical form of the Northern suburbs.	Red brown earths (red brown clay to red brown sandy clay)	Plains Grasslands	445.9 mm	<i>Agonis flexuosa</i> (Willow Myrtle) <i>Angophra costata</i> (Smooth barked apple) <i>Celtis</i> sp. (Hackberry)
	Morphettville	Callistemon 'Kings Park Special'		Red brown earths, Alluvial soils (through Sturt River)	Plains, Watercourse	445.9 mm	<i>Corymbia maculata</i> (Spotted Gum) <i>Eucalyptus lecoxylon megalocarpa</i> (Large fruited SA Blue Gum)
	Plympton Park	Callistemon 'Kings Park Special'	The Tree Character theme for this area will provide legibility of streets and street networks.	Red brown earths, (red brown clay to red brown sandy clay)	Footslopes, Plains Grasslands	445.9 mm	<i>Fraxinus angustifolia</i> 'Raywood' (Claret Ash)
	South Plympton	Callistemon 'Kings Park Special'		Red brown earths	Footslopes	445.9 mm	<i>Ginkgo biloba</i> (Maidenhair Tree) <i>Jacaranda mimosifolia</i> (Jacaranda)
	Glandore	Callistemon 'Kings Park Special'	Scaled deciduous plantings will provide sustainable solar gains through Winter and the provision of shade through the Summer months.	Red brown earths, (red brown clay to red brown sandy clay)	Footslopes, Plains Grasslands	445.9 mm	<i>Koelreuteria</i> sp. (Rain tree) <i>Lagerstromia</i> sp. (Crepe Myrtle)
	Edwardstown	Callistemon 'Kings Park Special'		Red brown earths	Footslopes	445.9 mm	<i>Lophostemon confertus</i> (Brushbox) <i>Platanus x acerifolia</i> (London Plane Tree) <i>Pyrus chantcleer</i> (Flowering Pear)
	Parkholme	Eucalyptus leucoxylon Lophostemon confertus		Red brown earths	Footslopes	445.9 mm	<i>Quercus palustris</i> (Pin Oak) <i>Sophora japonica</i> (Japanese Pagoda)
	Ascot Park	Agonis flexuosa		Red brown earths	Footslopes	445.9 mm	<i>Tilia rubra</i> (Red Cottonwood) <i>Triadica sebiferum</i> (Chinese Tallowtree) <i>Ulmus parvifolia</i> (Chinese Elm) <i>Zelkova serrata</i> (Zelkova)

Central	<b>Warradale</b>	Callistemon 'Kings Park Special'	As the heart of the City the Central Tree Character theme will provide links through to its cultural heritage with connections through to the Northern precincts.	Red brown earths (red brown clay to red brown sandy clay)	Plains Grasslands	445.9 mm	<i>Agonis flexuosa</i> (Willow Myrtle) <i>Angophra costata</i> (Smooth barked apple) <i>Celtis sp.</i> (Hackberry) <i>Corymbia maculata</i> (Spotted Gum) <i>Eucalyptus lecoxylon megalocarpa</i> (Large fruited SA Blue Gum) <i>Eucalyptus torquata</i> (Coral Gum) <i>Geijera parvifolia</i> (Wilga) <i>Lagerstromia sp.</i> (Crepe Myrtle) <i>Lophostemon confertus</i> (Brushbox) <i>Pistachia chinensis</i> (Chinese pistachio) <i>Platanus x acerifolia</i> (London Plane Tree) <i>Pyrus chantcleer</i> (Flowering Pear) <i>Tilia rubra</i> (Red Cottonwood) <i>Triadica sebiferum</i> (Chinese Tallowtree)
	<b>Oaklands Park</b>	Eucalyptus leucoxylon		Red brown earths (red brown clay to red brown sandy clay)	Plains Grasslands	445.9 mm	
	<b>Marion</b>	Eucalyptus leucoxylon		Red brown earths, Alluvial soils (through Sturt River)	Footslopes, Watercourse	445.9 mm	
	<b>Mitchell Park</b>	Eucalyptus leucoxylon	A variety of evergreen and deciduous species will compliment the Central ward, allowing planting allocations to be sensitive to its surrounds.	Red brown earths	Footslopes	445.9 mm	
	<b>Clovelly Park</b>	Callistemon 'Kings Park Special'		Red brown earths	Footslopes	445.9 mm	
	<b>Dover Gardens</b>	Eucalyptus sp.		Terra rossa	Plains	445.9 mm	
	<b>Seacombe Gardens</b>	Eucalyptus sp.		Terra rossa	Plains	445.9 mm	
	<b>Sturt</b>	Eucalyptus sp.		Terra rossa	Plains	445.9 mm	
	<b>Bedford Park</b>		Scale plantings will offset the densification of the surrounding urban form and provide colourful corridors.	Heavy red brown clay to red brown clay	Footslopes	445.9 mm	

South	<b>Darlington</b>	Koelreutera paniculata	The Southern Tree Character theme will promote its open spaces and newly development form.	Shallow red-brown to grey-brown soils with shale and limestone deposits	Footslopes	445.9 mm	<i>Agonis flexuosa</i> (Willow Myrtle) <i>Celtis sp.</i> (Hackberry) <i>Cupaniopsis anacardioides</i> (Tuckeroo) <i>Eucalyptus lecoxylon megalocarpa</i> (Large fruited SA Blue Gum) <i>Eucalyptus sp.</i> (Gum) <i>Eucalyptus torquata</i> (Coral Gum) <i>Fraxinus angustifolia</i> 'Raywood' (Claret Ash) <i>Geijera parvifolia</i> (Wilga) <i>Koelreuteria sp.</i> (Rain tree) <i>Platanus x acerifolia</i> (London Plane Tree) <i>Sophora japonica</i> (Japanese Pagoda) <i>Ulmus parvifolia</i> (Chinese Elm)
	<b>Seacombe Heights</b>	Eucalyptus sp. Agonis flexuosa		Shallow red-brown loams over limestone	Plains	445.9 mm	
	<b>Seaview Downs</b>	Eucalyptus sp.	Evergreen species will enhance the integration of its built form and its surrounds.	Shallow red-brown loams over limestone	Plains	445.9 mm	
	<b>Seacliff Park</b>	Eucalyptus sp.		Shallow red-brown loams over limestone	Plains	445.9 mm	
	<b>O'Halloran Hill</b>	Celtis australis Ulmus parvifolia	Green leafy corridors will support the existing infrastructure and provide sustainable links through to open areas.	Shallow red-brown to grey-brown soils with shale and limestone deposits	Footslopes	441.7 mm	
	<b>Trott Park</b>	Acer negundo Cupaniopsis sp. Koelreuteria sp. Pyrus sp.		Shallow red-brown loams over limestone	Plains	441.7 mm	
	<b>Sheidow Park</b>	Koelreuteria sp. Pyrus sp. Ulmus sp.		Shallow red-brown loams over limestone	Plains	441.7 mm	

Coastal	<b>Marino</b>	Callistemon sp. Eucalyptus sp.	The Characteristics of species suited to the Coastal theme include Trees that are sustainable and enhance the natural surrounding ecosystem.	Brown sandy to clayey soils often calcareous	Coastal Cliffs	445.9 mm	<i>Agonis flexuosa</i> (Willow Myrtle) <i>Allocasuarina verticillata</i> (Drooping Sheoak) <i>Araucaria</i> sp.(Southern conifers) <i>Celtis</i> sp. (Hackberry) <i>Cupaniopsis anacardioides</i> (Tuckeroo) <i>Eucalyptus lecoxylon megalocarpa</i> (Large fruited SA Blue Gum)
	<b>Hallett Cove</b>	Callistemon sp. Eucalyptus sp. Ulmus parvifolia	<p>Species have been selected that will establish and thrive within surrounding conditions.</p> <p>Scaled plantings will compliment but be sensitive to panoramic views.</p>	Shallow red-brown loams over limestone	Plains Footslopes & Swap flats	441.7 mm	<i>Eucalyptus porosa</i> (Mallee Box) <i>Eucalyptus</i> sp. (Gum) <i>Eucalyptus torquata</i> (Coral Gum) <i>Fraxinus angustifolia</i> 'Raywood' (Claret Ash) <i>Geijera parvifolia</i> (Wilga) <i>Koelreuteria</i> sp. (Rain tree) <i>Platanus x acerifolia</i> (London Plane Tree) <i>Sophora japonica</i> (Japanese Pagoda) <i>Ulmus parvifolia</i> (Chinese Elm)

\* Please Note: Suggested species will make up the majority of plantings within the described zones, but may not be exclusive to.

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**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 2017/18  
**Report Reference:** GC300118R05

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**REPORT OBJECTIVE**

The purpose of this report is for Council to review and adopt the proposed *Code of Practice, Procedures at Meetings 2017/2018 (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 (9).

The current *Code of Practice, Procedures at Meetings 2016* was adopted by Council in November 2016. 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 2017/18' provided at Appendix 1 to this report.

**30 Jan 2018**

**OR**

1. That Council adopts the amended 'Code of Practice – Procedures at Council Meetings 2017/18' provided at Appendix 1 to this report, subject to the inclusion of the following changes: (include or remove as appropriate)
  - Elected Member Verbal Communication time be reduced to 1 or 2 minutes (advise which)



- **Elected Members be requested to provide Conflict of Interest declarations in writing to assist in the accuracy of the minutes**
- **A Member must not speak longer than 90 seconds when exercising the right of reply (except with the leave of the meeting).**

## 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 22 November 2016 General Council meeting (Report Reference: GC221116R21). This Code has been reviewed taking into consideration procedural queries that have been raised over the last few months, particularly during meetings, and feedback responses received from Elected Members. A copy of the Code is attached as **Appendix 1** with marked-up changes to reflect minor variations as follows:

<b>Suggested amendment (Section of Code)</b>	<b>Comment</b>
<b>Written Notice (Part 1 Definitions)</b> Defined as 'legibly hand written or typed in either hard copy or email form.'	This would mean text messages, social media or other electronic forms etc will not be accepted.
<b>Elected Member Verbal Communications (Section 1.4)</b> To occur every second month starting from February (with the exception of caretaker period)	Currently included as '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.' however this needs to be revised in line with the 2018 meeting schedule.

<b>Suggested amendment (Section of Code)</b>	<b>Comment</b>
<b>Minutes (Section 3)</b> Change 'amendment' to 'variation, alteration' in section 3.4(d)	Slight amendment to wording to reflect regulation wording.
<b>Minutes (Section 3)</b> Add in sections 3.4(k) to 3.4(m)	Additions to reflect the regulations
<b>Minutes (Section 3)</b> Include 'Leave of Absences' with the leave of the meeting.	Currently state they will not be included but there may be situations where it is appropriate to.
<b>Questions (Section 4)</b> Questions must seek to obtain facts and not include commentary or views on the subject matter.	The purpose of questions is not to communicate views, opinions or to debate issues but to seek items of fact.
<b>Petitions (Section 5)</b> Petitions shall be submitted at least seven clear days prior to the Council meeting, to enable a report to be included on the agenda for the next ordinary meeting of Council.	Petitions received less than 7 clear days would be included on the next Council agenda
<b>Deputations (Section 6)</b> A request for Deputation must be received by 5pm on the day prior to the meeting	Allows for requests to be received after the public has had an opportunity to read the agenda and gives time for the Presiding Member to consider the request prior to the meeting.
<b>Motions (Section 7)</b> In exercising the right of reply the mover must confine the remarks to responding to the issues raised in the debate and not introduce new material.	The Regulations provide for a 'right of reply' not 'closing the debate' and therefore new information should not be introduced.
<b>Motions (Section 7)</b> Add in sections 7.26 and 7.27	Additions to reflect the regulations
<b>Amendments to Motions (Section 8)</b> Add in section 8.8	Clarifies that a division can not be called on an amendment.
<b>Adjourned Business (Section 14)</b> The Presiding Member can allow for new business to be dealt with prior to business adjourned from a previous meeting	Allows for order of the agenda to be varied for time critical or important items.

In addition to the above suggestions Council may also wish to consider the following (noting that these have not been included in the marked up document attached as Appendix 1):

<b>Suggested amendment</b>	<b>Comment</b>
<b>Elected Member Verbal Communications (Section 1.4)</b> Reduce the time to speak down to 1 or 2 minutes (advise which)	Currently an Elected Member has the right to speak for up to three minutes

Suggested amendment	Comment
<b>Conflict of Interest (Section 1)</b> Elected Members be requested to provide Conflict of Interest declarations in writing to assist in the accuracy of the minutes	An example form is attached as <b>Appendix 2</b> . This form could be available to Members as an electronic form to be emailed and in hard copy.  Could be provided at the conclusion of the meeting if the interest is not known prior to the meeting
<b>Addresses by Members (Section 7)</b> A Member must not speak longer than 90 seconds when exercising the right of reply (except with the leave of the meeting).	Currently an Elected Member has the right to speak for up to three minutes

## 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 2018/2019 financial year.



# CODE OF PRACTICE

## Procedures at Council Meetings

2017/186

Adopted by Council: ~~22 November 2016~~30 January 2018

To be review: 2018~~7~~/198

## 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 adjourned<sup>1</sup>;

"**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**" means legibly hand written or typed in either hard copy or email form.

~~includes a notice given in a manner or form determined by the council.~~

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<sup>1</sup> 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 every second month from February (with the exception of caretaker period), 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 ~~een~~ block".



## 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 ~~variation, alteration 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) a record of any request for documents to be tabled at the meeting; and

(l) a record of any documents tabled at the meeting; and

(m) a description of any oral briefing given to the meeting on a matter of council business; and

(n) 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**

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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 (except with the leave of the meeting)
- (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(nk)(i) of this Code of Practice).

### **4.3 Questions must seek to obtain facts and not include commentary or views on the subject matter.**

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**4.34.4** A member may ask a question without notice at a meeting.

**4.44.5** The presiding member may allow the reply to a question without notice to be given at the next meeting.

**4.54.6** 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(nk)(ii) of this Code of Practice).

**4.64.7** 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.

**4.74.8** Members are able to ask a maximum of three Questions without Notice at a Council meeting except with the consent of the meeting.

**4.84.9** 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.

**4.94.10** In asking a clarification question a member will not be considered to be speaking to the motion.

4.104.11 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.

4.114.12 Members are encouraged to seek answers to questions prior to the Council meeting.

4.124.13 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 Petitions shall be submitted at least seven clear days prior to the Council meeting, to enable a report to be included on the agenda for the next ordinary meeting of Council.**

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**5.25.3** If a petition is received as detailed in 5.1 **and 5.2**, 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.

**5.35.4** 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.

**5.45.5** 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.

**6.16.2** **A request for Deputation must be received by 5pm on the day prior to the meeting.**

**6.26.3** The chief executive officer must transmit a request received as detailed in Section 6.1 to the presiding member.

**6.36.4** The presiding member may refuse to allow the deputation to appear at a meeting.

**6.46.5** 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.

**6.56.6** 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.

**6.66.7** The council may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.

**6.76.8** A council may refer the hearing of a deputation to a council committee.

**6.86.9** **A deputation must not exceed five minutes except with the consent of the meeting.**

**6.96.10** **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).**

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**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 In exercising the right of reply (Clause 7.16) the mover must confine the remarks to responding to the issues raised in the debate and not introduce new material.**

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~~7.177.18~~ 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.

~~7.187.19~~ A member who has not spoken in the debate on a question may move a formal motion.

~~7.197.20~~ 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).

~~7.207.21~~ 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.

~~7.217.22~~ 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).

~~7.227.23~~ A formal motion does not constitute an amendment to a substantive motion.

7.237.24 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.

7.25 A formal motion for adjournment must include the reason for the adjournment and the details for resumption.

7.26 Any question that lies on the table as a result of a successful formal motion under 7.20 lapses at the next general election.

7.247.27 The chief executive officer must report on each question that lapses under 7.25 to the council at the first ordinary meeting of the council after the general election.

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## 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.**

**8.7.8 Note a division can not be called on an amendment as an amendment to a motion is an alteration to the wording of a motion – it is not a motion in its own right.**

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## 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.~~

14.3 The Presiding Member can allow for new business to be dealt with prior to business adjourned from a previous meeting

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**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.

~~16.1~~**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.

Regulation 28

**17. Points of Order**

17.1 The presiding member may call to order a member who is in breach of the Act or these regulations.

17.2 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.

17.3 A point of order takes precedence over all other business until determined.

17.4 The presiding member will rule on a point of order.

17.5 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.

17.6 The presiding member is entitled to make a statement in support of the ruling before a motion under 17.5 is put.

17.7 A resolution under 17.5 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.

## 18. Interruption of Meetings by Members

Regulation 29

18.1 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.

18.2 Clause 18.1(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.

18.3 If the presiding member considers that a member may have acted in contravention of Clause 18.1, the member must be allowed to make a personal explanation.

18.4 Subject to complying with Clause 18.3, the relevant member must leave the meeting while the matter is considered by the meeting.

18.5 If the remaining members resolve that a contravention of Clause 18.1 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.

18.6 A member who-

- (a) refuses to leave a meeting in contravention of Clause 18.4; or
- (b) enters a meeting in contravention of a suspension under Clause 18.5,

is guilty of an offence and the Maximum penalty is \$1,250

## 19. Interruption of Meetings by Others

Regulation 30

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:	<del>22-28</del> November 2017 <del>6</del>
Next Review:	<del>October 2017</del> 2018/19
Previous Version:	<del>10-22</del> November 2016 <del>5</del>
Owner:	Manager Corporate Governance
Applicable Legislation:	Local Government Act 1999 Local Government (Procedures at Meetings) Regulations 2013



## Declaration of Elected Members

### Conflict of Interest

In accordance with Section 74 of the Local Government Act 1999

To be completed and given to Meeting Minute Taker on the day of the meeting.

Council Member: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_

Council or Committee: \_\_\_\_\_

Agenda Item: \_\_\_\_\_

I wish to declare a ☐ Material ☐ Actual ☐ Perceived Conflict of Interest

#### Section 1 Material Conflict

##### **Material - Conflict of Interest:**

I consider that I have a **material** conflict of interest pursuant to section 73 of the Local Government Act 1999 ('the LG Act'). The nature of my **material** conflict of interest is as follows [*ensure sufficient detail is recorded, including the reasons why you (or a person prescribed in section 73(1) of the LG Act) stands to obtain a benefit or suffer a loss depending on the outcome of the consideration of the matter at the meeting of the Council in relation to the Agenda Item described above*]:

I will leave the meeting room (including any area set aside for the public) such that I cannot view or hear any discussion or vote at the meeting, and will stay out of the meeting room while the matter is being discussed and voted on.

#### Section 2 – Actual or Perceived Conflict

##### **Actual – Conflict of Interest**

The nature of my actual conflict of interest (pursuant to section 74 of the Local Government Act 1999) is as follows [*ensure sufficient detail is recorded, including the reasons why the conflict between your interest and the public interests might lead to a decision that is contrary to the public interest in relation to the Agenda Item described above*]:

##### **Perceived – Conflict of Interest**

The nature of my perceived conflict of interest (pursuant to section 74 of the Local Government Act 1999) is as follows [*ensure sufficient detail is recorded, including the reasons why the conflict between your interest and the public interests might lead to a decision that is contrary to the public interest in relation to the Agenda Item described above*]:

**I intend to deal with the Conflict of Interest in the following transparent and accountable way by:**

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Originating Officer:** Ann Gibbons, Environmental Sustainability Manager

**General Manager:** Abby Dickson, General Manager City Development  
Vincent Mifsud, General Manager Corporate Services

**Subject:** Participation in Building Upgrade Finance

**Report Reference:** GC300118R06

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**REPORT OBJECTIVES:**

This report seeks Council's approval to:

- Participate in the Building Upgrade Finance (BUF) scheme;
- Assign delegation to the Chief Executive Officer to enter into, or to vary or terminate a Building Upgrade Agreement on behalf of Council and to declare and levy a building upgrade charge under a Building Upgrade Agreement (BUA) for eligible upgrade works, as defined under the Act;
- Endorse the Draft City of Marion Building Upgrade Finance Policy (Appendix 5).

**EXECUTIVE SUMMARY**

A BUF is a loan mechanism that assists building owners to access long-term finance at a competitive fixed interest rate to fund upgrades to existing commercial, industrial and agricultural buildings that improve the energy, water or environmental performance of the building and/or works for heritage buildings.

Under the BUF mechanism, a council, a building owner and a financier enter into a BUA.

Participation in the BUF mechanism is voluntary and by resolution of Council. It is governed by the *Local Government (Building Upgrade Agreements) Amendment Act 2015* and the *Local Government (Building Upgrade Agreements) Regulations 2017*, which commenced on 1 August 2017, under the *Local Government Act 1999* (SA).

Appendix 1 attached provides a copy of *Schedule 1B – Building Upgrade Agreements (from Local Government Act 1999)* and Appendix 2 provides a copy of the *Local Government (Building Upgrade Agreements) Regulations 2017*.

Council will not be liable for any non-payment of the building owner and can sell land for non-payment of the building upgrade charge (or any amount of it) in accordance with the Act and Regulations.

**RECOMMENDATIONS**

**That Council:**

1. Approves the City of Marion's participation in the Building Upgrade Finance mechanism, by offering to enter into Building Upgrade Agreements as defined by Schedule 1B of the *Local Government Act 1999* (Appendix 1).

**DUE DATES**

**30 Jan 2018**

- |  |             |
|--|-------------|
| 2. Delegates authority to the Chief Executive Officer to:  | 30 Jan 2018 |
| <ul style="list-style-type: none"> <li>• Enter into, or to vary or terminate, a Building Upgrade Agreement;</li> <li>• Declare and levy a Building Upgrade Charge under a Building Upgrade Agreement as defined by the <i>Local Government Act 1999 (SA)</i>;</li> <li>• Set late payment and service fees as part of a Building Upgrade Charge in a Building Upgrade Agreement, as defined by the <i>Local Government Act 1999 (SA)</i>.</li> </ul> |             |
| 3. Endorses the Building Upgrade Finance Fees and Charges Schedule (Appendix 6).   | 30 Jan 2018 |
| 4. Endorses the DRAFT City of Marion Building Upgrade Finance Policy (Appendix 5).   | 30 Jan 2018 |

## BACKGROUND

Building Upgrade Finance (BUF) is a mechanism enabled by an amendment to the *South Australian Local Government Act 1999* designed to unlock investment in building retrofits and realise the associated economic and environmental benefits. It will enable owners of existing commercial, industrial and agricultural buildings in Marion to access longer-term fixed-interest finance for environmental upgrades and heritage works. Eligible buildings need to be at least two years old.

The BUF and its associated opportunities was raised at the November 2017 Southern Adelaide Economic Development Board meeting. Onkaparinga Council are also considering its involvement in this initiative. The initiative aligns with the Board's priorities to support businesses to adapt to climate change and reduce reliance on the national electricity grid. The Initiative also has strong alignment with Councils strategic directions under the theme of *Valuing Nature*.

The mechanism addresses two barriers that often impede building upgrades from going ahead. These are; access to capital; and the split incentive between property owners and tenants in leased buildings, where the owner incurs the cost of the upgrade but the tenant receives the benefits through reduced energy and/or water costs and improved accommodation.

Council's role will be to issue payment notices, collect repayments from building owners and pass the payments on to financiers.

The South Australian Government has committed four years of funds to employ a program administrator to support councils in the adoption and initial facilitation of this mechanism.

The mechanism is structured so that the financial liability is associated with the land rather than an individual owner, meaning that the charge can be transferred to a new owner upon sale of the property, with the option to pay out the BUA upon sale.

## ANALYSIS

### Benefits of Participation

By participating in the BUF mechanism, Council will support more sustainable environmental upgrades and heritage works and reduce operating costs for commercial, industrial and agricultural buildings in Marion. This will also deliver cash flow benefits to building owners, potentially improving their financial viability.

## Legal/Legislative and Risk Management

The *Local Government Act 1999* has been amended with the insertion of Schedule 1B (Appendix 1) and the *Local Government (Building Upgrade Agreements) Regulations 2017* (Appendix 2). The Building Upgrade Finance mechanism became operational in South Australia on 1 August 2017.

Council's administrative obligations or functions are specified in Schedule 1B of the *Local Government Act 1999* and the associated regulations (refer summary at Appendix 3).

## Risks of Participation

Potential risks to Council of entering into a Building Upgrade Agreement could include:

- Entering in to a BAU or declaring a charge that does not meet the requirements of the Local Government Act and Regulations;
- Not meeting the deadlines for provision of notices and handover of payments to the financier; and
- Implementing the enforcement procedure (to be developed).

Provided a BUA meets the requirements as set out in the *Local Government Act 1999* (SA) clause 2 of Schedule 1B, there would be no material risk that Council could be liable for any default by a financier to comply with its agreement to fund a building upgrade, or a default by a property owner to repay an outstanding building upgrade charge.

## Financial Implications

Councils can apply a service fee as part of a Building Upgrade Charge, to be paid by the building owner to the council, to cover any costs incurred by the Council in entering into and administering a Building Upgrade Agreement.

The following fees and charges are proposed (Appendix 6):

<b>Application Fee</b>	\$1,500.00
<b>Administration Fee</b>	
1 year term of Agreement	\$650.00
2 year term of Agreement	\$900.00
3 year term of Agreement	\$1,150.00
4 year term of Agreement	\$1,400.00
5 year term of Agreement	\$1,650.00
6 year term of Agreement	\$1,900.00
7 year term of Agreement	\$2,150.00
8 year term of Agreement	\$2,400.00
9 year term of Agreement	\$2,650.00
10 year term of Agreement	\$2,900.00
11 year term of Agreement	\$3,150.00
12 year term of Agreement	\$3,400.00
13 year term of Agreement	\$3,650.00
14 year term of Agreement	\$3,900.00
15 year term of Agreement	\$4,150.00
<b>Amendment Fee</b>	\$50.00
<b>Late Payment Fee</b>	\$75.00



The Administration Fee consists of two components: initial set up and legal costs (Application Fee); and costs associated with quarterly administration through the term of the Agreement.

These figures have been informed by advice from the BUF program facilitator based on practical experience in establishing and administering BUF schemes in New South Wales and by the City of Adelaide and the City of Salisbury in South Australia.

It should be noted that these charges will be refined as staff gain experience in managing BUAs and will be subject to annual consideration when Council sets its fees and charges during the annual budget process.

### **Resources (Capacity) Impact**

Subject to demand, the administration of the BUF mechanism will be undertaken within existing resources.

The SA Government has appointed a part-time program facilitator to work with Councils to ensure processes are consistent with legislative requirements and responsibilities outlined in the BUA.

### **Policy Implications**

The BUF mechanism contributes to the delivery of outcomes identified in the Strategic Plan and 3-Year Business Plan, and is consistent with the principles of Council's Climate Change Policy.

The Strategic Plan 2017 – 2020 states that:

- We will encourage our community to be careful in their energy and water consumption (Valuing Nature)

The 3-Year Business Plan 2016 – 2019 commitments include a priority to:

- Implement the priority actions of the Southern Adelaide Economic Development Board (Prosperous)

## **CONCLUSION**

The BUF mechanism is consistent with Council's broad approach to supporting businesses to invest and grow as well as its commitment to environmental sustainability.

Through implementation of the BUF mechanism, Council will support increased uptake of energy efficiency and renewable energy initiatives by owners of commercial, industrial and agricultural buildings in Marion. This will enable improved financing options and upgraded accommodation to local businesses across Marion.

## **APPENDICES**

1. **Schedule 1B – Building Upgrade Agreements (from *Local Government Act 1999*)**
2. **Local Government (Building Upgrade Agreements) Regulations 2017**
3. **Council obligations and functions**
4. **Building Upgrade Finance Fact Sheet**
5. **DRAFT City of Marion Building Upgrade Finance Policy**
6. **Building Upgrade Finance Fees and Charges Schedule**

## Schedule 1B—Building upgrade agreements

### 1—Interpretation

- (1) In this Schedule—

**approved methodology** means a methodology approved by the Minister by notice in the Gazette from time to time for the purpose of calculating a reasonable estimate of cost savings made or to be made by a lessee of a building as a consequence of upgrade works under a building upgrade agreement relating to the building;

**capital value** has the same meaning as in section 5(1) of the *Valuation of Land Act 1971*;

**environmental upgrade works** means works that improve the energy, water or environmental efficiency or sustainability of a building;

**Examples—**

- 1 Works that increase the efficiency of the energy or water consumption of a building or reduce its energy or water consumption.
- 2 Works that prevent or reduce pollution or eliminate or reduce the discharges of wastes or other substances harmful to the environment.
- 3 Works that reduce the use of materials or enable the recovery or recycling of materials.

**late payment fee** means an administrative fee that may be retained by a council for late payment of a building upgrade charge;

**primary parties** to a building upgrade agreement means the parties referred to in clause 2(1);

**relevant land** means the land on which is situated a building that is, or is intended to be, the subject of a building upgrade agreement;

**service fee** means a fee that covers any costs incurred by a council in entering into, and administering, a building upgrade agreement;

**upgrade works** in relation to a building means—

- (a) environmental upgrade works; or
- (b) works of a kind prescribed by the regulations,

but does not include works of a kind excluded from the ambit of this definition by the regulations.

- (2) In this schedule—

- (a) **common property, community corporation, community lot, community scheme, lot entitlement, owner** and **strata plan** have the same respective meanings as in the *Community Titles Act 1996*;
- (b) **strata corporation, strata scheme, unit, unit entitlement** and **unit holder** have the same respective meanings as in the *Strata Titles Act 1988*.

- (3) In this Schedule, a reference to a **building owner** is—

- (a) in the case of a building that is the subject of a community scheme—

- 
- (i) if the scheme is one under which the land is divided by a strata plan—a reference to the community corporation; or
    - (ii) in any other case—a reference to the owners of the community lots; or
  - (b) in the case of a building that is the subject of a strata scheme—a reference to the strata corporation; or
  - (c) in any other case—subject to subclause (4), a reference to the owner of the relevant land.
- (4) Despite subclause (3)(c), if, in relation to—
- (a) dedicated land or Crown leasehold land (both within the meaning of the *Crown Land Management Act 2009*); or
  - (b) land subject to a licence or Crown condition agreement under the *Crown Land Management Act 2009*,
- the Minister responsible for the administration of that Act delegates to the person or body the subject of the dedication, lease, licence or agreement the power to enter into, or to vary or terminate, a building upgrade agreement on behalf of the Crown in respect of a building on the land, a reference to a **building owner** in this Schedule is a reference to that person or body.
- (5) A delegation under subclause (4)—
- (a) must be by instrument in writing; and
  - (b) may be absolute or conditional; and
  - (c) is revocable at will.
- (6) A power delegated under this section may not be further delegated.

## 2—Building upgrade agreement

- (1) Subject to this clause, a council may, in relation to a building situated on land within the area of the council, enter into an agreement (a **building upgrade agreement**) under which—
- (a) the building owner agrees to undertake upgrade works in respect of the building; and
  - (b) a finance provider agrees to advance money to the building owner for the purpose of funding those upgrade works; and
  - (c) the council agrees—
    - (i) to levy a charge on the relevant land (a **building upgrade charge**), to be paid by the building owner, for the purpose of recouping the money advanced by the finance provider for the upgrade works (and any interest or other charges payable to the finance provider under the agreement); and
    - (ii) to pay to the finance provider any money paid to the council by way of the building upgrade charge (other than any service fee or late payment fee that the council is permitted by the agreement to deduct and retain).

- 
- (2) A building upgrade agreement may only be made in respect of a building of a prescribed kind, the construction of which was completed at least 2 years before the making of the agreement.
- (3) If a building upgrade agreement includes provision for payment to the finance provider of penalty interest on money advanced by the finance provider under the agreement, the rate of such interest will be—
- (a) if the regulations provide for the determination of the rate—determined in accordance with the regulations; or
  - (b) if the regulations do not provide for the determination of the rate—determined in accordance with the agreement.
- (4) If the primary parties to a building upgrade agreement agree, the agreement may be entered into by any other persons that the primary parties consider should be parties to the agreement.
- (5) A council must not enter into a building upgrade agreement unless—
- (a) the total amount of taxes, rates, charges and mortgages owing on the relevant land, when added to the total value of the building upgrade charge as set out in the proposed building upgrade agreement, is an amount not exceeding 80% of the capital value of the relevant land prior to any works that would be undertaken as part of the agreement; and
  - (b) the building owner has complied with subclause (6) and with any additional requirements prescribed by the regulations.
- (6) A building owner who intends to become a primary party to a building upgrade agreement with a council must—
- (a) give any existing mortgagee in respect of the relevant land written notice—
    - (i) of the building owner's intention to enter into a building upgrade agreement; and
    - (ii) of the particulars of any proposed building upgrade charge that is to be levied by the council under the proposed agreement; and
    - (iii) of any prescribed matters; and
  - (b) provide the council with the following information verified by statutory declaration:
    - (i) particulars of all mortgages (both registered and unregistered) over the relevant land, including—
      - (A) the total amount owing in respect of each mortgage; and
      - (B) if a relevant mortgage is held against 2 or more properties including the relevant land—the proportion of the debt secured by the mortgage that applies to that land calculated in accordance with subclause (7);
    - (ii) particulars of all taxes, rates and charges owing on the relevant land (including the total amount owing in respect of each tax, rate or charge) imposed by or under an Act;
    - (iii) a statement that the building owner has complied with paragraph (a).

- 
- (7) For the purposes of subclause (6)(b)(i)(B), the proportion of the debt secured by the mortgage that applies to the relevant land must be calculated by distributing the debt between all the properties against which the mortgage is held in proportion to the relative capital values of the properties.

### **3—Agreement to be made on voluntary basis**

- (1) Entry into a building upgrade agreement is voluntary.
- (2) A council cannot require any person to enter into a building upgrade agreement, whether as a condition of a development authorisation under the *Development Act 1993* or by any other means.

### **4—Variation or termination of agreement**

A building upgrade agreement may be varied or terminated by further agreement between the primary parties.

### **5—Contents of agreement**

- (1) A building upgrade agreement must be made in writing and specify—
- (a) the upgrade works to be undertaken by or on behalf of the building owner under the agreement; and
  - (b) the amount of money to be advanced by the finance provider under the agreement; and
  - (c) the amount of the building upgrade charge to be levied by the council under the agreement; and
  - (d) the schedule for the payment, by the building owner, of a building upgrade charge to the council; and
  - (e) the amount of, or a method for calculating the amount of, any service fee or late payment fee that the council may deduct and retain; and
  - (f) any prescribed matters.
- (2) A building upgrade agreement may—
- (a) provide for the early repayment of any amount payable under the agreement; and
  - (b) include such other provisions as may be agreed to by the parties to the agreement.
- (3) The regulations may provide that certain matters which must be specified in a building upgrade agreement under subclause (1) are to prevail against other matters provided for in the agreement to the extent of any inconsistency.

### **6—Declaration of building upgrade charge**

- (1) After a council enters into a building upgrade agreement, the council must, in accordance with the terms of the agreement, declare a building upgrade charge in respect of the relevant land (being a charge of the agreed amount specified in the building upgrade agreement).

- 
- (2) If a council declares a building upgrade charge, the council must within 28 days after the declaration give the building owner written notice specifying—
- (a) the name and address of the building owner; and
  - (b) a description of the relevant land in respect of which the building upgrade charge is being levied; and
  - (c) the building upgrade agreement under which the building upgrade charge is being levied; and
  - (d) the amount for which the building owner is liable; and
  - (e) the manner of payment of the amount; and
  - (f) the due date for payment of the amount, in accordance with the schedule for the payment of the building upgrade charge to the council (specified in the building upgrade agreement); and
  - (g) the amount of, or method of calculating, any service fee of the council authorised by the building upgrade agreement and any late payment fee that may be imposed by the council if the building owner fails to pay an amount for which the building owner is liable by the due date; and
  - (h) any prescribed matters.
- (3) A notice under subclause (2) must comply with any requirements prescribed by the regulations.
- (4) A council must, in relation to each payment in respect of a building upgrade charge for which a building owner is liable, give a notice under subclause (2) to the building owner at least 28 days before the date for payment specified in the notice.

### **7—Payment of building upgrade charge**

- (1) An amount for which a building owner is liable in respect of a building upgrade charge is due and must be paid by the date specified in the relevant notice under clause 6.
- (2) On payment of money in respect of a building upgrade charge to a council, the council may deduct and retain any service fee and late payment fee authorised by the building upgrade agreement.
- (3) Money paid to a council in respect of a building upgrade charge, other than any service fee and late payment fee retained by the council, must—
  - (a) be held by the council on behalf of the finance provider pending payment to the finance provider; and
  - (b) be paid by the council to the finance provider in accordance with the terms of the building upgrade agreement under which the charge was levied.

### **8—Building upgrade charge is a charge against land**

- (1) A building upgrade charge is, until paid in full, a charge on the relevant land.

- 
- (2) However, if a building upgrade charge relates to the common property, or part of the common property, of a community scheme or strata scheme, the charge is not a charge on the common property but is, instead, a charge on each of—
- (a) in the case of a community scheme—the community lots of the community scheme in proportion to the lot entitlements of the respective lots; or
  - (b) in the case of a strata scheme—the units of the strata scheme in proportion to the unit entitlements of the unit holders.

## **9—Sale of land for non-payment of building upgrade charge**

- (1) Subject to this clause, if an amount for which a building owner is liable in respect of a building upgrade charge remains unpaid for more than 3 years, the council may sell the relevant land in accordance with the regulations.
- (2) Any money received by the council in respect of the sale of land under this clause will be applied as follows:
  - (a) firstly—in paying the costs of the sale and any other costs incurred in proceeding under this clause;
  - (b) secondly—in discharging any liabilities to the council in respect of the land (other than any building upgrade charge, service fee or late payment fee in relation to a building upgrade charge);
  - (c) thirdly—in discharging any liability to the council for a building upgrade charge, service fee or late payment fee in relation to a building upgrade charge;
  - (d) fourthly—in discharging any liability to the Crown for rates, charges or taxes, or any prescribed liability to the Crown in respect of the land;
  - (e) fifthly—in discharging any liabilities secured by registered mortgages, encumbrances or charges;
  - (f) sixthly—in discharging any other mortgages, encumbrances or charges of which the council has notice;
  - (g) seventhly—in payment to the owner of the land.
- (3) If the owner cannot be found after making reasonable inquiries as to his or her whereabouts, an amount payable to the owner must be dealt with as unclaimed money under the *Unclaimed Moneys Act 1891*.
- (4) If land is sold in pursuance of this clause, an instrument of transfer or conveyance (as appropriate) under the council's common seal will, on registration, operate to vest title to the land in the purchaser.
- (5) The title vested in a purchaser under subclause (4) will be free of—
  - (a) all mortgages and charges; and
  - (b) all leases and licences.
- (6) An instrument of transfer or conveyance in pursuance of a sale under this clause must, when lodged with the Registrar-General for registration, be accompanied by a statutory declaration made by the chief executive officer of the council stating that the requirements of this clause and the regulations in relation to the sale of the land have been observed.

- 
- (8) Despite this clause and clause 1(4), nothing in this Schedule authorises the sale of—
- (a) any estate or interest of the Crown in land; or
  - (b) any interest in Crown land (within the meaning of the *Crown Land Management Act 2009*).

### **10—Repayment of advances to finance provider**

- (1) A council is not liable to repay to a finance provider an amount advanced by the finance provider to a building owner under a building upgrade agreement until the amount has been paid to or recovered by the council by way of the building upgrade charge.
- (2) If a building upgrade agreement is terminated before all the money that the finance provider agreed to advance to the building owner is advanced, the council must—
  - (a) adjust the building upgrade charge to reflect the lower amount advanced to the building owner; and
  - (b) give the building owner written notice of the adjustment.
- (3) If, as a result of an adjustment being made to a building upgrade charge under this clause—
  - (a) the building owner has made payment in respect of the charge in excess of the adjusted amount; and
  - (b) the excess amount has been paid by the council to the finance provider,then—
  - (c) the finance provider must repay the excess amount to the council; and
  - (d) the council must refund the building owner the excess amount paid.

### **11—Liability of council to recover building upgrade charge**

- (1) A council must use its best endeavours to recover a building upgrade charge in accordance with the terms of the building upgrade agreement under which the charge is authorised.
- (2) However, a council is not liable for any failure by a building owner to pay a building upgrade charge and any such failure does not make the council liable to pay any outstanding amount to the finance provider.

### **12—Recovery of contribution towards building upgrade charge from lessee**

- (1) Subject to this clause, a provision of a lease may require a lessee to pay to the lessor a contribution towards a building upgrade charge payable under a building upgrade agreement that relates to premises that are the subject of the lease.
- (2) A lessor is not entitled to recover a contribution from a lessee towards a building upgrade charge payable under a building upgrade agreement unless—
  - (a) if the lessee requests a copy of the agreement, the lessor has provided the lessee with a copy of the upgrade agreement; and
  - (b) the lessor has given the lessee—
    - (i) written notice of—



- 
- (A) the amount of the contribution that the lessee will be required to pay; and
    - (B) the period within which the contribution will be required to be paid,
 and the lessee consents to the payment of the contribution; or
  - (ii) at least 30 days before payment of the first contribution by the lessee is due, written notice of—
    - (A) the amount of the contribution that the lessee will be required to pay; and
    - (B) the period within which the contribution will be required to be paid; and
    - (C) a reasonable estimate (calculated in accordance with an approved methodology) of cost savings that may be made by the lessee, as a consequence of the upgrade works provided for by the building upgrade agreement, during the period to which the contribution relates (a *reasonable estimate*); and
    - (D) evidence of the calculations made in accordance with the particular approved methodology used to calculate the reasonable estimate,
 and the contribution specified in the notice does not exceed the reasonable estimate.
  - (3) The regulations may make further provision in relation to the recovery under a lease of a contribution from a lessee towards a building upgrade charge payable under a building upgrade agreement (including provisions relating to the entitlement of a lessor to recover such contributions and provisions that impose further requirements on a lessor or lessee in relation to the recovery of such contributions).
  - (4) This clause applies subject to the operation of section 73 of the *Residential Tenancies Act 1995* (so that a lessee who is a tenant under a residential tenancy agreement (within the meaning of that Act) cannot be required to pay a contribution under this clause).
  - (5) This clause applies despite section 13 of the *Retail and Commercial Leases Act 1995* and, to avoid doubt, a contribution under this clause—
    - (a) is to be taken to be an outgoing for the purposes of that Act; and
    - (b) in the case of a lease to which that Act applies entered into prior to the execution of a building upgrade agreement relating to premises the subject of the lease—may be recovered (despite section 26 of the *Retail and Commercial Leases Act 1995*) whether or not the contribution is disclosed in a disclosure statement given to the lessee in accordance with Part 3 of that Act.

### **13—Register of building upgrade agreements**

- (1) A council must keep a register of building upgrade agreements.
- (2) The register must include the information prescribed by the regulations.

- 
- (3) The register must be available for inspection (without charge) by a member of the public at the principal office of the council during ordinary office hours.
  - (4) A person is entitled to an extract from the register (without charge).

#### **14—Minister may require council to report on building upgrade agreements**

The Minister may require a council to provide a report containing the information specified by the Minister relating to building upgrade agreements entered into by the council.

#### **15—Regulations**

The Governor may, by regulation, make further provision in relation to building upgrade agreements.

### **Schedule 2—Provisions applicable to subsidiaries**

#### **Part 1—Subsidiaries established by one council**

##### **1—Application for Ministerial approval**

- (1) A council proposing to establish a subsidiary of the council under this Act must apply to the Minister under this Part.
- (2) An application by a council for the approval of the Minister to establish a subsidiary must—
  - (a) be in a form approved by the Minister; and
  - (b) be accompanied by information required by the Minister; and
  - (c) be accompanied by a copy of the proposed charter for the subsidiary (see clause 3).
- (3) A subsidiary comes into existence if or when the Minister, by notice in the Gazette, signifies his or her approval of the establishment of the subsidiary.
- (4) The council must, in conjunction with the publication of a notice under subclause (3), ensure that a copy of the charter of the subsidiary is published in the Gazette.

##### **2—Corporate status**

A subsidiary established under this Part—

- (a) is a body corporate; and
- (b) has the name assigned to it by its charter; and
- (c) has the powers, functions and duties specified in its charter; and
- (d) holds its property on behalf of the council.

##### **3—Charter of subsidiary**

- (1) A charter must be prepared for a subsidiary by the council.
- (2) The charter must address—
  - (a) the purpose for which the subsidiary is established;
  - (b) the constitution of a board of management as the subsidiary's governing body;

South Australia

## Local Government (Building Upgrade Agreements) Regulations 2017

under the *Local Government Act 1999*

### Contents

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- 9 Recovery of contribution towards building upgrade charge from lessee
- 10 Register of building upgrade agreements

### Legislative history

#### 1—Short title

These regulations may be cited as the *Local Government (Building Upgrade Agreements) Regulations 2017*.

#### 2—Commencement

These regulations will come into operation on the day on which the *Local Government (Building Upgrade Agreements) Amendment Act 2015* comes into operation.

#### 3—Interpretation

In these regulations—

*Act* means the *Local Government Act 1999*.

#### 4—Interpretation—definition of upgrade works

- (1) For the purposes of the definition of **upgrade works** in clause 1 of Schedule 1B of the Act, any of the following works in relation to a heritage building are prescribed:
  - (a) works for the purposes of maintaining, repairing, upgrading or reinstating the heritage significance of the building;
  - (b) works associated with compliance with requirements under the Building Rules (within the meaning of the *Development Act 1993*) or the *Disability Discrimination Act 1992* of the Commonwealth;
  - (c) works for the purposes of facilitating the ongoing occupation of the building.

- (2) In this regulation—

***heritage building*** means a building—

- (a) that is, or forms part of, a State Heritage Place under the *Heritage Places Act 1993*; or
- (b) designated as a place of local heritage under the *Development Act 1993*.

## 5—Prescribed buildings

For the purposes of clause 2(2) of Schedule 1B of the Act, a building that is used primarily for commercial, industrial or other non-residential purposes is a building of a prescribed kind.

## 6—Contents of agreement

- (1) For the purposes of clause 5(1)(f) of Schedule 1B of the Act, the following matters are prescribed:
  - (a) in the case of a building upgrade agreement involving environmental upgrade works—requirements designated by the Minister as mandatory requirements applying to the building owner relating to reporting to the parties to the building upgrade agreement on the environmental performance of the building within 15 months after practical completion of the environmental upgrade works, including—
    - (i) any improvements in the environmental performance of the building relating to the efficiency or consumption of energy or water; and
    - (ii) any other improvements in the environmental performance of the building resulting from the environmental upgrade works; and
    - (iii) any cost savings resulting from the environmental upgrade works; and
    - (iv) the environmental performance rating (if any) given by an accredited body designated by the Minister for the purposes of this subparagraph relating to the building;
  - (b) in all cases—requirements designated by the Minister as mandatory requirements applying to the parties to the building upgrade agreement relating to the use and disclosure of information provided in accordance with the agreement or in connection with Schedule 1B of the Act.
- (2) For the purposes of clause 5(3) of Schedule 1B of the Act, requirements under subregulation (1) prevail against other matters provided for in a building upgrade agreement to the extent of any inconsistency.
- (3) The Minister may vary or revoke a designation under subregulation (1).
- (4) A designation of a requirement by the Minister under subregulation (1), or the variation or revocation of such a designation, may be published in such manner as the Minister thinks fit.

**7—Special provisions relating to building subject to strata or community scheme**

- (1) If a building upgrade charge payable under a building upgrade agreement relates to a building that is the subject of a strata scheme or community scheme—
  - (a) the strata corporation or community corporation (as the case may be) may determine to pay the building upgrade charge—
    - (i) in the case of strata scheme or community scheme that has an administrative or sinking fund and where the corporation has determined to pay the charge from the administrative or sinking fund—from the administrative or sinking fund; or
    - (ii) in any other case—from the funds of the corporation; and
  - (b) if the building upgrade charge in respect of a particular unit (in the case of a strata scheme) or community lot (in the case of a community scheme) has been paid, the building upgrade charge in relation to which the payments were made ceases to be a charge on that unit or lot; and
  - (c) the strata corporation or community corporation (as the case may be) must, on the request of a unit holder (in the case of a strata scheme) or lot owner (in the case of a community scheme), provide the unit holder or lot owner (as the case requires) with a copy of the building upgrade agreement.
- (2) For the purposes of subregulation (1)(b), a reference to the building upgrade charge in respect of a particular unit or community lot includes a reference to any portion of a late payment fee attributable to the unit or lot.

**8—Sale of land for non-payment of building upgrade charge**

For the purposes of clause 9(1) of Schedule 1B of the Act, the following provisions apply:

- (a) before a council sells the relevant land, the council must send a notice to the building owner stating—
  - (i) the amount for which the building owner is liable; and
  - (ii) the period for which that amount has remained unpaid; and
  - (iii) that if that amount is not paid in full within 1 month of service of the notice (or such longer time as the council may allow), the council intends to sell the land for non-payment;
- (b) the council must send a copy of a notice sent to the building owner under paragraph (a) to—
  - (i) any ratepayer in respect of the relevant land (other than the building owner); and
  - (ii) to any registered mortgagee of the land;
- (c) if a council considers that it is unlikely that a notice sent under paragraph (a) or (b) would come to the attention of the person to whom it is sent, the council may effect service of the notice by—
  - (i) placing a copy of the notice in a newspaper circulating throughout the State; and

- (ii) leaving a copy of the notice in a conspicuous place on the relevant land;
- (d) if the amount specified in a notice under paragraph (a) is not paid in full within the time allowed under that paragraph, the council may proceed to have the relevant land sold;
- (e) the sale will be by public auction (and the council may set a reserve price for the purposes of the auction);
- (f) an auction under this regulation must be advertised on at least 2 separate occasions in a newspaper circulating throughout the State;
- (g) if, before the date of an auction, the amount specified in a notice under paragraph (a) and the costs incurred by the council in proceeding under this regulation are paid to the council, the council must cancel the auction;
- (h) if an auction fails, the council may sell the relevant land by private contract for the best price that it can reasonably obtain.

## **9—Recovery of contribution towards building upgrade charge from lessee**

- (1) Subject to subregulation (2), for the purposes of clause 12(3) of Schedule 1B of the Act, the following requirements apply to a lessor recovering a contribution from a lessee by virtue of an entitlement to recover contributions under clause 12(2)(b)(ii) of that Schedule:
  - (a) the lessor must provide the lessee with an annual report on the cost savings made by the lessee (calculated in accordance with the approved methodology) within 3 months of the end of the period to which the report relates;
  - (b) if the contributions of a lessee for a period exceed the cost savings made by the lessee during the period (calculated in accordance with the approved methodology)—
    - (i) the lessor must—
      - (A) if the lessee requests that the excess amount of the contributions be refunded—refund the excess amount; or
      - (B) in any other case—adjust the next contribution payable so that the lessee receives a credit for the excess amount; and
    - (ii) the lessor must ensure that future contributions payable by the lessee are reduced to reflect the cost savings made by the lessee (and any payment made by a lessee in respect of a future contribution before the reduction must be refunded or credited to the lessee in accordance with subparagraph (i)); and
    - (iii) the lessor must not recover a contribution from a lessee until the upgrade works that give rise to the cost savings to which the contribution relates (or, if upgrade works involve 2 or more elements or stages, an element or stage of the upgrade works that gives rise to the cost savings to which the contribution relates) are completed;

- (c) to avoid doubt, if the contributions of a lessee for a period are less than the cost savings made by the lessee during the period (calculated in accordance with the approved methodology), the lessor is not entitled to require the lessee to pay an additional contribution in respect of the period.
- (2) The lessor and lessee may agree that a requirement under subregulation (1)(a) or (b) does not apply, or applies with agreed modifications.
- (3) For the purposes of clause 12(3) of Schedule 1B of the Act, if—
  - (a) a building upgrade charge is paid in full; or
  - (b) a building upgrade agreement is terminated,a lessor recovering a contribution from a lessee under clause 12 of that Schedule must inform the lessee of the full payment of the charge or termination of the agreement (as the case requires).

## **10—Register of building upgrade agreements**

- (1) For the purposes of clause 13(2) of Schedule 1B of the Act, a register of building upgrade agreements kept by a council must include the following information in relation to each building upgrade agreement on the register:
  - (a) the address of the building;
  - (b) a description of the upgrade works;
  - (c) the total value of the building upgrade charge;
  - (d) the duration of the agreement (including the date of execution and date on which the agreement expires).
- (2) A council must keep its register of building upgrade agreements up to date and, in particular, must ensure that—
  - (a) a record (including the information required under this regulation) of a building upgrade agreement is entered on the register within 5 business days after execution of the agreement; and
  - (b) a record of a building upgrade agreement is removed from the register within 5 business days after—
    - (i) the building upgrade charge is paid in full; or
    - (ii) the agreement is terminated,(whichever occurs first).

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2017	200	<i>Gazette 25.7.2017 p2943</i>	1.8.2017: r 2



<b>Council obligation or function</b>	<b>1 Relevant provision of Schedule 1B of the <i>Local Government Act 1999</i> (LGA)<sup>i</sup></b>	<b>2 Relevant provision of <i>Local Government (Building Upgrade Agreements) Regulations 2017</i></b>	<b>3 Relevant provision of template BUA</b>
Ensure that proposed Building Upgrade Agreement complies with requirements under the LG Act – building is of a prescribed kind, building has been completed for a least 2 years the proposed works are ‘upgrade works’, and that total amount secured by mortgages plus rates and taxes together with amount to be advanced for upgrade works does not exceed 80% of capital value of the land, including a determination of the capital value of the relevant land and receiving statutory declaration from owner in relation to mortgages etc	Clauses 2(1), 2(2), 2(5), 2(6) and 2(7)	Regulations 4, 5, 6	Clause 2
Enter into Building Upgrade Agreement	Clause 2(1)		Clause 2
Declare an upgrade charge (BUC) in accordance with the terms of the BUA (on or before the Commencement Date of the BUA)	Clause 6.1		Clause 6.2
Enter particulars of BUA on the Register of BUAs within 5 days after the execution of the BUA.	Clause 13 (as to duty of Council to establish Register and in relation to public access)	Regulation 10 (as to information to be included in Register and 5 day time limit)	Clause 7 (acknowledgement of requirements of LGA and regs.)
Within 28 days of declaring the BUC, give notice to the owner setting out the particulars set out in clause 6(2) of Schedule 1B including details of amount owing under charge and manner of payment (includes calculation of relevant amounts and service fees payable to Council in accordance with BUA).	Cl. 6		Clause 6.3, Schedules 3 and 4
At the same time as giving above notice to building owner, give same notice to Finance Provider			Clause 6.3, Schedules 3 and 4
Within two business days of declaring the BUC give the building owner and finance provider notice that the BUC has been declared only (i.e. no other particulars required in that notice)			Clause 6.4
In relation to each payment under the BUC, provide notice to the building owner providing the particulars set out in clause 6.2 of Schedule 1B of the LG Act not less than 28 days before the due date for payment specified in the notice	Clause 6.4		Clause 8.1
Receive payment of BUC payment from building owner and deduct and retain the	Clause 7(2)		Clause 9.2 (payment by direct

<b>Council obligation or function</b>	<b>1 Relevant provision of Schedule 1B of the <i>Local Government Act 1999</i> (LGA)<sup>i</sup></b>	<b>2 Relevant provision of <i>Local Government (Building Upgrade Agreements) Regulations 2017</i></b>	<b>3 Relevant provision of template BUA</b>
service charge and any late payment fee authorised by the BUA			debit)
Hold amount paid (less service charge and any late payment fee) on behalf of finance provider and pay the amount held to the finance provider in accordance with the BUA	Clause 7(3)		Clause 9.2 requires payment of amount received (less Council fees) by EFT no later than 10 business days after receipt of payment by building owner
Council to give notice to finance provider as soon as practicable if owner fails to make any payment by the due date			Clause 15.1
Council to be bound by Enforcement Procedure			Clause 15.2 and Annexure 1
Council may sell the relevant land if an amount for which the owner is liable in respect of a building upgrade charge remains unpaid for more than three years and apply the proceeds of sale in accordance with the priorities set out Schedule 1B	Clause 9(1) see Clause 9(2) in relation to priorities	Regulation 9 sets out the procedures in accordance with which the Council must exercise its power of sale	Clauses 15.3 to 15.5 (inclusive)
Adjust BUC if BUA is terminated before all advances are made and give the owner notice of the adjustment	Clause 10(2)		Clause 10 Notice of amended repayment schedule to be given to owner and Council by finance provider within 5 business days of the adjustment date
Receive any excess amount paid as a result of an adjustment from finance provider and refund that excess amount to the owner	Clause 10(3)		Clauses 10.4 and 10.5 – Council to refund overpayment within 20 business days of receiving it from the finance provider (and finance provider must remit within 10 business days of being notified by

<b>Council obligation or function</b>	<b>1 Relevant provision of Schedule 1B of the <i>Local Government Act 1999</i> (LGA)<sup>i</sup></b>	<b>2 Relevant provision of <i>Local Government (Building Upgrade Agreements) Regulations 2017</i></b>	<b>3 Relevant provision of template BUA</b>
			Council of the overpayment)
Council to use its 'best endeavours' to recover BUC in accordance with terms of BUA	Clause 11		Clause 9.1
Council to report on upgrade agreements if required by Minister	Clause 14		Clause 14
Termination Council to provide notice to finance provider upon being provided with evidence of default of building owner in using finance for a purpose other than upgrade works Finance provider may direct Council to terminate – Council to give one month's notice in writing of termination Council has other termination powers			Clause 20

<sup>i</sup> Where more than one reference is made in columns 1, 2 and 3 to a Council obligation or function, the original source of that obligation or function is the source appearing in the column with the lowest (or lower) number.

# BUILDING UPGRADE FINANCE



## The South Australian Government has established the Building Upgrade Finance mechanism in South Australia.

Building Upgrade Finance is an innovative way to finance a building upgrade. It allows building owners to access longer-term fixed-interest finance to improve the energy, water and environmental efficiency of existing commercial buildings, and also provides a pathway for owners to share the costs and benefits of the upgrade with their tenants.

Simply put, Building Upgrade Finance is a new tool for improving the performance of a property asset. It provides an opportunity for commercial building owners and tenants to work together to improve the performance of their buildings, realise financial savings, and achieve win-win outcomes.

The enabling legislation<sup>1</sup> for the mechanism and the supporting regulations<sup>2</sup> came into operation on 1 August 2017.

### WHAT BUILDINGS CAN BE UPGRADED USING THIS MECHANISM?

To qualify for the mechanism, a building must be:

- predominantly non-residential - this comprises a broad range of commercial and industrial buildings, including office buildings, shopping centres, hotels and factories, warehouses, wineries and chicken sheds, and so on. Residential properties are not eligible to access the mechanism;
- at least two years post-construction.

The building should also be located in a municipality that participates in this voluntary mechanism.

A building does not have to be located on rateable land to be eligible for Building Upgrade Finance.

### BENEFITS OF BUILDING UPGRADE FINANCE



#### 1. NO UPFRONT CAPITAL OR SECURITY

Upgrades can be made at zero upfront cost to the building owner, and with no additional security required. Traditional finance often requires additional security, and will usually not cover all project costs.



#### 2. REDUCED RE-FINANCING RISK

Competitive interest rates are available, fixed for 10 years or potentially longer. This reduces the re-financing risk and allows building owners to plan with more certainty. Traditional finance is generally only available for terms of 2-5 years.



#### 3. IMPROVED CASH FLOW

Longer finance terms mean lower annual repayments, delivering immediate cash flow benefits to the owner. Under short term traditional finance, capital intensive upgrades may be unattractive due to the significant impact on cashflow.



#### 4. WIN-WIN FOR OWNER AND TENANTS

Both owners and tenants benefit from building upgrades, through lower operating costs, a better working environment and a more valuable asset. Building Upgrade Finance provides a secure and transparent mechanism for owners and tenants to share the costs in proportion to the benefits they receive. Without this mechanism, it can be difficult for upgrades to be negotiated until the end of a lease.

## HOW DOES BUILDING UPGRADE FINANCE WORK?

Under the Building Upgrade Finance mechanism, a local council, a building owner and a financier can voluntarily enter into a building upgrade agreement. Under this agreement: the **Building Owner** agrees to undertake upgrade works to their building, the **Financier** agrees to advance money to the building owner for the purpose of funding the upgrade works, and the **Council** agrees to declare and levy a building upgrade charge against the land on which the building is situated. This charge is then paid by the building owner to the council as a repayment of finance. The council then passes the repayment on to the financier once received from the building owner. As a result of this arrangement, the loan is effectively tied to the property rather than the property owner. In the event of the transfer of ownership of the property, the charge can remain with the property if the purchaser agrees.

The building upgrade charge effectively secures the loan, being ranked senior to mortgages, taxes and other charges in the event of default. This provides heightened security to the financier, allowing them to offer finance to the building owner on more attractive terms.

Under many commercial leases, tenants pay local government charges. Provided certain tenant-protection conditions specified in the Amendment Act and Regulations are met, the mechanism provides an avenue for building owners to recover tenant contributions towards the charge, thereby sharing the building upgrade costs and resulting utility savings with tenants.

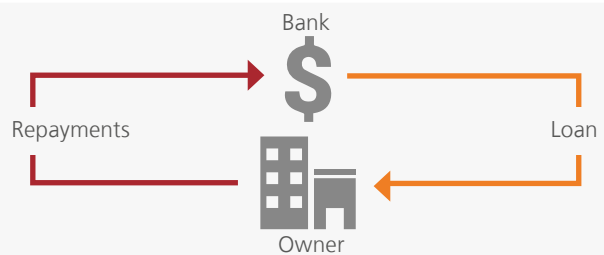
## WHAT UPGRADES QUALIFY FOR THE MECHANISM?

Upgrades must be undertaken in respect to an existing predominately non-residential building. Eligible upgrades fall into the following two categories:

- Environmental Upgrades - works that improve the energy, water or environmental efficiency or sustainability of a building; or
- Heritage Works - works that maintain, repair, upgrade or reinstate heritage significance, works associated with Building Rules and disability access compliance, and works that facilitate the heritage building's ongoing occupation.

### TRADITIONAL FINANCE

- Bank provides loan
- Owner makes repayments



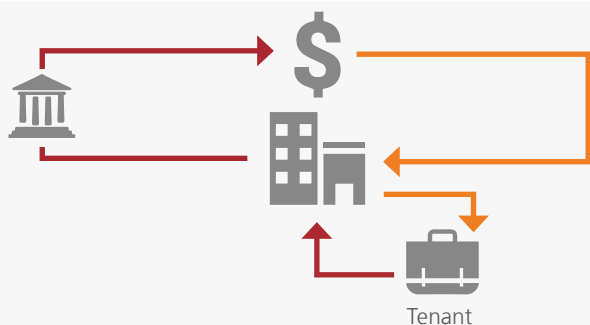
### BUILDING UPGRADE FINANCE

- Loan is highly secure, similar to council rates, allowing bank to provide better terms



### ...WITH TENANT CONTRIBUTION

- Tenant shares repayments proportionate to savings



For more information

#### Climate Change Branch

Department of Environment, Water and Natural Resources

E: [ClimateChange@sa.gov.au](mailto:ClimateChange@sa.gov.au)

[www.climatechange.sa.gov.au](http://www.climatechange.sa.gov.au)

[www.environment.sa.gov.au/climatechange-buf](http://www.environment.sa.gov.au/climatechange-buf)

[www.yoursay.sa.gov.au](http://www.yoursay.sa.gov.au)

*This factsheet was produced with the assistance of the Sustainable Melbourne Fund.*

[www.sustainablemelbournefund.com.au](http://www.sustainablemelbournefund.com.au)

# Building Upgrade Finance Policy



## 1. POLICY STATEMENT

This Policy specifies the circumstances under which the City of Marion will enter into and administer a Building Upgrade Agreement.

## 2. SCOPE

This Policy applies to all Building Upgrade Agreements involving the City of Marion.

## 3. CONTEXT

The Building Upgrade Finance mechanism is governed by the *Local Government (Building Upgrade Agreements) Amendment Act 2015* and the *Local Government (Building Upgrade Agreements) Regulations 2017*, which commenced on 1 August 2017, under the *Local Government Act 1999 (SA)*.

A Building Upgrade Agreement (BUA) is a voluntary agreement between a building owner, a finance provider and Council where:

- a Building Owner agrees to carry out upgrade works to a building as prescribed by the *Local Government (Building Upgrade Agreements) Regulations 2017*. These works cover both environmental upgrades and heritage works; and
- a Finance Provider agrees to advance funds to the Building Owner to finance those upgrade works; and
- Council levies a charge on relevant land (a building upgrade charge) for the purpose of recouping the money advanced by the finance provider for the upgrade works (and any interest or other charges payable to the finance provider under the agreement); and pays the finance provider any money paid to Council by way of the building upgrade charge.

## 4. PRINCIPLES:

4.1. Council's consideration of approaches to enter into a BUA will be guided by its requirements under the *Local Government Act 1999* and its broader strategic objectives as articulated in the *City of Marion Strategic Plan 2017 – 2027*.

4.2. Council will only consider entering into a BUA if the following criteria are met:

### 4.2.1. Upgrade Works

- a) The proposed works are consistent with the relevant provisions of Schedule 1B of the *Local Government Act 1999*.
- b) The proposed works are consistent with the relevant objectives of the *City of Marion Strategic Plan 2017 – 2027*.

### 4.2.2. Building

- a) The building is located in the City of Marion Local Government Area and was constructed at least 2 years ago.
- b) The building is a prescribed building under the *Local Government Act 1999*, used primarily for

commercial, industrial or other non-residential purposes.

- c) There are no outstanding Orders that have been issued in relation to the Building pursuant to any relevant legislation.
- d) There are no encumbrances noted or registered on the title for the Building which may impact on the City of Marion exercising its enforcement rights.

#### 4.2.3. Building Owner

- a) The Building Owner has successfully completed and submitted a BUA Application Form to the City of Marion.
- b) The Building Owner has provided the City of Marion with a Statutory Declaration that satisfies the Local Government Act 1999 Schedule 1B clause 2 (5) and (6) requirements.
- c) The Building Owner has no overdue debts owing to the City of Marion and is not in dispute with the City of Marion regarding any matter.
- d) The Building Owner has consulted with the City of Marion to ensure that all property development compliance requirements have been met or will be met prior to the earlier of the date that the BUA is executed by the Building Owner, City of Marion and Finance Provider or the Commencement Date.
- e) The Building Owner agrees to be bound by the requirements of the BUA (including any additional conditions as required by the City of Marion), this Policy and Council's broader approach to enforcing non-payment of rates and other charges.

#### 4.2.4. Finance Provider

- a) The Finance Provider acknowledges and agrees that it has undertaken a credit assessment of the Building Owner and is satisfied that at the Commencement Date the Building Owner is able to comply with its obligations under the BUA.
- b) The Finance Provider agrees to be bound by the requirements of the BUA (including any additional conditions as required by the City of Marion) and this Policy.

#### 4.3. The City of Marion will:

- a) Issue billing notices to the Building Owner on a quarterly basis showing the Building Upgrade Charge (BUC) in accordance with the Agreed Repayment Arrangements;
- b) Only accept payment of a BUC via direct debit;
- c) Only accept pre-payments of the BUC when twenty eight (28) days prior notice in writing is given;
- d) Charge the Building Owner all applicable fees/charges (as defined in the BUA) in the event that the Building Owner fails to pay the BUC on the Charge Payment Date; and
- e) Not be a party to any dispute that may arise between the Building Owner, a tenant or the Finance Provider as to any matter relating to a BUA.

- 4.4. To provide a consistent approach to the receipt and assessment of applications, building owners will be required to complete and submit a BUA application form to the City of Marion.



## 5. DEFINITIONS

- **Building Owner** – the person or persons so described in Schedule 1 of the BUA.
- **Building Upgrade Agreement (BUA)** – the contract agreement between the Council, Building Owner and Finance Provider for the purposes of implementing Upgrade Works in accordance with Schedule 1B of the Local Government Act 1999 and Local Government (Building Upgrade Agreements) Regulations 2017 to which this document is annexed. Terms which are defined in the BUA have the same meaning when used in this document unless otherwise defined or the context requires otherwise.
- **Building Upgrade Charge (BUC)** – amount agreed by the parties and specified in the BUA that is declared and levied by the Council and payable by the Building Owner to the Council.
- **Building Upgrade Finance (BUF)** – a mechanism which helps building owners to access loans for environmental or heritage building upgrade works as defined under the Local Government Act 1999 and prescribed under the Local Government (Building Upgrade Agreements) Regulations 2017.
- **Finance Provider** – a lending institution that has agreed to advance money to the building owner for the purpose of financing the upgrade works.

## 6. REFERENCES

### Legislation

- *Local Government Act 1999*
- *Local Government (Building Upgrade Agreements) Regulations 2017*

### Council Documents

- City of Marion Strategic Plan 2017 – 2027

## 7. ASSOCIATED PROCEDURES

- Building Upgrade Finance – Enforcement Procedure (DRAFT)
- Building Upgrade Finance – Internal Procedure
- Building Upgrade Finance – Application Form

Policy Name and version no.	City of Marion Building Upgrade Finance Policy - V1.0
Last update	
Last Council review (report reference)	GC300118R
Next review due	
Responsibility	



## Building Upgrade Finance Fees and Charges Schedule

<b>Application Fee</b>	\$1,500.00
<b>Administration Fee</b>	
1 year term of Agreement	\$650.00
2 year term of Agreement	\$900.00
3 year term of Agreement	\$1,150.00
4 year term of Agreement	\$1,400.00
5 year term of Agreement	\$1,650.00
6 year term of Agreement	\$1,900.00
7 year term of Agreement	\$2,150.00
8 year term of Agreement	\$2,400.00
9 year term of Agreement	\$2,650.00
10 year term of Agreement	\$2,900.00
11 year term of Agreement	\$3,150.00
12 year term of Agreement	\$3,400.00
13 year term of Agreement	\$3,650.00
14 year term of Agreement	\$3,900.00
15 year term of Agreement	\$4,150.00
<b>Amendment Fee</b>	\$50.00
<b>Late Payment Fee</b>	\$75.00

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Originating Officer:** Keith Davis, City Development Senior Advisor

**Manager:** Greg Salmon, Manager City Activation

**General Manager:** Abby Dickson, General Manager City Development

**Subject:** Tonsley Greenway

**Report Reference:** GC300118R07

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**REPORT OBJECTIVES**

To advise Council of the outcome of the design development of the Tonsley Greenway (Stage 1 – Daws Road to Celtic Avenue) and the associated cost estimate; and to seek Council's endorsement to investigate an alternative alignment for cycling and walking between Daws Road and Celtic Avenue, outside of the rail corridor.

**EXECUTIVE SUMMARY**

As per the outstanding Council Motion;

*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 (GC221116R04).*

This report presents the preliminary design of the Tonsley Greenway Stage 1 and the associated cost estimate for construction. The original project budget was estimated at \$1.05M. A component of this budget, \$350,000 has not been secured, resulting in an overall available budget of \$700,000.

Quantity surveyors have prepared a detailed cost estimate. The estimated cost is \$3.4M to deliver a shared use asphalt pathway, 3.5m wide for 820m in length, including lighting, fencing, drainage and other associated civil infrastructure. There is no space available for any associated landscape treatments or water sensitive design. Moreover, given the significant shortfall in budget, it is opportune to consider alternative routes for cycling and walking.

An alternative route would be on-road, contained within the road network with line-marking and other minor infrastructure modifications. Landscape treatments could be incorporated within the streetscape. An alternative would provide an indirect connection between Daws Road to Celtic Avenue, way finding and other signage would be required to create an appropriate legibility for cyclists. The alternative on-road scheme is a significant departure from the envisaged off-road Greenway, to a lower level of service. The alternative route is therefore not a substitute for the Tonsley Greenway, as it does not provide a direct uninterrupted pathway. However, it would meet the objectives of providing safe connections between destinations within the local network and an alternative connection between the Marino Rocks and Tonsley Greenways.

Aside from the budget shortfall, a construction program within Council's road reserves could be incorporated within streetscape upgrades, and may address Council priorities for the implementation of the Cycling and Walking Network Program. Opportunities to realise the additional benefits of landscape plantings and water sensitive design could be accommodated in Council streets, where space is available.

## RECOMMENDATIONS

## DUE DATES

### That Council:

- |   |                 |
|---|-----------------|
| 1. Endorses not to proceed with the detailed design and construction of the Tonsley Greenway Stage 1 within the rail corridor alignment.  | 30 January 2018 |
| 2. Approves an amendment to the existing Open Space and Places for People Grant Funding be sought from the Department of Planning, Transport and Infrastructure to redirect the funding for the construction of an alternative walking and cycling route. | 30 January 2018 |
| 3. Requests the development of an alternative walking and cycling route, outside of the rail corridor, to be presented to Council for consideration in March 2018.  | March 2018      |

## BACKGROUND

At the General Council Meeting on 22 November 2016 (GC221116R0), Council endorsed the Tonsley Greenway project, to progress the design development and to seek funding opportunities, for the further consideration of the Council. The Tonsley Greenway is considered in three segments, namely:

- 1) Flinders Medical Centre to Tonsley Redevelopment Site - proposed as part of Darlington Upgrade and Tonsley rail extension projects;
- 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 with responsibilities for development and funding; and
- 3) Tonsley Redevelopment site to the Marino Rocks Greenway – this section is the Stage 1 Council has identified as necessary to provide a continuous cycleway between Daws Road and Celtic Avenue.

Council initiated the proposal for the delivery of Stage 1 and in July 2016 Council secured State Government funding of \$350,000 from the Open Space and Places for People Grant Funding. This amount was matched by Council with a \$200,000 allocation from Council's Asset Sustainability Reserve to implement the Walking and Cycling Network Program with an additional \$150,000 contribution in-kind. An opportunity for an additional \$350,000 of State Government funding was identified in the Open Space and Places for People Grant Funding application, to be sourced from the Greenways Fund, once the actual alignment had been resolved. The total combined budget including the potential future Greenway Funding was \$1.05M.

Subsequently, design consultancies were engaged to develop a concept design and to quantify the cost implications for the consideration of Council prior to proceeding with the detailed documentation and construction of the project. The implications of the resultant design and the cost estimate of Stage 1 of the Tonsley Greenway are the subject of this report.

## **ANALYSIS**

### Land constraints

Council engaged Oxigen landscape architects to produce an initial concept for the alignment and typical cross-section for the Tonsley Greenway. Stage 1, (the section between Daws Road and Celtic Avenue) is proposed to be aligned within the rail corridor land immediately adjacent the train line.

(Appendix 1: Typical Cross Section - Oxigen)

The Stage 1 section has the least available land, resulting in the narrowest pathway width (3 – 3.5m) and precludes any landscape treatments. The corridor would be an asphaltic pathway between boundary fences with lighting columns to the rail side.

This concept has been further developed into a preliminary design by sub-consultant engineers Wallbridge Gilbert and Aztec, to provide sufficient detail for the purposes of cost estimate and to communicate the design intent with other stakeholders and funding agencies. A cost estimate has been prepared by Costplan quantity surveyors recommended by DPTI for their expertise in rail corridor infrastructure. The estimated cost is \$3.4M to deliver a shared use asphalt pathway, 3.5m wide for 820m in length, including lighting, fencing, drainage and other associated civil infrastructure.

(Appendix 2: Tonsley Greenway Projected Concept Cost Estimate)

A significant assumption of the cost estimate is that no overhead catenary poles are relocated. Localised narrowing would occur wherever conflicts arise with the placement of the overhead catenary poles (moving these poles is cost prohibitive, assumed to be in the order of \$30-120K per pole). Another assumption is that all work is undertaken within a full track shutdown and de-energised environment. This requirement would preclude any construction occurring independently of a larger overall track realignment within the Stage 1 section.

The northern most section between Daws Road to Thirza Avenue is within an existing residential area and the varied ownership and design of allotments, backing onto the rail corridor, preclude any ability to widen the corridor. However from Thirza Avenue to Celtic Avenue (the majority of the corridor), two schools back onto the corridor (Sacred Heart College and Clovelly Park Primary). This presents an opportunity to break out the corridor and connect into the schools. Preliminary discussion has occurred with each school however, no commitment has been made from either party (Trustee of Marist Brothers; DECD). The schools currently operate within a residential environment and cycling connections currently exist from the surrounding streets connecting with the Mitchell Park Bikeway. This may reduce the attraction for the schools to enable an additional direct connection to the proposed Tonsley Greenway and commit any funds.

### DPTI Funding

The original Open Space and Places for People Grant Funding application in July 2016 identified a possible future funding source from DPTI Greenways Fund. Recent conversations with DPTI Office of Cycling and Walking has confirmed that this opportunity is unavailable. DPTI has also highlighted that the proposal in isolation does not address the barrier of Daws Road. By providing a connection to Daws Road, a demand is created for a bike/pedestrian activated crossing. The available budget is now limited to a total of \$700,000 (Open Space and Places for People Grant Fund and matching Council contribution). To date Council has committed \$24,000 in consultancy fees for the delivery of the preliminary design.

An extension of the timeframe for delivery of Stage 1 has been confirmed by DPTI and the deed has been amended to expire in June 2019. The extension provides time for further assessment of the feasibility of the project however any changes to the scope of the project will require approval from DPTI, as the changes are substantially departing from the original intent to link between Daws Road to Celtic Avenue within the proposed Tonsley Greenway rail corridor alignment.

The Council contribution from the Asset Sustainability Reserve (to implement the Walking and Cycling Network Program) is \$200,000. Additionally a significant component of the matched funds is identified as in-kind (\$150,000). As this expenditure was proposed within the rail corridor, it may be problematic as to how the in-kind component of the expenditure can be identified, as Council staff would not be able to undertake the construction activity within a highly regulated rail environment. The redirection of expenditure from Council's Reserve to provide an alternative walking and cycling alignment on Council owned land, would meet the priorities of the Walking and Cycling Network Program.

An objective of the Open Space and Places for People Fund application was to provide opportunities for landscape treatments of indigenous species and water sensitive design (the retention of storm water). Given the limited space within the rail corridor, none of these features can be incorporated in the design. An alternative alignment outside of the rail corridor may enable additional landscape treatments within the streetscape.

#### Alternative alignments

Given the constraints within the rail corridor and the resultant shortfall in budget (compounded by the unavailability of another 1/3 contribution) an alternative alignment outside of the rail corridor would provide a more cost effective option, albeit at a lower level of service. An alternative route could be provided within the existing road reserve, effectively a bike path line-marked onto the road service. The incorporation of different road surface treatments and/or minor infrastructure changes at intersections could be incorporated to highlight cycle traffic and prioritise cyclists.

The contextual analysis provided by the design consultant Oxigen identifies an alternative on-road alignment to the west of the rail corridor, linking Daws Road to the current Mitchell Park station. This alignment connects the Hamilton Secondary College and Mitchell Park Regional Reserve.

To the east of the rail corridor (along Stage 1) the existing Mitchell Park Bikeway connects Daws Roads to Celtic Avenue. The Bikeway also connects the Sacred Heart and Clovelly Park Primary. This existing bikeway could be reinforced with new line marking and signage to improve the legibility and wayfinding. Minor infrastructure changes at intersections would improve cyclist visibility and priority.

#### (Appendix 3: Tonsley Greenway Context – Oxigen)

Both of these alternatives effectively address the aim of the Tonsley Greenway Stage 1; a connection between Daws Road and Celtic Avenue. However, the provision of an on-road cycle path is a significant departure from a dedicated off-road cycle pathway, to a lower level of service.

Other opportunities exist for Council to provide supporting infrastructure within the broader context of the Tonsley Redevelopment and Darlington Upgrade. The Birch Crescent connection to the rail extension overpass has also been identified as an unfunded project. A ground level shared path link has been investigated and could be provided as part of a future Birch Crescent streetscape upgrade. The redirection of the Open Space and Places for People Grant Fund to provide this infrastructure would also require DPTI approval.

## **Consultation**

Further consultation and liaison would occur with the relevant stakeholders based upon the location of the alternative route. Significant local consultation would be required where local road conditions are proposed to be altered.

## **Financial Implications**

Council contribution is financed from the Asset Sustainability Reserve to implement the Walking and Cycling Network Program. This allocation of \$200,000, combined with \$150,000 in-kind and the matching Open Space Fund, is inadequate to deliver the Tonsley Greenway Stage 1. Council would be required to redirect significant capital expenditure to land it does not own to make up the large shortfall. Potential additional funding partners originally identified at the time of the Open Space Fund application are not supporting the project. The remaining budget will be sufficient to deliver an alternative on-road alignment.

## **Resources (Capacity) Impact**

Council staff will continue to manage the project with support from consultants to document designs for construction. In-kind support from Council work programs will need to be re-directed to satisfy the \$150,000 contribution as per the Open Space Fund deed.

## **Policy Implications**

The delivery of cycle infrastructure is consistent with the Walking and Cycling and Streetscape Policies.

## **Social / Cultural Impact**

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. The project will provide connections between key destinations and features of the local community, including schools and reserves.

## **Environmental (Green) Implications**

The project incorporates landscape treatments and water sensitive design, where space permits within the road network.

## **CONCLUSION**

The preliminary design for Stage 1 of the Greenway project (Daws Road to Celtic Avenue) has been prepared and a cost estimate undertaken. The cost estimate is significantly higher than the original estimated budget. The shortfall is unfunded and a potential funding source has failed to be realised.

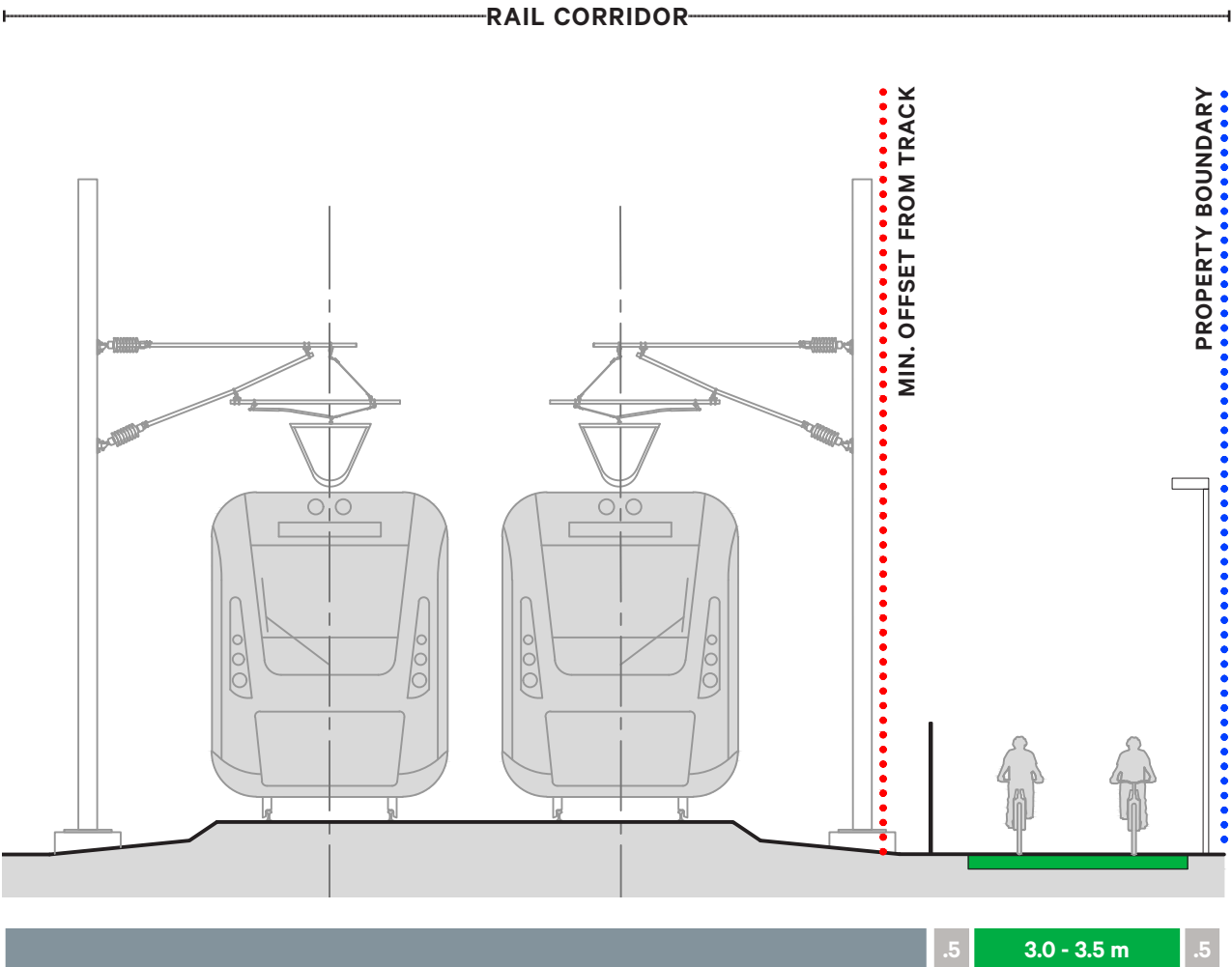
Council has the opportunity to reassess the direction of its investment in cycle infrastructure. Although an on-road pathway is a lower standard than envisaged by the Tonsley Greenway proposal, with appropriate localised design responses and improved wayfinding, a significant improvement for cyclists within Marion can be realised, in a cost effective and Council controlled environment.

## **APPENDICES**

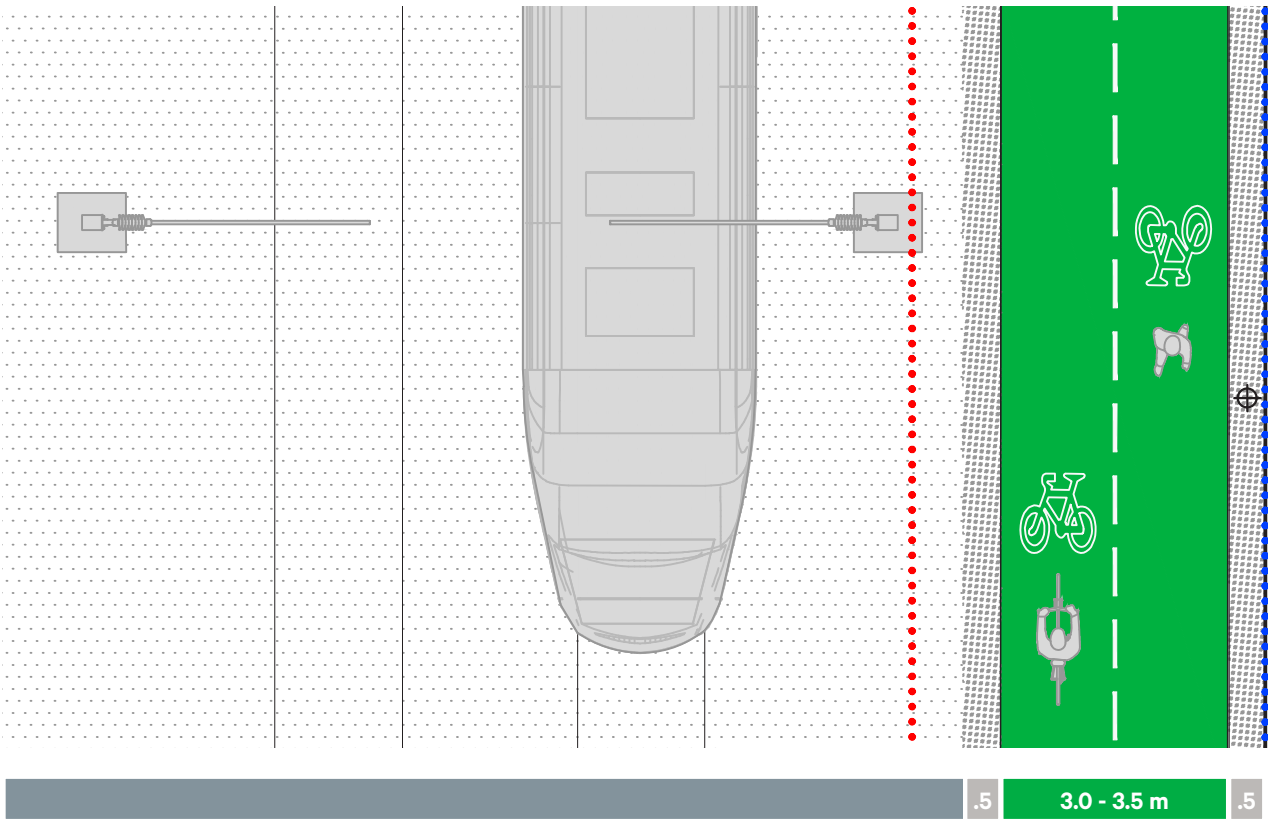
Appendix 1: Typical Cross Section - Oxygen

Appendix 2: Tonsley Greenway Projected Concept Cost Estimate

Appendix 3: Tonsley Greenway Context – Oxygen



Section



Plan

Notes

- Designated shared-use path
- Incorporates lighting
- Path reduced to min. 2.0m wide where necessary to reduce conflicts with rail electrification masts
- Incorporates new stormwater infrastructure and WSUD
- Path may be widened to sit partly on school's land

Legend

	Off-Road Shared Path
	Shared Path Buffer (min .5m)
	Rail Corridor

1:100 (A3) 0 1 2 3 4m

TONSLEY GREENWAY PROJECT



revision 3  
issue date 07-11-17

ESTIMATE SUMMARY

COST SUMMARY																		
STAGE	LOCATION	SECTION LENGTH	ASSUMED MEAN PATH WIDTH	COMMENTS	PRELIMS	DEMOLITION AND EARTHWORKS	DRAINAGE	PAVEMENTS	LINES AND SIGNS	LIGHTING	RETAINING WALL AND FENCING	RAIL SERVICES ADJUSTMENTS	MAZES	LANDSCAPING	TOTAL DIRECT COSTS	OVERHEADS AND MARGIN	CONTINGENCY	TOTAL
1	Daws Road to Adelaide Tce	366	NA	On Charles Street	\$3,528	\$0	\$0	\$0	\$988	\$0	\$0	\$0	\$0	\$0	\$4,516	\$452	\$497	\$5,465
2	Ash Ave to Alawoona Ave	595	4m	In Rail reserve, RW's, drainage network, fencing and lighting	\$288,596	\$67,140	\$278,460	\$129,255	\$4,457	\$256,277	\$332,150	\$0	\$0	\$0	\$1,356,335	\$135,634	\$186,496	\$1,678,465
3	Sturt Rd to Ash Ave	386	4m	In Rail reserve, drainage network, fencing and lighting	\$301,187	\$57,846	\$180,700	\$93,312	\$20,342	\$163,626	\$178,630	\$10,000	\$0	\$0	\$1,005,644	\$100,564	\$138,276	\$1,244,484
4	Alawoona Ave to Quick Rd	480	4m	In Rail reserve, RW's, drainage network, fencing and lighting	\$412,901	\$83,930	\$471,240	\$102,126	\$3,696	\$210,655	\$392,700	\$4,000	\$0	\$0	\$1,681,248	\$168,125	\$231,172	\$2,080,544
5	Daws Road to Celtic Avenue	820	3.5m	In Rail reserve, 2 x mazes to relocate, extension RW's and drainage network. 30% design	\$403,438	\$197,883	\$448,467	\$175,486	\$6,414	\$363,800	\$541,674	\$24,000	\$585,497	\$0	\$2,746,659	\$274,666	\$377,666	\$3,398,990
6	Quick Rd to Celtic Ave	410	3.5m	In Rail reserve, RW's, drainage network, fencing and lighting	\$464,463	\$187,718	\$493,080	\$88,743	\$3,157	\$158,059	\$278,390	\$305,000	\$10,000	\$0	\$1,988,610	\$198,861	\$273,434	\$2,460,905
7	Adelaide Tce to Dunorlan Rd	425	4m	On Road verge Rail side	\$252,013	\$64,725	\$0	\$94,325	\$2,348	\$0	\$78,625	\$6,000	\$0	\$23,375	\$521,411	\$52,141	\$71,694	\$645,246
					\$2,126,127	\$659,241	\$1,871,947	\$683,248	\$41,401	\$1,152,417	\$1,802,169	\$349,000	\$595,497	\$23,375	\$9,304,422	\$930,442	\$1,279,234	\$11,514,098

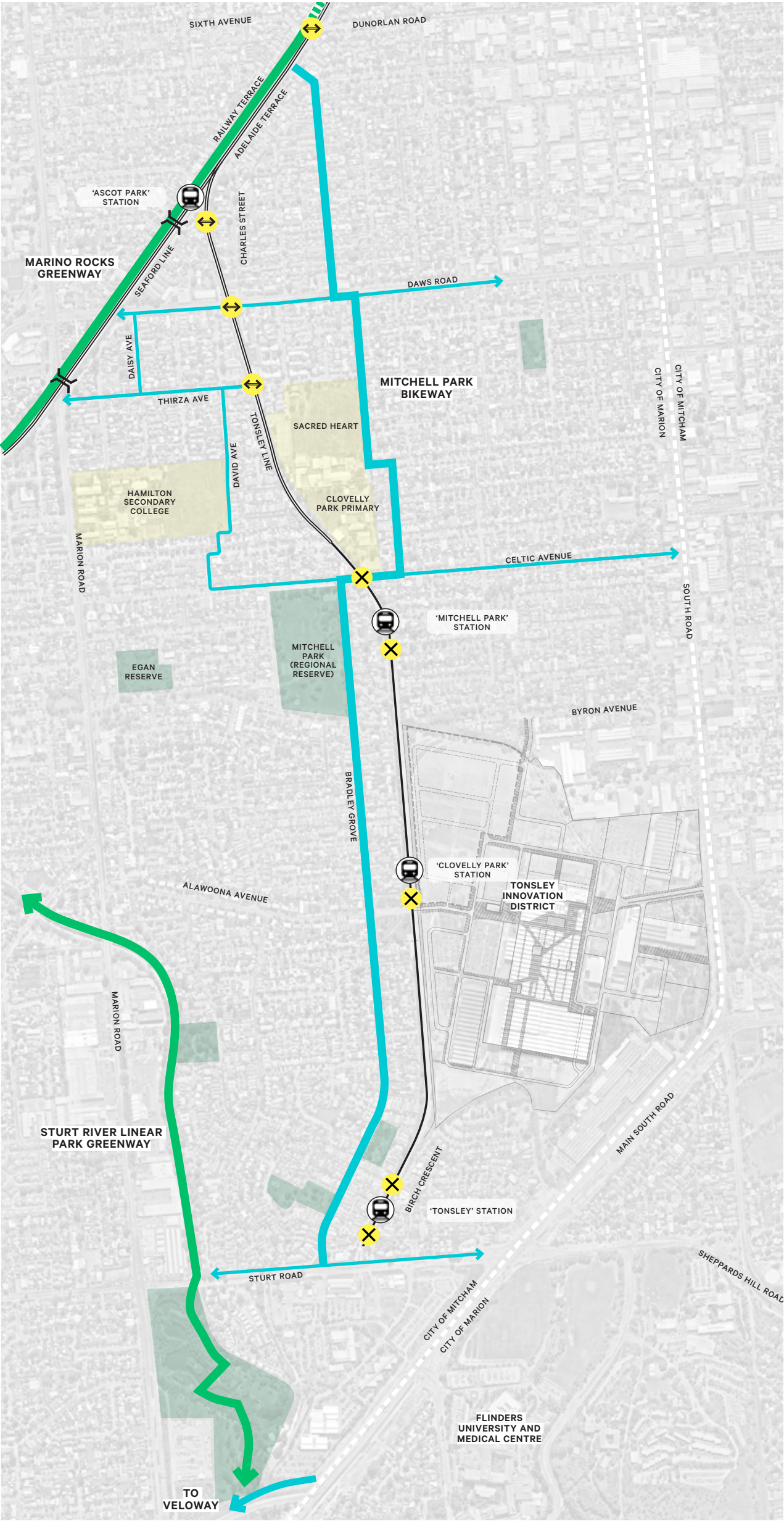
CLARIFICATIONS

- 1 Excludes services not specified
- 2 Excludes any new stormwater system to up-track side of line
- 3 Excludes Land acquisition
- 4 Excludes any works to track/ signal service works / Catenary system
- 5 Excludes clients costs such as design, planning, project and contract management.
- 6 Assumed works undertaken under FULL TRACK SHUTDOWN ( AND DE ENERGISED)
- 7 Based on WGA drawings WAD170317 C01 B to C21 B Incl., Segment 01 OPTA to 06 OPTA and Staging layout May 2017
- 8 If Catenary poles require moving then this would add considerable cost. Order of magnitude is in the order of 30 - 120K per pole depending on pole type and design.
- 9 Excludes landscaping
- 10 Excludes GST

\$0



# Existing Routes



- Legend**
- Greenway - Existing
  - Other Paths - Existing
  - Rail Corridor - Double Track
  - Rail Corridor - Single Track
  - Active Rail Crossing - Existing
  - Maze Rail Crossing - Existing
  - Train Station - Existing
  - Underpass - Existing

NTS ①

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Originating Officer:** Jerry Smith, Coordinator Biodiversity

**Manager:** Mathew Allen, Manager Engineering and Field Services

**General Manager:** Tony Lines, General Manager City Services

**Subject:** Alternatives to Glyphosate in Playgrounds

**Report Reference:** GC300118R08

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### **REPORT OBJECTIVES**

The objective of this report is to determine if using glyphosate for weed control falls within a best practice model and to examine possibilities for reducing glyphosate use around play grounds within the City of Marion.

### **EXECUTIVE SUMMARY**

Glyphosate is a herbicide widely used for reserve maintenance across Australia. Its use is regulated and risk assessed by the regulatory body, Australian Pesticides and Veterinary Medicines Authority (APVMA). Despite a lack of conclusive evidence on the health effects from incidental exposure, community members do have a perception of glyphosate being dangerous, especially in public spaces such as playgrounds. Without some plan for a gradual or partial reduction in glyphosate use, Council may be caught off-guard with regards to changes in community expectations.

It is suggested that Council invest in a truck mounted small steam weed applicator that uses saturated steam to kill weeds. In high use public areas saturated steam technology is the safest and most cost effective herbicide free manner to treat weeds. This equipment will not suit all applications across Council but would be well suited to weed control in playgrounds. Purchase and training is expected to be approximately \$25,000 with further costs for ensuring safe systems, ongoing training and maintenance requirements. An increase resource to apply the saturated steam of 0.2 FTE equivalent will be required due to the extra time it takes for application, but this can be incorporated into existing schedules.

### **RECOMMENDATIONS**

### **DUE DATES**

#### **That Council:**

- |   |                 |
|---|-----------------|
| 1. Continues to use glyphosate in accordance with the conditions and licences of the APVMA in all areas except playgrounds.                                   | 30 January 2018 |
| 2. Produces a factsheet that explains why weed control is undertaken, the methods used for control, and how residents can register for the no-spray register. | March 2018      |

- 3. Considers the allocation of \$25,000 for a saturated steam weeding machine to undertake weed control around play grounds, as part of the Annual Business Planning process for 2018/19. In addition endorses an annual budget of up to \$2,500 per annum for ongoing maintenance and training. Additional application resources of 0.2 FTE will be incorporated into existing work schedules.**

30 June 2018

## DISCUSSION

At the Council meeting on 14 June 2016, Council considered a report of the findings of the International Agency for Research on Cancer (IARC) an arm of the World Health that glyphosate was “probably carcinogenic to humans”. It was demonstrated that glyphosate is a probable hazard, but that risk was greatest in those occupationally exposed and not those subject to incidental contact.

Appropriate risk assessments have been undertaken by a statutory authority, the APVMA. The APVMA has assessed factors such as the circumstances of a chemical’s use, the level of exposure and availability of alternatives and protective measures such as warning labels and protective equipment and clothing. The APVMA, along with regulators in other countries, considers that current labels for glyphosate products contain appropriate instructions for use to keep those regularly handling glyphosate and those incidentally exposed safe. In short the IARC findings and risk assessment by the APVMA suggest that Glyphosate isn’t actually dangerous at the levels at which children, or the incidental park passerby are exposed. Incidental exposure to glyphosate falls well within a best practice framework. Although it is a risk, it is so incredibly low that it doesn’t warrant warnings and doesn’t warrant discontinued use.

However despite the factual evidence, there has been increasing public demand that councils, at the least examine other potential methods of undertaking weed control that do not use glyphosate.

### Best Practice Weed Management

There is no industry defined best practice weed management for Local Government, generally best practice weed management relates to agriculture describing simply how to effectively use herbicides in crops and agriculture to ensure maximum efficiency in terms of weed kill amongst crops whilst minimising costs on herbicide use. Best practice does not consider incidental public exposure or environmental outcomes.

In this regard best practice is partly regulated by conditions of the APVMA and partly dictated by our internal risk management which for the City of Marion includes:

- Working with and following standard operating procedures, including the need to undertake Job Safety and Environmental Analysis prior to beginning any spray operations. This analysis considers things like wind, rainfall and presence of the public.
- Ensuring occupational users have access to appropriate training, with all City of Marion occupational users being trained in the ChemAlert system.
- Minimising exposure for incidental contact, we ensure no herbicide is sprayed when members of public are present and also all playgrounds are sprayed prior to 8.30 am.
- Herbicides approved for use within the City of Marion have been subject to a risk assessment. The City of Marion utilises the ChemAlert system. ChemAlert is a cloud-based database which provides analysis of over 400,000 chemical products as well as full SDS management. ChemAlert utilises a simple feedback system of green, amber and red in regards to chemicals and City of Marion allows use of green chemicals with a further safety audit for amber chemicals. No red chemicals are

allowed to be used in the City of Marion. Glyphosate is a green chemical on the ChemAlert system.

- Residents that do not want their verge area sprayed can opt out via a no-spray register.

Given the above it is considered that the City of Marion is operating under a best practice model, and in many regards is doing far more than that required legally in application of herbicides.

### **Alternatives to glyphosate**

It is acknowledged that there are many ways to undertake weed control besides using glyphosate. Weed control can be broken down into three major techniques:

- Natural Alternative herbicide/ chemicals
- Mechanical control techniques
- Thermal Control techniques

Appendix 1 shows a weed control matrix, as can clearly be seen from the table there is no generic solution for weed control, each technique has positives and negatives, and the differing techniques suit varying situations due to environment, economic efficiency, safety or particular asset management. Glyphosate clearly still has a role in weed control due to its economic efficiency and also its relative safety, for large areas such as the 900km of roads, there is not a suitable cost effective alternative. Other suitable environmental herbicides at this stage are prohibitively costly, a mixed ready to apply 1000 litre tank of Pelargonic acid would cost close to \$1000, whereas a 1000 litre tank of glyphosate costs about \$20.

Whilst clearly the use of glyphosate does and will continue to form a critical component of our verge weed control program due to its safety and economic efficiency, it is prudent to look at the alternatives for areas of high public use in particular playgrounds.

One technique above all others is gaining momentum in high use public areas and that is the use of Saturated Steam technology.

A couple of short videos can be found at these links:

[Port Adelaide Enfield Steam Weed Control](#)

[Urban Adelaide Steam Weed Control](#)

Saturated steam is significantly more time consuming than application of herbicide, for this reason it does not suit every situation. It is not suited to verge weed control or bushland weed control situations but in playgrounds may be exactly what our community is seeking.

The clear advantages of saturated steam are:

- It is relatively cost effective
- It is 100% environmentally safe, with no pollution
- It is 100% safe to users of public spaces
- It can be applied in any weather conditions, even heavy rain
- There is no herbicide resistance
- Can be used for cleaning as well on barbeques, benches, shelters, etc.

The disadvantages are:

- Resource requirements are significant in comparison to Glyphosate.
- It is not as mobile (to date no backpack methods exist so it requires a dedicated vehicle).
- It requires a water source, for smaller units. For larger units these come with a tank
- It is significantly more time consuming.

## **Actions**

There is one major proactive action that could be undertaken to assure the community about the way we undertake weed control across council. Production of a weed control factsheet that can be placed on the website that details exactly why we undertake weed control, how it is managed and what options are available. Appendix 2 shows a fact sheet produced by the City of Swan in Western Australia. Something similar to this, adapted for City of Marion would be highly beneficial.

## **Financial Implications**

It is believed that on balance saturated steam technology is the best way to proceed with reducing glyphosate use around playgrounds. It is envisaged that this weed control could be undertaken by the playground team and that a steam control machine (Appendix 3) should be purchased. Indicative costs will be \$25,000 for initial purchase and \$2500 in annual maintenance and training.

Ongoing use of the equipment will require additional resources as the technique is considered to be four times longer to apply than glyphosate. Additional resources to utilise this method will be 0.2 FTE annually, however this is anticipated to be able to be incorporated into existing resources and scheduling. Ideally we would see this work incorporated into current works programmes, utilised in-house and programmed in accordance with the Open Space metrics project. Over 20 local government across Australia have proceeded this way utilising the Weedtechnics saturated steam machinery.

## **CONCLUSION**

To date no definitive information, reports or studies exist to suggest that glyphosate poses an environmental risk or a risk from incidental exposure. Glyphosate as with any chemical in our environment is a potential hazard and is not without risk, but used according to label directions and rates provided by the APVMA poses little risk.

Whilst the risk is low, community members are still concerned about the use of glyphosate in areas where children are incidentally exposed. It is suggested that saturated steam technology be utilised in these areas to reduce reliance on glyphosate and promote an environmentally safe message. In addition a fact sheet should be produced that is available on the City of Marion website that explains why and how weed control is undertaken across the Council and promotes the no-spray register.


## **APPENDICES**


**Appendix 1 Weed Control matrix**

**Appendix 2 City of Swan Weed Fact Sheet**

**Appendix 3 Weedtechnics Saturated Steam Brochure**



		CHEMICAL SPRAY					MECHANICAL CONTROL			THERMAL CONTROL		
		Glyphosate Based	Citric Acid	Vinegar	Pine Oil	Pelargonic Acid (Slasher)	Weed Brush	Whipper Snip	Hand Tools/ hand Puling	Hot water/ Hot water Foam	Saturated Steam	Flame (gas burner torches)
Application	Contact (whole plant must be covered)	N	Y	Y	Y	Y	Y	Y	Y	Y	Y Y	
	Systemic – translocated through plant	Y	N	N	N	N	N	N	N	N	N N	
	Pre-emergent (residual absorbed through soil or kills soil seeds)	N	N	N	N	N	N	N	N	N	N N	
Cost		V low	Mod	Mod	High	V High	V High	V High	V High	High	Mod	High
Frequency of Application (pa)		3 to 4	8 to 12	8 to 12	8 to 12	8 to 12	10 to 14	15 to 20	8 to 10	6 to 8	6 to 8	8 to 10
Human Harm Potential	Poisoning Operator	Mod	Low	Low	Mod	Low	V Low (fumes)	V Low (fumes)	V Low (fumes)	V Low (fumes)	V Low (fumes)	-
	Poisoning Public	Low	Low	Low	Low	Low	-	-	-	-	- -	
	Physical Operator	Low	Low	Low	Low	Low	Low	Mod	Mod	Mod	Mod Mod	
	Physical Public	Low	Low	Low	Low	Low	Low	Mod	Low	Low	Low Low	
Effects	Above Ground	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y Y	
	Roots	Y	N	N	N	N	N	N	Sometimes	N	N N	
	Seed bank	N	N	N	N	N	N	N	N	Germinates seed bank	Germinates seed bank	N
Location Suitability	Hard Surface Footpaths/Kerbs and Gutters	Y	Y	Y	Y	Y	N	N	N	Y	Y N	
	Nature Strips	Y	Y	Y	Y	Y	N	Y	N	N	N	
	Playgrounds	N	Y	Y	Y	Y	N	N	Y	Y	Y N	
	Garden Beds	Y	Y	Y	Y	Y	N	Y	Y	Y	Y N	
	Creek lines and watercourses	Y	Y	Y	Y	Y	N	Y	Y	Y	Y Y	
	WSUD	Y	Y	Y	Y	Y	N	Y	Y	Y	Y Y	
Environmental Harm Potential	Off Target Species	High	High	High	High	High	High	High	Mod	High	High	High
	Residual	Low	Low	Low	Low	Low	-	-	-	-	- -	

		CHEMICAL SPRAY					MECHANICAL CONTROL			THERMAL CONTROL		
		Glyphosate Based	Citric Acid	Vinegar	Pine Oil	Pelargonic Acid (Slasher)	Weed Brush	Whipper Snip	Hand Tools/ hand Puling	Hot water/ Hot water Foam	Saturated Steam	Flame (gas burner torches)
	Stormwater Pollution	Mod	Low	Low	Low	Low	-	-	-	-	--	
	Bio accumulation	-	Low	Low	Low	Low	-	-	-	-	--	
	Fauna	-	Low	Low	Low	Low	-	-	-	-	--	
Comments		Safe, cost effective and easy to apply	Safe but not cost effective	Safe but not cost effective	Some concerns about respiratory damage, relatively expensive	Very expensive herbicide and hard to apply in large areas	Degrades many surfaces	Not Cost effective	Not Cost Effective	Not reliable or cost effective uses too much water to be portable	Safe, relatively cost effective for small areas	Flame is not safe for use



# Weed control in the City of Swan

## Why does the City need to control weeds?

To address risk management responsibilities including:

- Ensuring the public can safely use the area (particularly with Bindii and Caltrop weed infestations), prevent weeds from becoming trip hazards in paths or lawn, ensure kerbing, paths and infrastructure are not obscured and reduce fire loads in bushland;
- Minimise damage to infrastructure thus increasing the lifespan of the area;
- Ensure the survival of turf, trees and plants in parks and road reserves and improve biodiversity values in bushland; and
- Maintain the City's parks and roads to an appropriate standard.

## What methods of weed control are available?

- Herbicide applications;
- Saturated Steam applications (hot water injected with steam);
- Mechanical whipper-snipping, mowing and/or manual removal;
- Turf Management Programs (mowing, fertilising, watering);
- Mulching; and
- Use of ground covering plants able to smother the weeds.

## What is the definition of a herbicide?

Commonly known as weed killers, herbicides are used to kill, control or inhibit growth of unwanted plants. The types of herbicides used by the City are:

- Selective – They work on a specific range of plants e.g. grasses, broad leafed weeds and can be applied amongst desirable plants without causing them any harm; and;
- Contact\Non-selective – Translocate through all parts of the plant from the initial point of contact. Designed to kill any plants that are sprayed so best suited to spot spraying operations.

## What herbicides does the City of Swan use to control different types of weeds?

The City uses only approved herbicides and these are:

1. *Glyphosate* based-non-selective, contact herbicide used to control annual and broad leafed weeds and some grasses;
2. MCPA based-selective herbicide used to control a variety of weeds found in turf including Bindii (Onehunga), clover, capeweed etc;
3. *Flusifop* based- selective , post-emergence herbicide used to control annual and perennial weed grasses in garden beds and bushland.



## Weed control in the City of Swan

### Who governs the use of herbicides for weed control in the City of Swan?

The Australian Pesticides and Veterinary Medicines Authority (APVMA) controls and regulates pesticides, including herbicides. The APVMA assesses chemical products for toxicology, efficacy, environmental impact, residues, breakdown times and occupational health impacts.

Herbicide use in non-agricultural areas is covered by an Off Label Permit granted to the Department of Agriculture and Food WA by the APVMA. This permit allows WA Local Government Authorities to use herbicides in areas that are non-agricultural such as parks, road reserves and bushland areas.

The WA Health Department controls the City's herbicide operations through the Health (Pesticides) Regulations 2011 and associated guidelines. The legislation permits the City and all WA Local Government Authorities to use herbicides in their weed control programs, in accordance with the product instructions and Safety Data Sheets.

### What weed control programs does the City have in place?

The City has the following weed control programs in place:

- Kerbs, footpaths, median islands - Glyphosate herbicide is applied three times per year with a specially fitted motor vehicle and/or tractor. This is a spot spray, rather than a blanket spray as only areas with visible weeds are sprayed by the operator.
- Park facilities, garden beds, trees, paths, poles, fences etc; Glyphosate herbicide is applied on average three times per year. This program ensures grass weeds are kept under control to protect plants in garden beds, trees in turf and stop grass/weeds from growing onto paths and park facilities. In garden beds the City uses mulch to retain moisture and suppress weeds, reducing the need for chemicals.
- Sportsgrounds and Parks Turf Surfaces (Grass) - Two programs are used to control annual weeds in turf areas:

#### **Turf Management Program**

The City operates various turf management programs including mowing, scarifying, fertilising and irrigation. These programs provide quality turf surfaces and also assist in managing weeds as they reduce the need for weed control. This is because the turf is maintained at a quality standard where weed seeds find it difficult to germinate. However depending on environmental conditions from year to year, if the turf management programs do not appropriately control weeds and turf quality is affected, a herbicide will be used to obtain a level of weed control and ensure the park is safe to use.

- Natural Bushland - The City employs a combination of herbicide and manual weed removal methods to control weeds in natural bushland aimed at allowing native plants to grow and maintain healthy native vegetation. Using mechanical methods such as whipper snippers is not appropriate due to the damage they can cause to native plants.
- A weed control schedule has been developed to target specific weeds that are present at certain times of the year including:
  - Mulching - to retain moisture and suppress weeds;
  - Glyphosate - to target any weed any time of the year and can be sprayed without damaging native plants;
  - Fusilade - to control annual and perennial weed grasses growing amongst native plants in late winter.

The above are not all used at the same time but individually selected to control specific weeds at certain times of the year.

### Why does the City use herbicides to control weeds?

The City has some 560 hectares of maintained parkland, approximately 2,292kms of roads and paths and over 1,200 hectares of bushland and creeklines under its control.

Given the scale of the problem, mechanical and/or hand removal methods to control weeds are not effective in achieving an appropriate level of weed control. Herbicides supplement the non-herbicide methods as they have the ability to control the underground stems of weeds, not just the leaf, so weeds cannot re-grow. Follow-up applications are necessary to control new weeds that have grown from seed blown into the area or have grown from the residual seed bank in the soil.

Weeds are a primary cause of bushland degradation. They are often introduced to bushland areas by wind, domestic animals and walkers or by the dumping of garden refuse, particularly on bushland fringes. If left uncontrolled, weeds smother native vegetation and can penetrate further into bushland changing its

## Weed control in the City of Swan

appearance and greatly reducing its biodiversity value. Healthy native plants support local native animals so it is vital that any threats to bushland health are addressed. Weeds are also a fire hazard as they dry out and die.

When comparing all the methods available for controlling weeds along kerbing and footpaths, the herbicide control method is considered to be the most effective for controlling weeds, the safest method for operators to apply, the quickest to complete, less disruptive to park, road and path users and the most cost effective.

The City cannot completely eradicate weeds but aims to control them. Herbicides are used as a last resort and only if necessary when mechanical methods cannot achieve the level of control required to meet risk management responsibilities and to maintain public open space and road verges safe for public use.

### How many City parks are sprayed with herbicide to control weeds?

The City has 560 hectares of parks including 324.25 hectares of turf. Herbicide weed control in turf changes from year to year and is dependent on amount of weeds present on each park. On average the City treats around 80% or 260 hectares of turf per year to control weeds in parks. Weeds are also controlled by mechanical means including mowing, whipper snipping and edging. In addition garden beds are planted with many spreading shrubs with the aim of smothering weeds.

### How many City roads are sprayed with herbicide to control weeds?

The City has approximately 2,292km of roads and associated paths within road reserves. Although all 2,292km of roads/paths are checked for weeds, and only visible weeds are sprayed (not bare concrete/bitumen). On average this relates to 80% or 1,800km of roads/paths being sprayed with Glyphosate as part of an ongoing program.

### Does the City use non-herbicide methods to control weeds?

The following non-herbicide control methods are in operation or under consideration:

#### Saturated Steam Method (hot water injected with steam)

The City of Swan is working with the EMRC to trial an alternative weed spraying technique using saturated steam. This method requires operators to apply hot water to individual weeds with a specialised machine. This method only controls the leaf part of the weed, the underground parts (stems/roots) remain alive and weeds re-sprout within a few weeks after treatment.

However, it is best used to control weeds growing in kerbs, paths, medians, etc. It does not achieve the same standard as the herbicide control method and is labour intensive. To achieve an appropriate standard of weed control, weeds would need to be treated every six weeks (eight to nine times a year) as opposed to two to three times a year with herbicide control. This would not be practical to achieve as the operators would need to be applying heated water onto weeds non-stop throughout the year.

The saturated steam method is not suitable for controlling weeds in garden beds or bushland as the heat generated has the potential to damage plant roots and small plants.

The saturated steam is not a selective method of weed control so it is not suitable for controlling weeds in turf. It will damage all plants on contact including turf which results in dead patches on the park. Controlling weeds in turf requires a selective product that when applied only kills the weed and allows the surrounding turf to survive.

#### Mechanical Whipper Snipper Method

This method requires operators to cut individual weeds with whipper snippers or edging machines. It is labour intensive and only controls the leaf part of the weed. The underground parts (stems/roots) remain alive and weeds can re-sprout within a couple of weeks after they have been cut.

This method is used when areas have been infested with tall weeds and it is considered more efficient to use this method to quickly cut them down with a follow up spray on any regrowth. This method is similar to mowing so it does not have any effect on underground weed stems and roots and will not achieve the same standard as chemical control. Using whipper snippers along paths and kerbs is not desirable as there is the possibility of flicking debris on to pedestrians, vehicles and private property. It also requires extensive traffic management as operators need to be close to or on the road to cut the weeds.

## Weed control in the City of Swan

### Mulch

The City uses this method of weed control where possible in garden beds, bushland areas and around trees in lawn. A layer of mulch of around 75-100mm thick is not only good for retaining soil moisture but is a very good weed suppressant, as weed seeds find it difficult to germinate.

### Use of Smothering Plants

The City where possible uses plants/groundcovers in garden beds that are able to provide a smothering effect on the ground below. This creates an unfavourable environment for weed seeds to germinate.

### Why is it necessary to apply Glyphosate around trees?

It is an effective method of keeping weeds and turf away from the base of trees. This is important to allow for the infiltration of water, nutrients and oxygen to the root system and assists in developing a healthy tree. In the past this was undertaken (although not as effective) with whipper snippers but damage to the bark of trees was significant and could not be avoided.

### Is it safe to use a park, including dogs and animals, after it's been sprayed with a herbicide, including Glyphosate?

Herbicides, including Glyphosate, are registered by the WA Health Department for commercial and domestic use to be applied in accordance with the manufacturer's product use information and Safety Data Sheets.

These products become inactive after application when the turf has dried and the signs have been removed. The public and animals can then be permitted to use the sprayed areas.

The WA Health Department has previously advised that there is no concrete evidence for the Department to prohibit the use of Glyphosate for weed control programs by local Councils. It does however acknowledge that there may be some residents who may be sensitive to Glyphosate and encourages those residents to request that the kerb and footpath in front of their property be exempt from spraying with Glyphosate.

### What do I do if my dog and I step on wet turf that has just been sprayed with herbicide because I didn't see the signs?

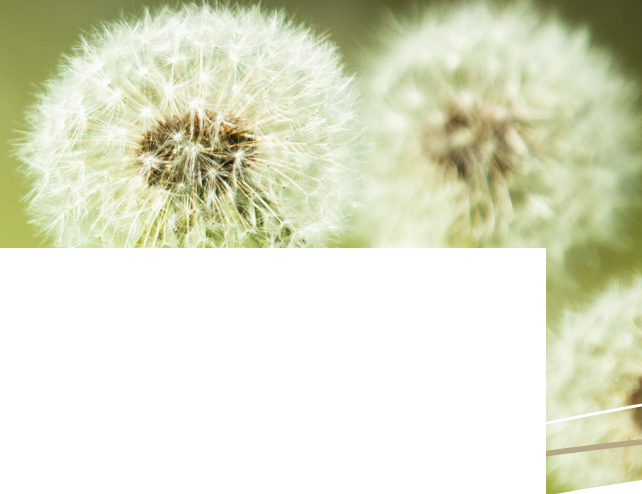
Although the herbicide is diluted to the required concentration prior to being applied to the turf, it is recommended that you and your dog wash any parts of the body that made contact with the wet turf.

### What controls are in place at the City to manage herbicide application programs and ensure they're applied correctly?

The WA Health Department controls the use of all registered herbicides through the Health (Pesticides) Regulations 2011 and associated guidelines. The legislation permits the City and all WA Local Government Authorities to use herbicides in their weed control programs, in accordance with the product instructions and Safety Data Sheets.

The City's herbicide applications are controlled by the WA Health Department Health (Pesticides) Regulations 2011 and associated guidelines including:

- All operators are trained and licensed in accordance with the Regulations;
- Only herbicides registered by the WA Health Department are used in accordance with the products Safety Data Sheets;
- Prior to each herbicide application event, the proposed spraying program of spray locations and chemical concentration is agreed;
- Spraying ceases if wind speeds consistently exceed 13km/hr;
- Herbicide is not applied to the sand soft-fall area of playgrounds;
- Herbicide is applied outside the playground and on rubber soft-fall surfaces but only when there are no children in the playground; and
- Glyphosate Biactive - The City uses this specifically formulated Glyphosate as it contains an aquatic surfactant allowing for use in environmentally sensitive areas such as adjacent to the City's lakes, and drains.



## Weed control in the City of Swan

### What information is provided to the public/residents regarding herbicide use within the City?

The public is advised on programmed spraying works as follows:

- The City's website; and,
- Information signs are placed out on-site during herbicide application works from the commencement of spraying until the herbicide has dried.

### Can I be exempted from having the Council verge kerbing and footpath outside my property treated with herbicide?

Yes - residents can request the City not to apply the herbicide Glyphosate that it normally uses to control weeds adjacent to their property. The resident is required to control weeds to the same standard that can be achieved by the herbicide control method.

### Further Information

Information regarding evaluation and studies on Glyphosate and the impact on wild animals, birds, aquatic animals (fish, shellfish), amphibians, insects and other terrestrial arthropods and earthworms can be found at [www.apvma.gov.au](http://www.apvma.gov.au) or contact the City of Swan on **9267 9267** or email [swan@swan.wa.gov.au](mailto:swan@swan.wa.gov.au)

Waters and Rivers Commission Notes on Herbicide use (search herbicide) can be found at [www.water.wa.gov.au](http://www.water.wa.gov.au)





## SW800 Product Specifications

**Fast heating, high volume delivery gives you the fastest hydro thermal kill available**

The Steamwand SW800 model is one step up from the SW700 weed control machine and is designed to deliver optimum output to one applicator head.

As it has more power it is ideal for hand held application of steam in municipal situations such as parks, garden beds, streets and for smaller scale organic growers.

The SW800 are available in 5 packages to suit your individual needs and budget. These can be seen on the next page.



SW800 Tank Skid

Gotta job for this one? [Click Here](#)



Built to last



Robust powder coated frame



Becket 12V burner



Easily accessible components



Belt Drive AR Pump



Steel spiral heating coil

# The SW800 Mounts

Page 234



**Bare unit:** SW800 unit with hose & gun.

**Short Skid:** SW800 with short skid, inlet & outlet reels, hoses & gun ideal for mounting on small vehicles or on the forks of a tractor

**Carryall:** SW800 with carryall cat 1, hose reel, hose & gun ideal for 3 point linkage

**Tank Skid:** Self contained, skid mounted unit is designed to fit on a ute or pick up, 1000 litre tank skid, inlet outlet reels, hoses & gun

**Trailer:** T250E trailer has heavy duty axles and height clearance for Ag use, electric brakes and 1500kg carrying capacity. It includes 1000 litre tank, inlet & outlet reels, hoses & gun.

<b>SW800 Range</b>	<b>Water usage:</b> 40 gal/hr (300 L / hr) <b>Petrol pump motor:</b> 0.25 gal (1 L / hr) <b>Diesel burner:</b> 1.2 gal (4.5 L / hr) <b>Weight:</b> 550-770lbs (250-350kg) <i>Note consumption figures are a guide only</i>					
Package	Length		Width		Height	
<b>Bare</b>	3' 4"	102cm	1' 11"	58cm	3' 5"	106cm
<b>Carryall</b>	4' 0"	92cm	3' 0"	92cm	3' 8"	112cm
<b>Short Skid</b>	3' 4"	102cm	3' 1"	93cm	3' 5"	106cm
<b>Tank Skid</b>	7' 0"	213cm	3' 11"	121cm	3' 11"	121cm
<b>Trailer</b>	10' 3"	310cm	5' 9"	175cm	5' 2"	156cm

Want the right package for you? [Click Here](#)



Cooks weeds on contact



Safe for trees and shrubs



No residual, other than water



Safe for playgrounds



Does not harm soil microorganisms



No foaming surfactants required

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Originating Officer:** Heather Michell, Land Asset Officer

**Unit Manager:** James Clough, Unit Manager Land and Property

**Manager:** Carol Hampton, Manager City Property

**General Manager:** Abby Dickson, General Manager City Development

**Subject:** Asset Optimisation - Louise Avenue Reserve, Warradale

**Report Reference:** GC300118R09

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**REPORT OBJECTIVES**

The purpose of this report is to seek Council approval for the disposal of Louise Avenue Reserve Warradale and for the net proceeds to be allocated to the Open Space Reserve Fund and used for the future development of open space.

**EXECUTIVE SUMMARY**

Council has expressed a desire to pursue opportunities for asset consolidation, to maximise use of community facilities and ensure public value is delivered through its assets.

The community land classification of Louise Avenue Reserve Warradale, Lot 31 in Deposited Plan 6514 being the whole of the land in Certificate of Title Volume 6197 Folio 565 (the Reserve), has been revoked.

Council has previously considered the potential disposal of the Reserve. A summary of the Council resolutions is attached (Appendix 1).

Following on from the Elected Member Forum held on 27 November 2017 at which the asset optimisation program was discussed, Elected Members indicated that consideration should be given to progressing the disposal of some sites including Louise Avenue Reserve.

The recommendations in this report will enable the disposal process to proceed.

The net proceeds from the sale of the Reserve will be allocated to the Open Space Reserve Fund, for the future development of open space as approved by Council.

**RECOMMENDATIONS**

**DUE DATES**

**That Council:**

- 1. Authorises the disposal of Louise Avenue Reserve, Lot 31 Louise Avenue Warradale, being the whole of the land in Certificate of Title Volume 6197 Folio 565 and in accordance with Council's Disposal of Land and Assets Policy.**

**30 January 2018**

- |  |                        |
|--|------------------------|
| <b>2. Authorises the revenue from the sale net of all associated disposal costs of the Louise Avenue Reserve, Warradale to be transferred to the Open Space Reserve Fund for the development of open space facilities as approved by Council.</b>                | <b>30 January 2018</b> |
| <b>3. Pursuant to Section 37(b) of the Local Government Act 1999 authorises the Chief Executive Officer to negotiate, enter into and sign all contracts and documentation necessary to effect a sale and settlement of the Louise Avenue Reserve, Warradale.</b> | <b>30 January 2018</b> |

## **BACKGROUND**

Council has expressed a desire to pursue opportunities for asset consolidation, to maximise use of community facilities and ensure public value is delivered through its assets.

Council has considered three reports and one Motion with Notice outlined in Appendix 1 regarding the revocation of the community land classification and potential disposal.

Actions taken as a result of Council resolutions are outlined in Appendix 1.

The requirements of Section 194 of the Local Government Act 1999 have been complied with in regard to the revocation of the community land classification of Louise Avenue Reserve. The community land classification has been revoked and the Registrar General has been notified.

### Elected Member Forum Discussion

Following on from the Elected Member Forum held on 27 November 2017 at which the asset optimisation program was discussed, Elected Members indicated that consideration should be given to progressing the disposal of some sites including Louise Avenue Reserve.

The recommendations in this report will enable the disposal process to proceed.

### Open Space Planning

The proceeds from the sale of Louise Avenue Reserve will be allocated to the Open Space Reserve Fund.

Council has adopted an Open Space Policy and is currently reviewing an Open Space Plan. The plan has identified areas of low provision of open space, areas requiring increased vegetation, improved connection etc. The plan will guide the allocation of funds held in the Open Space Reserve Fund.

Warradale is one of a number of suburbs that has been identified as having a low provision of open space, which is being considered in the development of the Open Space Plan. The disposal of Louise Avenue Reserve will provide funds towards the future delivery of improved open space.

Louise Avenue Reserve provides limited opportunity for open space for recreation purposes due to the size of the reserve, close proximity of neighbouring houses, as well as the very limited infrastructure on this reserve. For these reasons, the retention of the Reserve is not recommended.



At the General Council meeting on 24 October 2017 (GC241017M03) it was resolved that Council:

1. *Receives a further report by the end of March 2018 on:*
  - a) *public open space within Warradale and any other open space within walking distance (500m)*
  - b) *the population projections for this suburb*
  - c) *potential strategic open space acquisition opportunities for the area for further consideration*

At the General Council meeting on 12 December 2017 (GC1217R03) an update on the Tennis and Netball Review (GC1217R03) was considered. The status of the courts at Ballara Park Reserve, Warradale was included in this report and the following recommendation was adopted.

2. *Notes the vacant courts as a result of the Ballara Tennis Clubs dissolution and amalgamation with the Stanley Street Tennis Club with a future report provided to Council regarding options for this site as part of the Asset Optimisation project.*

The Ballara Park Reserve is approximately 300 metres from Louise Avenue Reserve as shown on the attached map (Appendix 2), the reserve is 3,379m<sup>2</sup> and has a local playground which was built in 1995. The Ballara Park kindergarten is situated in the middle of the site. The future use of this reserve will be considered in the future development of the Open Space Plan.

## **FINANCIAL IMPLICATIONS**

The net proceeds from the sale of Louise Avenue Reserve will be used for the future development of open space within the City of Marion as approved by Council in line with the Open Space Plan.

The Valuer General's valuation of the reserve is \$485,000 (exclusive of GST). An independent valuation has been obtained from a Licenced Valuer in accordance with Council's Disposal of Land and Assets Policy. The actual sale price achieved will be subject to the strength of the market at the time of sale.

The estimated costs incurred for the community land classification revocation, valuation, sale and settlement costs are estimated at \$20,000 to \$27,000 and these will be funded from the sale revenue.

## **CONCLUSION**

The community land classification for Louise Avenue Reserve, Warradale has been revoked and the Registrar General has been notified.

Should Council resolve to dispose of Louise Avenue Reserve, the revenue from the sale net of all associated disposal costs of the Louise Avenue Reserve, Warradale will be transferred to the Open Space Reserve Fund for the development of open space facilities as approved by Council.

## **APPENDICES**

- Appendix 1 – Actions taken as a result of Council resolutions
- Appendix 2 – Map

**24 January 2017 (GC240117D01)**

Mr Peter Thomson provided a deputation to Council in relation to the future use of Louise Avenue Reserve Report Reference GC240117R03, Appendix 4.

**24 January 2017 (GC240117R03)**

	<b>Resolution</b>	<b>Action taken</b>
1.	<p>Declares that the retention of the land known as:</p> <ul style="list-style-type: none"> <li>- Luke Court Reserve at Allotment 58 in Deposited Plan 10466, Certificate of Title Volume 5552 Folio 397.</li> <li>- Louise Avenue Reserve at Allotment 31 in Deposited Plan 6514, Certificate of Title Volume 2284 Folio 135.</li> <li>- Ranger St Reserve at Allotment 535 in Deposited Plan 9597, Certificate of Title Volume 5110 Folio 876.</li> </ul> <p>do not contribute to Council's strategic objectives and are surplus to Council's requirements and subject to Ministerial approval, the net sale proceeds will be paid into the Open Space Reserve Fund.</p>	No action required
2.	<p>Endorses an allocation of up to \$30,000 for Administration to undertake further site investigations by a qualified consultant into the potential contamination of the land known as</p> <ul style="list-style-type: none"> <li>- Luke Court Reserve at Allotment 58 in Deposited Plan 10466, Certificate of Title Volume 5552 Folio 397.</li> <li>- Louise Avenue Reserve at Allotment 31 in Deposited Plan 6514, Certificate of Title Volume 2284 Folio 135.</li> <li>- Ranger St Reserve at Allotment 535 in Deposited Plan 9597, Certificate of Title Volume 5110 Folio 876.</li> <li>- Oliphant Court Reserve at Allotment 23 in Deposited Plan 5712, Certificate of Title Volume 2652 Folio 17.</li> </ul>	<p>Contamination investigations undertaken</p> <p>The result of these investigations indicated that the reserve could continue to be used for the recreational land use or for residential use.</p>
3.	<p>Endorses an allocation of up to \$7,800 for Administration to undertake consultation and bring a report to Council for consideration of the outcome of the public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential disposal of:</p> <ul style="list-style-type: none"> <li>- Luke Court Reserve at Allotment 58 in Deposited Plan 10466, Certificate of Title Volume 5552 Folio 397</li> <li>- Louise Avenue Reserve at Allotment 31 in Deposited Plan 6514, Certificate of Title Volume 2284 Folio 135</li> <li>- Ranger St Reserve at Allotment 535 in Deposited Plan 9597, Certificate of Title Volume 5110 Folio 876.</li> </ul>	<p>Public consultation undertaken</p> <p>Five submissions were received as a result of the consultation. There were four objections to the proposal and it was unclear whether the remaining submission was supportive.</p>
4.	<p>Resolves to allocate additional funds of up to \$37,800 required for site investigations and community consultation through the 2016/17 second budget review process, noting that these additional costs will be offset should the sale of properties proceed.</p>	Site investigations and community consultation undertaken
5.	<p>Requires Administration to bring a report to Council for consideration of disposal subject to the outcome of potential soil contamination of Oliphant Court Reserve at Allotment 23 in Deposited Plan 5712, Certificate of Title Volume 2652 Folio 17.</p>	Council report considered (GC110417R07)

<b>11 April 2017 (GC110417R07)</b>		
	<b>Resolution</b>	<b>Action taken</b>
1.	<p>Acknowledges the outcome of the community consultation process undertaken for the potential disposal of:</p> <ul style="list-style-type: none"> <li>- Luke Court Reserve at Allotment 58 in Deposited Plan 10466, Certificate of Title Volume 5552 Folio 397</li> <li>- Louise Avenue Reserve at Allotment 31 in Deposited Plan 6514, Certificate of Title Volume 2284 Folio 135</li> </ul>	No action required
2.	<p>Authorises the lodgement of the proposal with a report on all submissions made as part of the public consultation process and a request to approve the revocation of the Community Land classification over:</p> <ul style="list-style-type: none"> <li>- Luke Court Reserve at Allotment 58 in Deposited Plan 10466 being portion of the land in Certificate of Title Volume 5552 Folio 397</li> <li>- Louise Avenue Reserve at Allotment 31 in Deposited Plan 6514 being the whole of the land in Certificate of Title Volume 2284 Folio 135</li> </ul> <p>to the Minister for Planning in accordance with Section 194 of the Local Government Act 1999.</p>	Request for approval submitted to the Minister for Planning
	<p>Notes a report will be presented to Council upon receipt of the determination from the Minister for Planning in relation to:</p> <ul style="list-style-type: none"> <li>- Luke Court Reserve at Allotment 58 in Deposited Plan 10466, Certificate of Title Volume 5552 Folio 397</li> <li>- Louise Avenue Reserve at Allotment 31 in Deposited Plan 6514, Certificate of Title Volume 2284 Folio 135</li> </ul>	Council report considered (GC250717R08)
4.	<p>Resolves to allocate additional funds of up to \$4,000 required for property valuations through the 2016/17 third budget review process, noting that these additional costs will be offset should the sale of properties proceed.</p>	Valuations obtained

<b><u>25 July 2017 (GC250717R08)</u></b>		
	<b>Resolution</b>	<b>Action taken</b>
1.	Acknowledges the Ministerial approvals to revoke the community land classification dated 23 June 2017 for Louise Avenue Reserve, Lot 31 Louise Avenue Warradale, being portion of the land in Certificate of Title Volume 2284 Folio 135 and	No action required
2.	Revokes the community land classification in respect of Louise Avenue Reserve, Lot 31 Louise Avenue Warradale, being portion of the land in Certificate of Title Volume 2284 Folio 135 and	No action required
3.	Notes that 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.	Registrar General notified
4.	Authorises the disposal of Louise Avenue Reserve, Lot 31 Louise Avenue Warradale, being portion of the land in Certificate of Title Volume 2284 Folio 135 and in accordance with Council's Disposal of Land and Assets Policy.	Land agent appointed then put on hold

<b><u>24 October 2017 (Community Land Revocation – Ranger Street Reserve GC241017R10)</u></b>		
	<b>Resolution</b>	<b>Action taken</b>
2.	Proceeds no further with the asset optimisation program until it is discussed at an Elected Member forum	Louise Avenue Reserve was withdrawn from the market pending Council discussion at the forum.

<b><u>24 October 2017</u></b>		
	<b>Resolution</b>	<b>Action taken</b>
1.	<p><b><u>(GC241017M03) MOTION (1):</u></b></p> <p>That the following motion passed at the 25 July 2017 Council Meeting be rescinded:</p> <ol style="list-style-type: none"> <li>1. Authorises the disposal of Louise Avenue Reserve, Lot 31 Louise Avenue Warradale, being portion of the land in Certificate of Title Volume 2284 Folio 135 and in accordance with Council's Disposal of Land and Assets Policy.</li> <li>2. Authorises the revenue from the sale net of all associated disposal costs of the Louise Avenue Reserve, Warradale to be transferred to the Open Space Reserve Fund for the development of open space facilities as approved by Council.</li> <li>3. Pursuant to Section 37(b) of the Local Government Act 1999 authorises the Chief Executive Officer to negotiate, enter in to and sign all contracts and documentation necessary to effect a sale and settlement of the Louise Avenue Reserve, Warradale.</li> </ol>	The property was withdrawn awaiting discussion at a future forum.
2.	<p><b>MOTION (2):</b></p> <p>That Council</p> <ol style="list-style-type: none"> <li>1. Receives a further report by the end of March 2018 on: <ol style="list-style-type: none"> <li>a. public open space within Warradale and any other open space within walking distance (500m)</li> <li>b. the population projections for this suburb</li> <li>c. potential strategic open space acquisition opportunities for the area for further consideration</li> </ol> </li> </ol>	





Louise Avenue Reserve

Approx 300 metres

Ballara Park Reserve



**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Originating Officer:** Karen Peake, Acting Unit Manager Risk

**Manager:** Sherie Walczak, Acting Manager Corporate Governance

**General Manager:** Vincent Mifsud, General Manager Corporate Services

**Subject:** Corporate Risk Quarterly Report - October to December 2017

**Report Reference:** GC300118R10

### REPORT OBJECTIVE

The purpose of this report is to present Council with an assurance that the City of Marion is committed to managing its Corporate Risk Profile and its currently high rated risks.

### BACKGROUND

The Corporate Risk Profile is reported to Council, through its Finance and Audit Committee, on an annual basis to respond to the Committee's obligation to Council and the community as outlined in the terms of reference, to facilitate the '*effective management of risk and the protection of Council assets*'.

The annual Corporate Risk Profile was presented to Council at its meeting of 24 October 2017 (GC241017R01) and identified 110 risks across 29 work areas: The report noted that comprehensive mitigation strategies were in place to reduce the 16 inherently extreme rated risks to zero and the 77 inherently high rated risks to 14 as outlined in Table 1.

**Table 1: Outcomes Report for Quarter 1 2017/18**

Period:	July to Sept 2017				<i>Risk Tolerance</i>
Corporate Risk	Inherent	Current	Forecast	Overall Impact*	
Extreme	16	0	0	↓	
High	77	14	1	↓	
Medium	17	83	61	↑	
Low	0	13	48	↑	
<b>Total</b>	110	110	110		

*\*From Inherent Risk Rating to Forecast Risk Rating*

Council resolved to monitor the high rated risks quarterly in order to gain assurance that further actions are being implemented to reduce these risks to within the approved corporate risk tolerance of medium or lower.

### RECOMMENDATION

**That Council;**

1. Notes the progress reported against the mitigation of those high rated risks identified within the Corporate Risk Register.

### DUE DATES

**30 Jan 2018**

## OUTCOMES

Risk owners undertake a process, in alignment with the WAP reporting, to review their risks quarterly and update the progress made on the implementation of further controls designed to mitigate the potential for the risk to materialise and to reduce the impact to Council.

The outcomes from the current reporting period, October to December 2017 as outlined in Table 2, continue to identify 110 risks across the same 29 work areas. It highlights that, although the existing rating on the 14 high rated risks have not yet reduced, with the addition of a software management system and a temporary resource support being funded via an external grant, the WHS risk has reduced its forecasted risk rating from high to medium. It also highlights that two existing medium rated risks have reduced their rating to low.

**Table 2: Outcomes Report for Quarter 2 2017/18**

Period:	Oct to Dec 2017				<i>Risk Tolerance</i>
Corporate Risk	Inherent	Current	Forecast	Overall Impact*	
<b>Extreme</b>	16	0	0	↓	
<b>High</b>	77	14	0	↓	
<b>Medium</b>	17	81	60	↑	
<b>Low</b>	0	15	50	↑	
<b>Total</b>	110	110	110		

*\*From Inherent Risk Rating to Forecast Risk Rating*

The 14 current high rated risks align with the high rated business risks identified nationally by the insurance sector as common throughout the Local Government industry. This is referenced in bold on the extract from the Corporate Risk Register attached as Appendix A.

They also cover a diverse range of work areas including:

- Asset Systems
- Civil Services
- Community Health & Safety
- Contracts
- Development Services
- Environmental Sustainability
- Governance
- Information Communications & Technology
- Open Space & Recreation
- Risk

The mitigation strategies outlined as further controls in the extract of the Corporate Risk Register, propose various due dates for implementation of their identified actions and take into consideration services and activities committed through work area planning, resourcing and other commitments.

Further controls completed this quarter are now recognised as current controls and have been reflected as such and highlighted by *blue italic* text.

## CONCLUSION

The ongoing quarterly reporting will provide Council with the assurance that the City of Marion is working to manage and mitigate its high rated risks. This will benefit the business and provide a greater level of assurance for Council and all key stakeholders.

## APPENDICES

Appendix A - Corporate Risk Register (extract showing current high risks)





Town of Marion

Corporate Risk Register - extract showing current HIGH risks

Page 2 of 6

APPENDIX A																			
Risk Owner (ELT)	Strategic Link	Ref	Work Area	Risk Description	Risk Causes /Sources	Potential Consequences	INHERENT Level of Risk			Current Controls in Place	CURRENT Level of Risk			Further Controls	Due Date	Action Owner	FORECAST Level of Risk		
							Likeli-hood	Conse-quence	Risk Rating		Likeli-hood	Conse-quence	Risk Rating				Likeli-hood	Conse-quence	Risk Rating
City Develop-ment	Council of Excellence	DSE02	Develop-ment Services	<b>Major Projects - Compliance &amp; Management:</b> Failure to deliver significant projects, legislative reviews and/or priority workloads against tight timeframes eg: Housing Diversity DPA & new Public Development & Infrastructure Act	- poor communications - poor resourcing/data/systems - lack of specialised skills across work units - increased workload of team - inadequate budgets	1.Non compliance with relevant legislation/ regulations 2.Reputational damage 3.Political exposure 4.Dissatisfied Community 5.CoM exposure to liability 6.Officers' exposure to criminal litigation	Likely	Major	High	1.Professionally qualified staff 2.Regular review of resources/capacity 3. Relevant and updated policies process and procedures in place 4.Initial assessment by Team Leaders - work triage 5. Allocation of applications at Development Assessment Group (DAG), where initial issues are flagged 6. Planning assessment checklists 7. Regular briefings to staff on legislative changes 8. Inspections prior, during and after application 9. Annual accreditation for building inspectors, CPD records etc 10. Compulsory white card certificates held by Building Inspectors to allow entry to all building sites 11. Selection criteria for position profiles require appropriate qualifications, specialised skills (eg: site contamination etc) and experience 12. Accreditation with AIBS of at least level one to sign off on own work 13. Refer to case law in planning decisions 14. Access legal advice to provide assistance when required (Section 7 applications in particular) 15. Specific training undertaken re Development Applications going on-line	Possible	Major	High	1.Review of team/individuals workloads due to new structure and number of newly recruited staff 2.Ensure specific training undertaken re new Public Development and Infrastructure Act	1.28/02/18 1.31/03/18	1.Mgr D&RS 2.Mgr D&RS	Unlikely	Major	Medium
City Develop-ment	Valuing Nature	ESU03	Environmental Sustainability	<b>Environmental Management/Climate Change:</b> Failure to understand and plan for the projected impacts of climate change.	- Lack of awareness for climate change issues - Poor project management - Inadequate communication - Poor inter-departmental working	1.Catastrophic damage during extreme weather (e.g. flooding) 2.Cost of remedial flood works 3.Cost of flood mitigation works 4. Dissatisfied community	Likely	Major	High	1.Resilient South partnership 2.Professionally qualified staff 3.Education via events, networking, workshops etc. 4. Development of Community relationships	Possible	Major	High	1.Review of climate change projections/ observations and use of pathways approaches in adaptation planning. 2.Seek funding from State Government and Council Business Plan for adaptation works	1.31/12/18 2.31/12/18	1.UM ES 2.UM ES	Unlikely	Major	Medium
Corporate Services	Council of Excellence	GOV02	Governance	<b>Governance Risks:</b> Potential dysfunction between Council and Administration resulting in poor decision making and unfunded, unplanned initiatives gaining Council endorsement	- Administration managing requests from Council without due consideration and adequate time. - Council and Administration failing to communicate with each other. - New initiatives going straight to Council without following procedures through due diligence (eg Asset Management, Finance, Governance, Risk, Environmental Sustainability, Contracts, Strategic Management etc). - Some Councillors have differing perspectives of their role on Council decisions being made that are Ward based, rather than whole of Council perspective - State Government Elections March 18 - Local Government Elections November 18	1. Unsustainable initiatives 2. Strategic plan misalignment 3. Process Errors 4. Lack of funding and negative financial implications 5. Lack of or misuse of resources 6. impact on the delivery of other project/initiatives 7. Staff stress 8. Low staff morale	Likely	Major	High	1. Process of unfunded initiatives 2. Staff provide frank and fearless advice 3. Annual workshop for Council & Finance & Audit Committee 4. Council Meeting Procedures training during induction 5. Annual self evaluation effectiveness survey 6.GM's induction on governance processes 7. CEO and Mayor relationship 8. fortnightly planning (Mayor and Manager Corp Governance) for matters before Council 9. Due diligence and prudential report to Council	Possible	Major	High	1.EM Training Program - 5th Tuesday of month	1.30/11/18	1.Mgr Corp Gd	Unlikely	Major	Medium
Corporate Services	Council of Excellence	GOV10	Risk	<b>Business Continuity &amp; Community Safety:</b> Failure in Council's ability to prevent, prepare, respond to and promote resilience in the community in the event of an emergency ie earthquake, flood, extreme heat, bushfire and terrorism	- Absent, outdated or inadequate Community Emergency Plan, failure to undertake risk assessment and undertake mitigation activities for known hazards	1. Death or critical injury to Workers, Contractors or member of Public 2. Disruption to works impacting CoM & team 3. Disruption to works impacting local community 4. CoM exposure to liability 5. Officers' exposure to criminal litigation 6. Reputation damaged through adverse media coverage	Possible	Severe	High	1. Flood prevention activities 2. CSI Fire prevention activities 3. DAP/Building Fire Committee 4. Community education 5. CoM Emergency Response Plan 6. Workplace Emergency Management Plans 7. I-Responda training 8. On-call team 9. Reviewed Business Continuity Plan 10.Community Development activities	Unlikely	Severe	High	1.Implementation of a Community Emergency Response Plan based on the PPRR model 2.Review and implement the new Crowded Place Risk Assessment and Notification Processes issued by SAPOL	1.30/06/18 2.30/06/18	1.UM Risk 2.UM Risk	Rare	Severe	Medium
Corporate Services	Council of Excellence	ICT02	ICT	<b>ICT/Cyber Security &amp; Continuity of Provision:</b> Inappropriate use, ineffective or absent ICT system solutions to support data management to ensure accurate data collection, appropriately manage Council business and ensure informed decision making	- Human error - Poor capture of data - Increased workload of team - Lack of specialised skills across work units - Reluctance to use Corporate System databases versus personal spreadsheets - Inadequate funds allocated in internal budgets for system improvements and ICT computer skills development for staff - Lack of ICT training for staff (no corporate ICT Trainer role) - Lack of mobility tools for outdoor staff - Ineffective use of end user reporting and query tools	1.Non compliance with related regulations/ legislation 2.Poor decision making 3.Failure to deliver identified IT outcomes 4.Failure to address business issues. 5.Inability to provide innovation and improve efficiencies 6. Lack of data integrity	Likely	Major	High	1. ICT Steering Committee meets quarterly to discuss major initiatives and priorities 2. ICT working in line with the Strategic Management Framework, ICT Strategic Themes and Work Area Plan 3. Core application systems user groups in place with ICT business unit account manager roles (engagement partners / project co-ordinators) 4. Vendor management Reviews of required software enhancements and faults 5. Clarified roles and responsibilities of software ownership (org wide versus departmental) 6.Regularly reviewed policies, procedures & processes	Possible	Major	High	1.Embed ICT Digital Transformation Plan into annual business plan and budget process, and update ICT Roadmap accordingly 2. Business Systems Fitness Review	1.30/06/18 2.31/12/18	1.UM ICT 2.UM ICT	Unlikely	Moderate	Medium
City Develop-ment	Liveable	OSR01	Open Space & Recreational Planning	<b>Major Projects - Compliance &amp; Management</b> Failure to deliver planned strategic objectives in addition to new high level projects	- Increased EM & community expectations and perceptions - State driven initiatives ie: Fund My Neighbourhood (Oct 2018) - Council changes work program and priorities - Inadequate provision of appropriate play spaces throughout the CoM - Lack of identifiable outcomes for grants received - Increased pressure and reliance on Council to provide open space due to higher density housing - Lack of clarity on service levels - Poor external & internal communication/consultation - Lack of adequate resources to carry out works programmed	1. Skewed strategic & operational alignment 2.Lack of Council endorsement/adherence to process gives potential for poor decision making 3. Poor consultation process 4. Mismatch to community expectations 5. Non-compliance with Australian Standards/legislative requirements. 6. Failure of budget process/carryover provision 7. Failure to manage service levels/revenue costs 8. Failure of IT graphic design solutions 9. Deteriorating open space assets 10. Loss of experienced staff/resources	Likely	Major	High	1.Review of Play Space Strategy & play space condition audit 2.Work Area Plans & Budget Reviews 3.Open Space Asset Management Plan 4.Long Term Financial Plan to align with WAP 5.Professional Development Plans for team members 6.Use of project management methodology including consultation processes 7.Full scoping of project to create accurate/relevant project initiation document (PID) 8.Clearly identified roles & responsibilities within project team 9.Regular team/partnership meetings 10.Regular monitoring and Review 11.Recently adopted Play Space Program and associated budget 12.Open Space Plan linked to Open Space Policy to provide strategic and operational alignment from 2018 13.Working Group reported to Council on State Initiative - 'Fund My Neighbourhood Plan'	Possible	Major	High	1.Ensure staffing 'FTE' matches with Open Space projects for Business Plan/3 year plan/external funded projects	1.30/06/18	1.UM OSR	Possible	Moderate	Medium

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Originating Officer:** Karen Peake, Acting Unit Manager Risk

**Corporate Manager:** Sherie Walczak, Acting Manager Corporate Governance

**General Manager:** Vincent Mifsud, General Manager Corporate Services

**Subject:** WHS Monthly Performance Report – December 2017

**Report Reference:** GC300118R11

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## **REPORT OBJECTIVE**

The objective of this 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 to monitor Council's target of a 25% reduction of the Lost Time Injury Frequency Rate (LTIFR) from the previous year.

## **DISCUSSION**

Targets and performance indicators have been established in order to measure the continual improvement of the program. Performance against these targets are measured in two ways:

- positive performance indicators (PPI's); and
- lag performance indicators (LPI's) both of which are outlined in Appendix 1.

The current LTIFR is 6.2 which is 33% below the 9.3 LTIFR reported at the same time last year.

The Total Recordable Incident Frequency Rate represents a 26% reduction which is a continued improvement on the reduction evidenced in previous months and endorses our increased focus on hazard management. The current aim is to continue with this focus by preventing injuries before they occur and, as a result, improve our injury management processes.

## **CONCLUSION**

The Lost Time Injuries for 2017/18 as at the end of December reflects a 50% reduction on the figure reported at the same point for 2016/17. This year to date continues to evidence improvement in injury management, resulting in part from a more embedded and proactive approach.

We currently remain on track to achieve a Council's KPI of 25% or greater reduction in LTIFR, compared to the end of the 2016-17 reporting period and maintaining an increased focus on hazard management will assist to achieve this.

## **APPENDICES**

Appendix 1: Positive and Lag Performance Indicators

## **RECOMMENDATION**

**That Council notes the report and statistical data contained therein.**

## **DUE DATE**

**30 January 2018**

## APPENDIX 1

The Think Safe Live Well program's vision is '**Zero harm with enhanced wellbeing**' and focuses on further developing our leadership styles, organisational 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

### POSITIVE PERFORMANCE INDICATORS

#### Hazard and Near Miss Reports

Historical statistics inform us that when there is a healthy culture of Hazard/Near Miss Reporting, there is a consequential reduction in injuries to Workers. Hazards and Near Misses are reported to date for this financial year and are outlined in Table 1 and can be compared against those reported last financial year which are outlined in Table 2.

**Table 1: Hazard and Near Miss Reports - Financial Year 2017-18**

Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Total
21	14	11	9	8	3							66

**Table 2: Hazard and Near Miss Reports - Financial Year 2016-17**

Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Total
10	4	15	13	13	11	3	15	17	3	4	8	116

#### Completion of actions against the LGA Action Plan

Periodically, the LGAWCS conducts an audit to test conformance of Council's WHS Management System against Return to Work SA's Performance Standards for Self Insurers. In response, Council sets an action plan which outlines the commitment to addressing non-conforming elements by October each year and the cumulative performance against this plan is outlined in Table 3.

**Table 3: LGAWCS Action Plan – Calendar Year 2017**

Jan-17	Feb-17	Mar-17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Total
12%	15%	27%	33%	33%	42%	54%	63%	76%	96%	96%

The 96% figure for October reflects completion of 50 out of 52 actions prior to the end submission date. Of these two outstanding actions, one was implemented by the end of December, the other will be finalised by the end of January 2018.

### LAG PERFORMANCE INDICATORS

#### Lost Time Injuries Reported

Lost Time Injuries (LTI's) are those injuries where a whole work day or more has been lost due to a workplace injury. LTI's reported to date for this financial year are outlined in Table 4 and can be compared against those reported last financial year which are outlined in Table 5.

**Table 4: Number of LTI's per month - Financial Year 2017-18**

Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Total
0	1	0	0	1	0							2

**Table 5: 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	1	0	0	1	0	0	2	0	7

Individual LTI's reported for 2017/18 are outlined in Table 6 below :

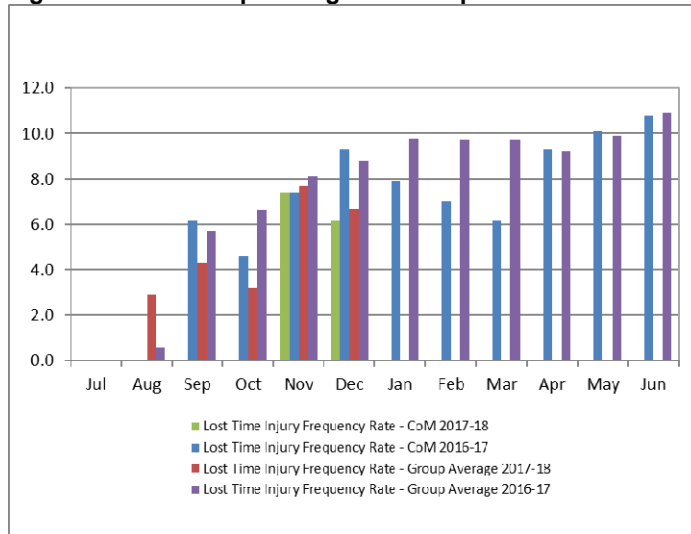
**Table 6: Outline of LTI's reported - Financial Year 2017-18**

No.	Description of Incident	Mechanism of Injury	Injury Description
1	Trip and fall over chain and post fence	Fall on same level	Left shoulder injury
2	Surged forward as vehicle braked suddenly	Forward motion stopping abruptly	Muscular stress in lower back

### Lost Time Injury Frequency Rate

Lost Time Injury Frequency Rate (LTIFR), is an industry standard tool for measuring LTI's within a given reporting period which enables comparison to other organisations. Council's LTIFR is outlined in Figure 1, from the LGA's Member Portal data once claims have been determined and can be measured and monitored against our industry counterparts being the Group A Councils (<sup>1</sup>GaC).

**Figure 1: LTIFR compared against Group A Councils**

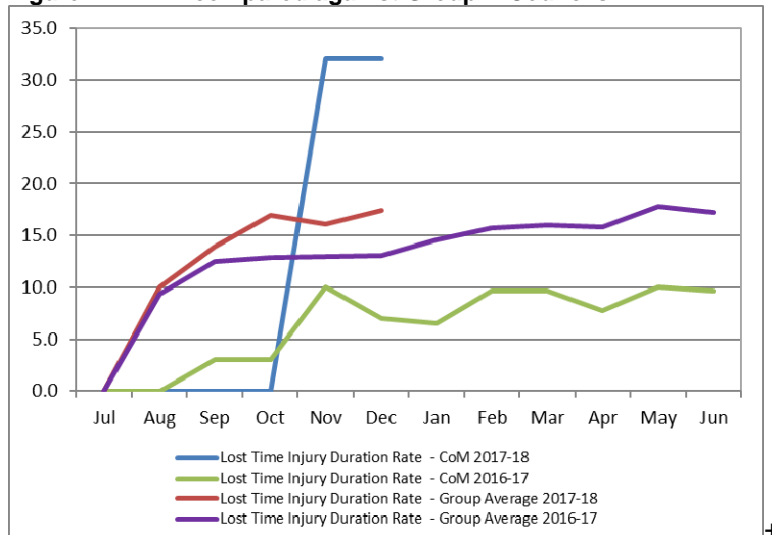


The current LTIFR for the City of Marion (which is represented in green) is 6.2 which represents two LTIs reported to date is just below the industry comparison LTIFR rate of GaCs of 6.7.

### Lost Time Injury Duration Rate

The Lost Time Injury Duration Rate (LTIDR), is an industry standard tool for measuring the average days lost from LTI's within a given reporting period which enables comparison to other organisations. Council's LTIDR is outlined in Figure 2, from data sourced from the LGA's Member Portal once claims have been determined and can be measured and monitored against our industry counterparts being the GaC.

**Figure 2: LTIDR compared against Group A Councils**



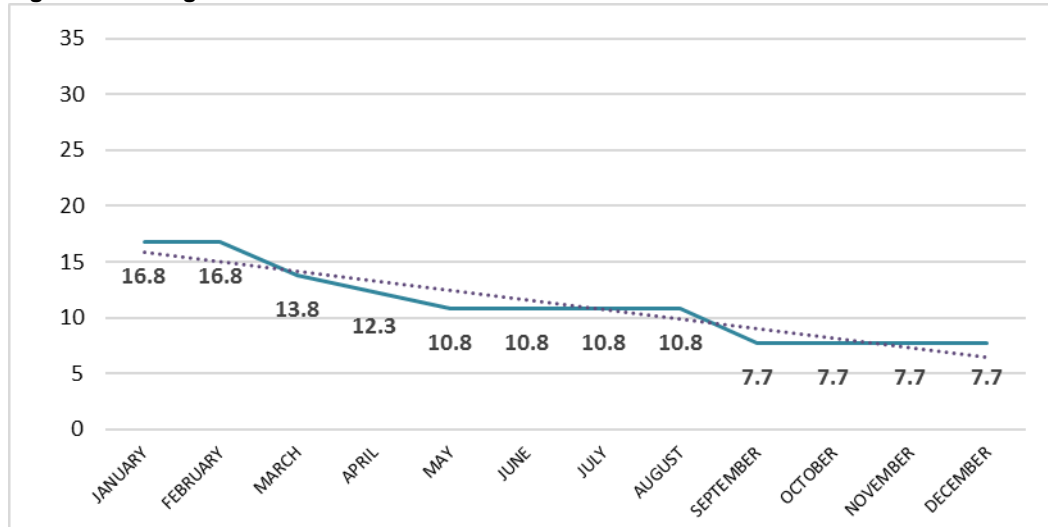
The current LTIDR for the City of Marion is 32.0 which is well above the industry comparison LTIDR rate of GaCs of 17.4. Historically, we have consistently recorded a lower duration rate than GaCs, however, an LTI sustained in August 2017 required surgery resulting in significant time away from the workplace to enable recovery.

<sup>1</sup> GaC are metropolitan councils with more than 300 staff (Marion, Adelaide, Charles Sturt, Onkaparinga, Playford, Port Adelaide Enfield, Salisbury and Tee Tree Gully).

### Rolling Lost Time Injury Frequency Rate

Rolling LTIFR, outlined with a solid blue line in Figure 3 from internal incident report data, provides analysis of the average LTIFR over the last 12 months. The dotted blue 'median' line tracks the downward trend.

**Figure 3: Rolling LTIFR**

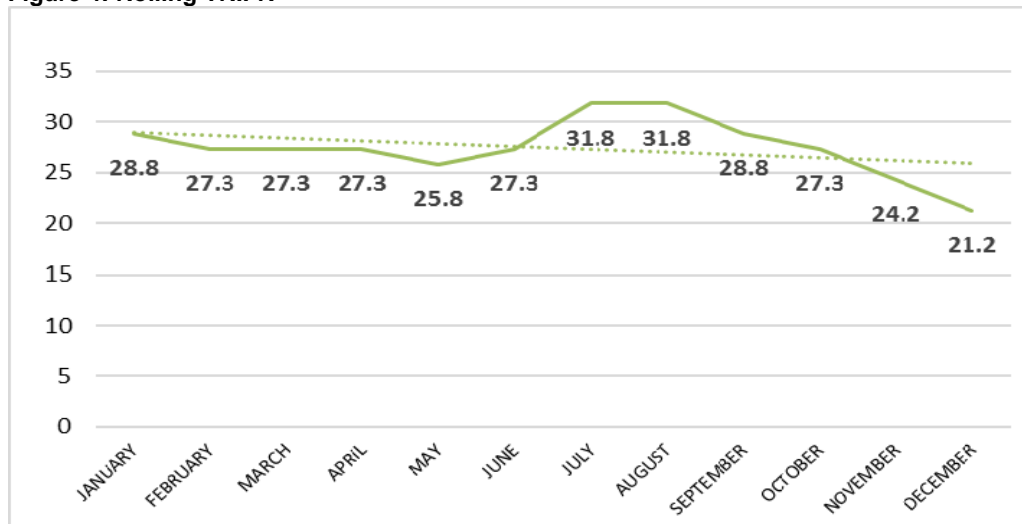


The current rolling LTIFR for the City of Marion is 7.7, which represents a 54% reduction over the previous 12 months.

### Rolling Total Recordable Incident Frequency Rate

Total Recordable Incidents include fatalities, LTI's and incidents resulting in the employee receiving medical treatment and/or is certified as only fit to undertake suitable duties. The Rolling Total Recordable Incident Frequency Rate (TRIFR), outlined with a solid green line in Figure 4 from internal incident report data, provides analysis of the average TRIFR over the last 12 months. The dotted green 'median' line tracks the downward trend.

**Figure 4: Rolling TRIFR**



The current rolling TRIFR for the City of Marion is 21.2 which represents a 26% reduction over the previous 12 months.

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Originating Officer:** Melissa Virgin, Assistant Financial Accountant  
**Corporate Manager:** Ray Barnwell, Manager Finance & Contracts  
**General Manager:** Vincent Mifsud, General Manager Corporate Services  
**Subject:** Finance Report – December 2017  
**Report Reference:** GC300118R12

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**REPORT OBJECTIVES AND EXECUTIVE SUMMARY:**

This report provides Council with information relating to the management of financial resources under its control as at December 2017. 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. 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 – December 2017”

**30 January 2018**

## **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 2017/18 reporting has seen some minor changes introduced to improve the relevance and accuracy of the data provided. With a greater focus on budget timing from both an operating and capital perspective, we will no longer be including commitments in the year to date results (i.e. where an order is raised for a supplier, but the works have not been carried out or paid for). This is expected to result in more meaningful variance reporting, with budget timings continuing to be a focus in Council's budget review process.

The grouping of projects in the Capital Works graphs attached has also been refined to provide more accurate reporting.

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****(a) Edwardstown Oval Soldiers Memorial Recreation Ground**

	2017/18 Actual YTD 31/12/2017	2017/18 Budget	Project Cost At Completion
<b>Income</b>			
Federal Budget Grant Contribution	400,000	1,600,000	4,000,000
<b>Total Income</b>	<b>400,000</b>	<b>1,600,000</b>	<b>4,000,000</b>
<b>Expenditure</b>			
<b>Operating</b>	-	-	-
<b>Capital Construction</b>	(285,669)	(3,739,094)	(8,965,300)
<b>Total Expenditure</b>	<b>(285,669)</b>	<b>(3,739,094)</b>	<b>(8,965,300)</b>
<b>Project Result Surplus/(Deficit)</b>	<b>114,331</b>	<b>(2,139,094)</b>	<b>(4,965,300)</b>

The net deficit forecast will be funded in the following manner:

**Funded By :  
(Over Project Life)**

\$

Reserve Transfer  
- Asset Sustainability Reserve

4,965,300

**4,965,300**

The Edwardstown Oval Soldiers Memorial Recreation Ground project is set to commence construction in 2017/18 following the signing of a \$4m funding agreement with the Federal Government.

**(b) Mitchell Park Sports & Community Centre**

There is a future project which will meet the criteria and is listed in the following table.

The Mitchell Park Sports & Community Centre project is subject to grant funding but currently proposed for 2018/19 year.

Project	Commencement subject to Grant Funding	Council Resolution	Budget
Mitchell Park Sports & Community Centre	2018/19	GC280616R07	\$19.75m

Reporting on this project budget 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 2017/18 means a targeted operating surplus of between \$0 and \$4.455m.

**Comment:** Council currently has a net operating surplus result of \$ 6.828m before capital revenues, against a year to date forecast budget of \$3.491m 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 56.23% of the year to date Capital Renewal Budget has been spent.

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 been detailed in the covering 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 2017/18 budget and principal repayments of \$1.197m mean that the overall loan liability balance is forecast to decrease by \$1.197m to \$7.905m at 30 June 2018.

### 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:** Council's Reserves are detailed in the below table. Transfer to Reserves of \$8.023m and Transfers from Reserves of \$16.059m are forecast to occur in 2017/18, and after accounting for amounts quarantined for specific projects or works, there is \$12.757m available.

Reserves (\$000s)	Asset Sustainability Reserve						Open Space Reserve	Grants & Carryover Reserve	TOTAL ALL RESERVES
	Major Infrastructure Failure	General	Other	Major New Projects	CFPP	TOTAL ASR			
Opening Balance	2,000	4,541	240	4,197	4,653	15,631	1,188	13,698	30,517
Budgeted transfers to reserve	0	3,276	408	2,138	2,179	8,001	22	0	8,023
Budgeted transfers from reserve	0	(405)	(80)	(2,100)	(539)	(3,124)	0	(12,935)	(16,059)
Current Budgeted Closing Balance	2,000	7,412	568	4,235	6,293	20,508	1,210	763	22,481
Quarantined Funds	(2,000)	(3,831)	0	(2,710)	(420)	(8,961)	0	(763)	(9,724)
Projected Available Balance	0	3,581	568	1,525	5,873	11,547	1,210	0	12,757

The 2017/18 1<sup>st</sup> budget review forecasts a net cash surplus of \$26k.

\*CFPP: Community Facilities Partnership Program

\* Other includes Walking & Cycling, Energy Efficiency and Oaklands Wetlands- Water Supply Opportunities

**Funding Statement  
Per First Budget Review  
as at 31 December 2017**

Original Adopted Budget \$'000	Carryovers \$'000	1st Budget Review Variance \$'000		YTD Actual \$'000	YTD Budget \$'000	YTD Variance \$'000		Annual Budget 1st Review \$'000	Note
<b>Operating Revenue</b>									
74,897	-	33	<b>Rates</b>	37,782	37,611	171	F	74,930	<b>A</b>
1,812	-	155	<b>Statutory Charges</b>	1,363	1,237	126	F	1,967	<b>B</b>
1,752	-	37	<b>User Charges</b>	978	872	106	F	1,789	<b>C</b>
5,509	-	1,663	<b>Operating Grants &amp; Subsidies</b>	3,847	4,090	(243)	U	7,172	<b>D</b>
754	-	-	<b>Investment Income</b>	366	312	54	F	754	
681	-	(3)	<b>Reimbursements</b>	384	238	146	F	678	<b>E</b>
1,233	-	236	<b>Other Revenues</b>	358	316	42	F	1,469	
334	-	-	<b>Net gain - SRWRA</b>	-	-	-	-	334	
<b>86,972</b>	<b>-</b>	<b>2,121</b>		<b>45,078</b>	<b>44,676</b>	<b>402</b>	<b>F</b>	<b>89,093</b>	
<b>Operating Expenses</b>									
34,014	-	(1)	<b>Employee Costs</b>	15,677	16,771	1,094	F	34,013	<b>F</b>
17,326	895	193	<b>Contractual Services</b>	8,161	9,031	870	F	18,414	<b>G</b>
5,044	5	60	<b>Materials</b>	2,178	2,680	502	F	5,109	<b>H</b>
545	-	(4)	<b>Finance Charges</b>	253	253	-	-	541	
17,030	-	75	<b>Depreciation</b>	8,327	8,353	26	F	17,105	
8,005	-	287	<b>Other Expenses</b>	3,654	4,097	443	F	8,292	<b>I</b>
<b>81,964</b>	<b>900</b>	<b>610</b>		<b>38,250</b>	<b>41,185</b>	<b>2,935</b>	<b>F</b>	<b>83,474</b>	
<b>5,008</b>	<b>(900)</b>	<b>1,511</b>	<b>Operating Surplus/(Deficit) before Capital Revenues</b>	<b>6,828</b>	<b>3,491</b>	<b>3,337</b>	<b>F</b>	<b>5,619</b>	
<b>Capital Revenue</b>									
1,710	-	(1,600)	<b>Capital Grants &amp; Subsidies</b>	49	-	49	F	110	
1,500	-	-	<b>Contributed Assets</b>	-	-	-	-	1,500	
-	-	-	<b>Gain/(Loss) on Asset Disposal</b>	-	-	-	-	-	
<b>3,210</b>	<b>-</b>	<b>(1,600)</b>		<b>49</b>	<b>-</b>	<b>49</b>	<b>F</b>	<b>1,610</b>	
<b>8,218</b>	<b>(900)</b>	<b>(89)</b>	<b>Net Surplus/(Deficit) resulting from operations</b>	<b>6,877</b>	<b>3,491</b>	<b>3,386</b>	<b>F</b>	<b>7,229</b>	
17,030	-	75	<b>add Depreciation</b>	8,327	8,353	(26)		17,105	
(334)	-	-	<b>less Share of Profit SRWRA (excluding dividend)</b>	-	-	-		(334)	
<b>24,915</b>	<b>(900)</b>	<b>(14)</b>	<b>Funding available for Capital Investment</b>	<b>15,204</b>	<b>11,844</b>	<b>3,360</b>	<b>F</b>	<b>24,001</b>	
<b>Capital</b>									
	<b>900</b>								
14,766	1,992	715	<b>less Capital Expenditure - Renewal</b>	5,245	9,327	4,082	F	17,473	<b>J</b>
10,561	4,761	(13)	<b>less Capital Expenditure - New</b>	2,892	7,245	4,353	F	15,309	<b>K</b>
1,500	-	-	<b>less Capital - contributed assets</b>	-	-	-	-	1,500	
		-	<b>add Proceeds from Sale of Surplus Assets</b>			-	-		
<b>(1,912)</b>	<b>(7,653)</b>	<b>(716)</b>	<b>Net funding increase/(decrease)</b>	<b>7,067</b>	<b>(4,728)</b>	<b>11,795</b>	<b>F</b>	<b>(10,281)</b>	

Original Adopted Budget \$'000	Carryovers \$'000	1st Budget Review Variance \$'000		YTD Actual \$'000	YTD Budget \$'000	YTD Variance \$'000	Annual Budget 1st Review \$'000	Note
			<b>Funded by</b>					
		-	Loans					
-	-	-	Loan Principal Receipts (Net)	-	-	-	-	
-	-	-	Loan Receipts/(Payments) from Sporting Clubs (Net)	-	-	-	-	
(1,197)	-	-	Loan Principal Repayments	(509)	(509)	-	(1,197)	
(1,197)	-	-	Loan Funding (Net)	(509)	(509)	-	(1,197)	
			<b>Movement in level of cash, investments and accruals</b>					
-	-	26		18,084	6,289	11,795	26	
(3,109)	(7,653)	(742)	Reserves Net - Transfer to/(Transfer from)	(11,526)	(11,526)	-	(11,504)	
(3,109)	(7,635)	(734)	Cash/Investments/Accruals Funding	6,558	(5,237)	11,795	(11,478)	
			<b>Funding Surplus/(Deficit)</b>					
-							-	
1,912	7,653	716	Funding Transactions	(7,067)	4,728	(11,795)	F 10,281	L

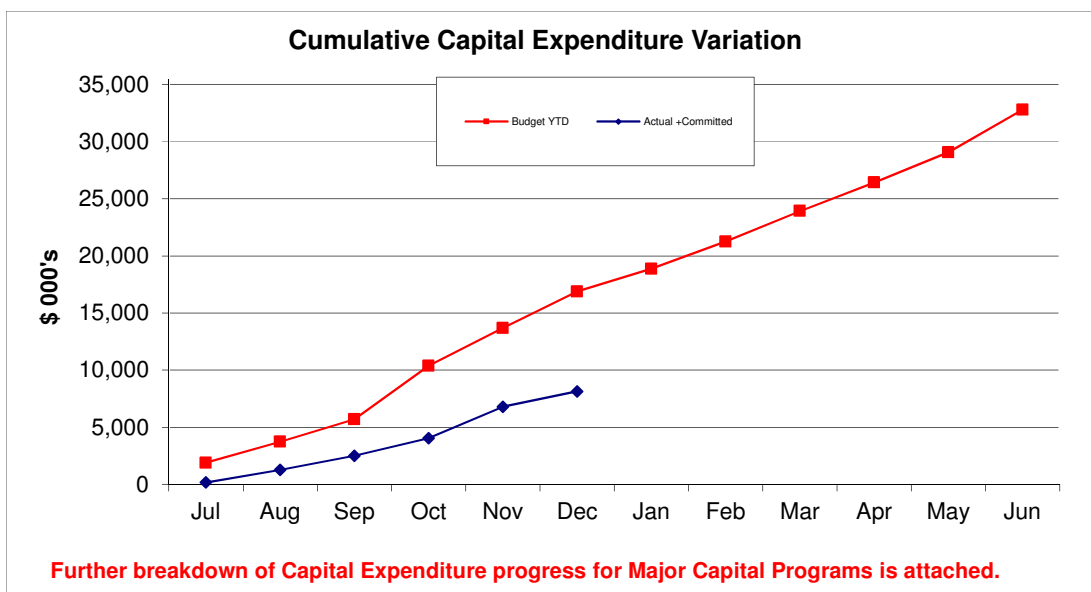
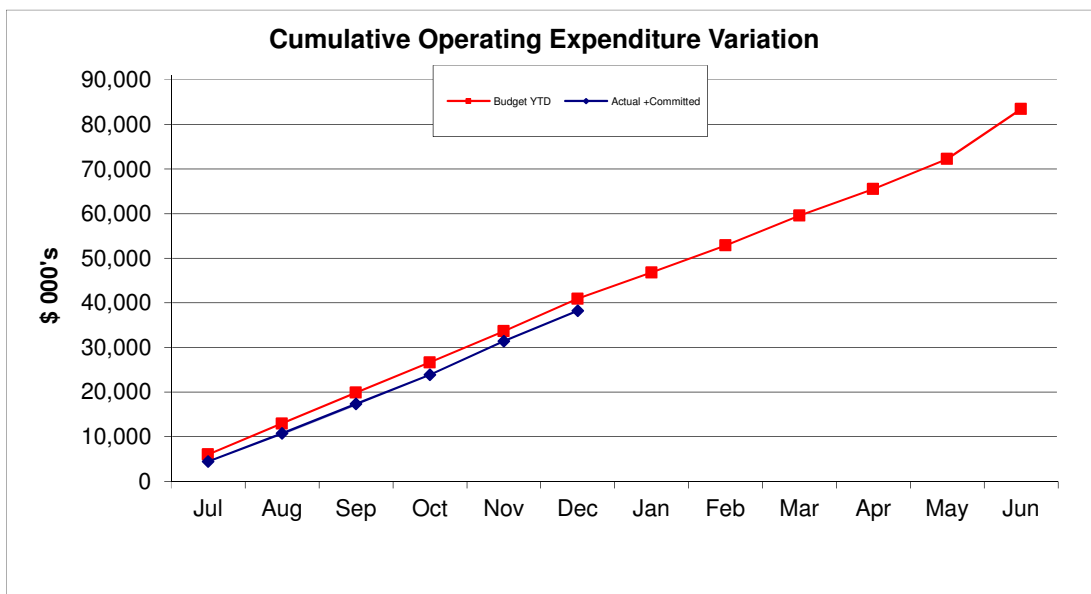
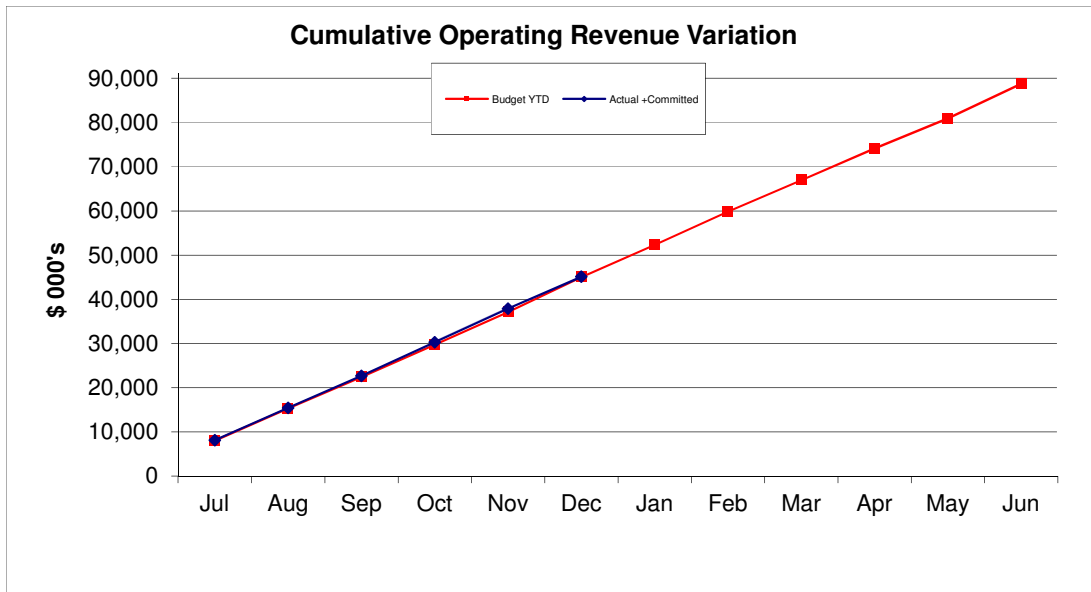
**Variation Notes**

<b>A</b>	<b>Rates</b>	<b>Favourable \$171k</b>	Reflects budget-timing variation with regards to granting of Rate Rebates.
<b>B</b>	<b>Statutory Charges</b>	<b>Favourable \$126k</b>	Predominately Reflects income from Planning Consent Fees (\$46k), Parking fines (\$41K) and a number of variances which are individually insignificant, being greater than budgeted.
<b>C</b>	<b>User Charges</b>	<b>Favourable \$106k</b>	Predominantly reflects budget-timing variations with regards to sale of ASR Water (\$42k) and Other User Charges (\$62k).
<b>D</b>	<b>Operating Grants &amp; Subsidies</b>	<b>Unfavourable \$243k</b>	Reflects budget-timing variations with regards to receipt of Grants Commission Grant and Commonwealth Government subsidies.
<b>E</b>	<b>Reimbursements</b>	<b>Favourable \$146k</b>	Predominately reflects unbudgeted Insurance Reimbursements (\$64k), budget-timing variations with regards to Infrastructure paid jobs (\$55k) and a number of variances, which are individually insignificant.
<b>F</b>	<b>Employee Costs</b>	<b>Favourable \$1,094k</b>	Predominantly reflects budget-timing variations and savings from temporarily vacant positions and forecast EA increases for outdoor staff, still in negotiation.
<b>G</b>	<b>Contractors</b>	<b>Favourable \$870k</b>	Predominantly reflects budget-timing variations with regards to Waste Contractor (\$178k), Reserve Maintenance (\$137k), Tree planting program (\$97k), On-line Booking System (\$75k), Cleaning agreements (\$72k), and a number of variances, which are individually insignificant.
<b>H</b>	<b>Materials</b>	<b>Favourable \$502k</b>	Predominantly reflects budget-timing variations with regards to Electricity (\$250k), Water (\$172k), Fuel/Oil (\$37k) and a number of other variances, which are individually insignificant.
<b>I</b>	<b>Other Expenses</b>	<b>Favourable \$443k</b>	Predominately reflects budget-timing variations with regards to Contributions expense (\$171k), Insurance premiums (\$92k), State Government levies (\$86k) and a number of other variances, which are individually insignificant.
<b>J</b>	<b>Capital Expenditure (Renewal)</b>	<b>Favourable \$4,082k</b>	Predominantly reflects budget-timing variations with regards to Fleet replacement (\$806k), Edwardstown Oval Soldiers Memorial Recreation Ground (\$1,584k), Reserve Development Projects (\$747k) and a number of other variances, which are individually insignificant.
<b>K</b>	<b>Capital Expenditure (New)</b>	<b>Favourable \$4,353k</b>	Predominantly reflects budget-timing variations with regards to the Sam Willoughby International BMX track (\$1,198k), Drainage Construction (\$777k), Hendrie Street Inclusive Playspace (\$590k), Marion Club North Carpark and Drain (\$393k) and a number of other variances which are individually insignificant.
<b>L</b>	<b>Funding Transactions</b>	<b>Favourable \$11,795k</b>	This variance is the sum total of all variances and reflects an increase against council's expected YTD cash position.

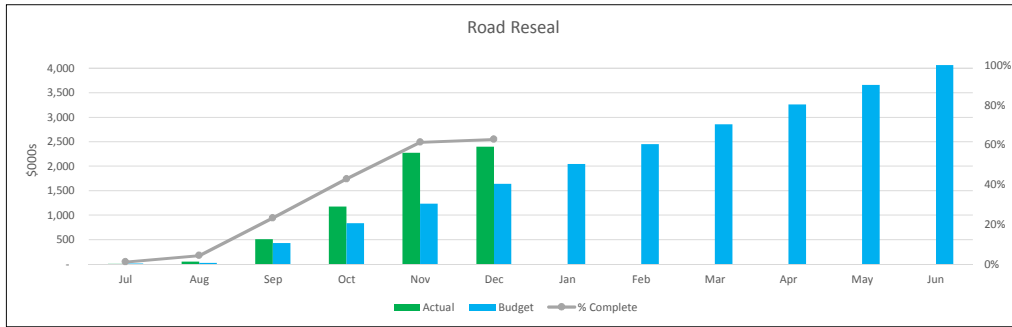
The above comments referring to budget timing variations are where some monthly budget estimates are not reflective of the actual expenditure patterns as at the reporting date.

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.

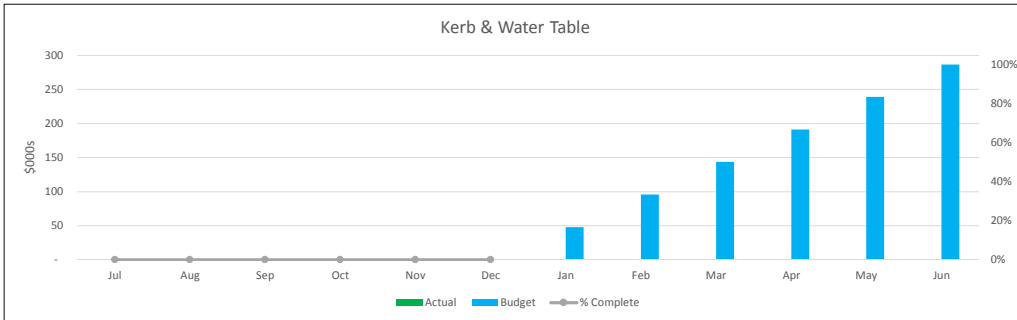
## Funding Statement Cumulative Position - 2017/18



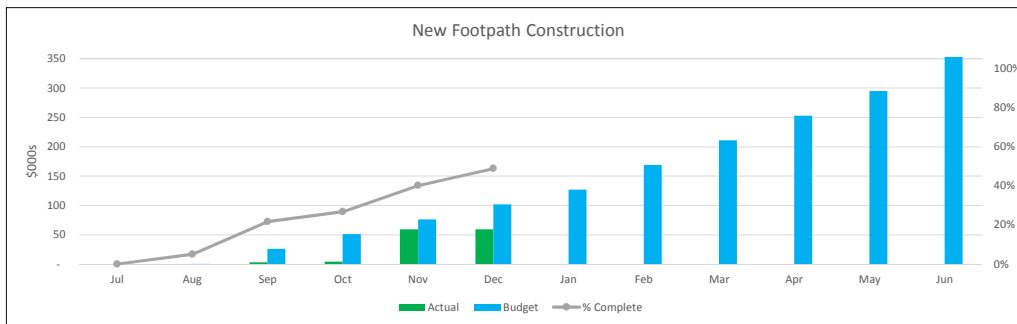
### Capital Construction Progress - 2017/18



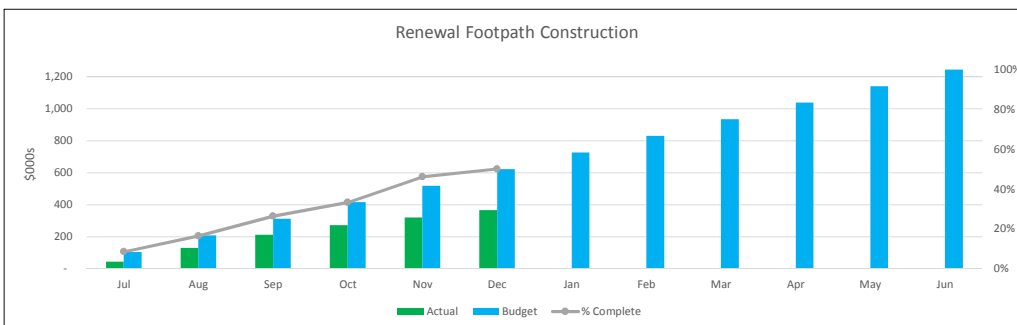
- Programmed works are now 63% complete.



- Program is to be based upon condition assessment results. This program has been delayed due to issues with the contractor, we are seeking alternative providers.  
 - Works expected to commence in first quarter of 2018.

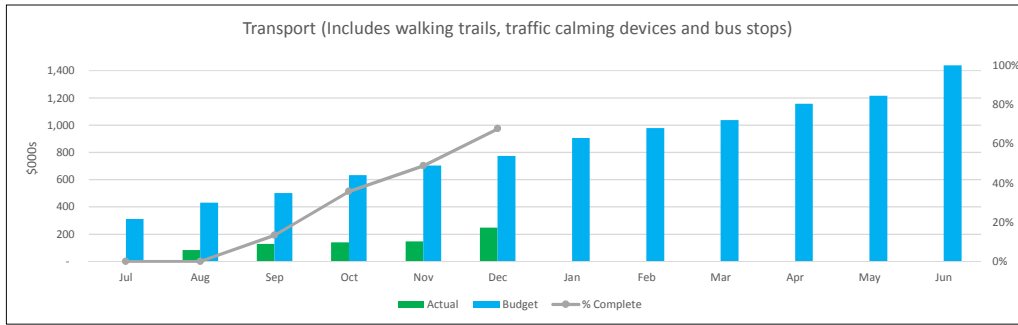


- Programmed works are now 49% complete.

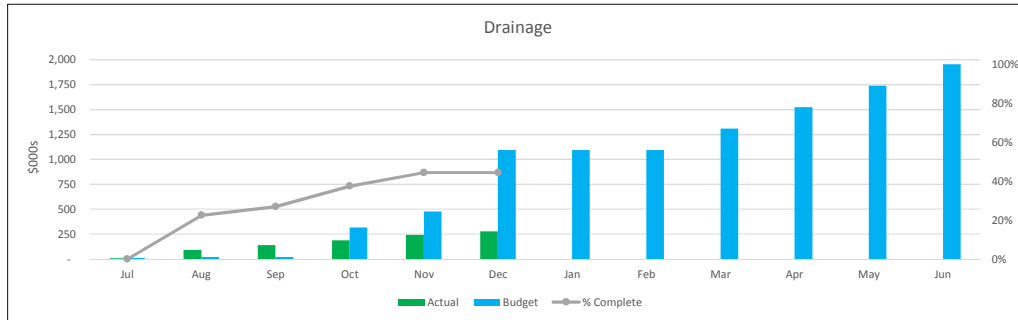


- Programmed works are now 50% complete.

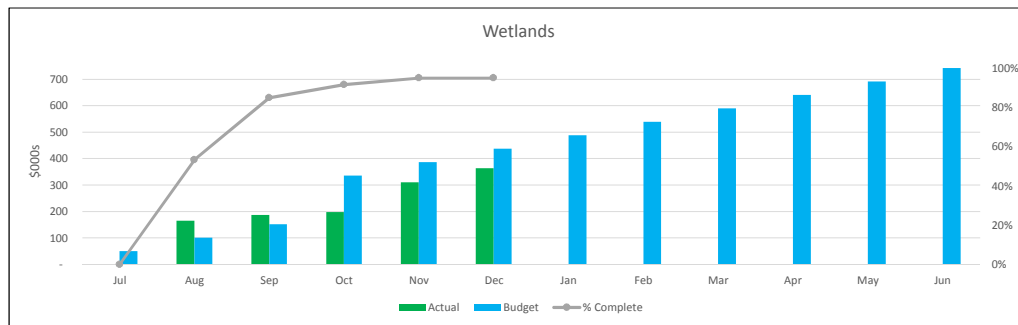




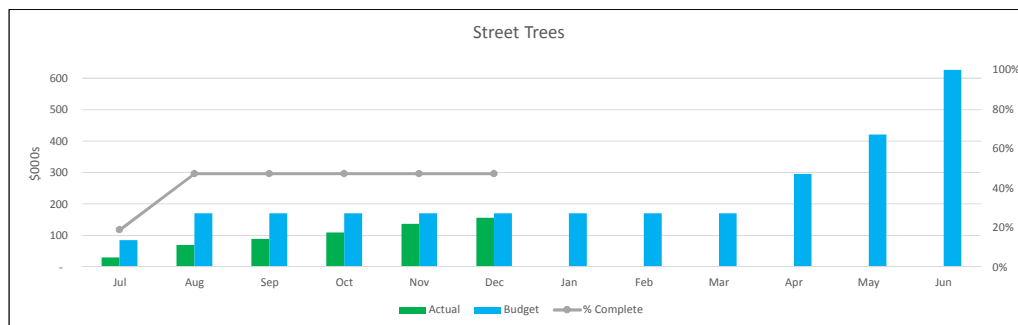
- Sturt Linear Path works and Ramrod Ave are complete.
- Bus Stop works are in progress.



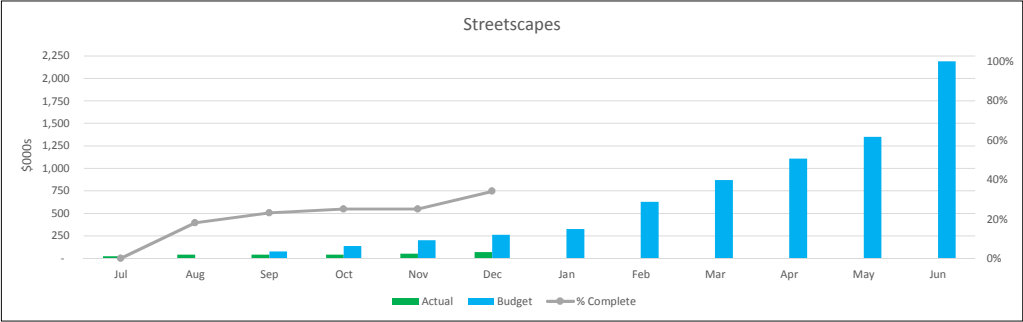
- Melanto Terrace and Gowrie Avenue complete
- Coolah Terrace and Francis Avenue/ Helmsdale Avenue are in progress. Remainder of program to commence in January.



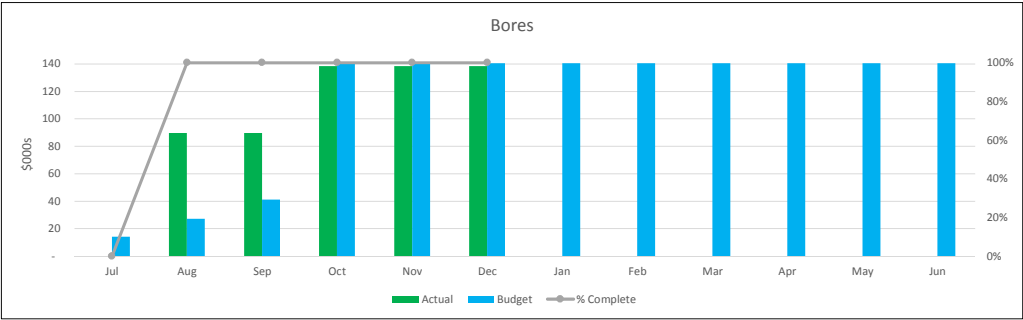
- Majority of programmed works are complete with remaining landscaping works to be undertaken when weather permits.



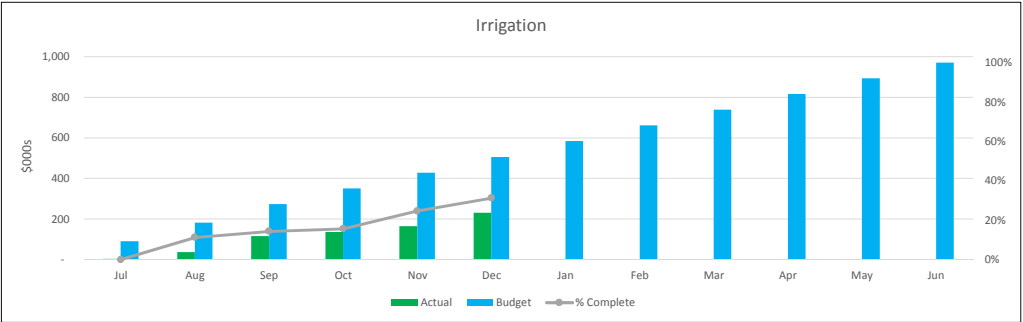
- Program has commenced with 662 street trees planted. Planting to recommence in April.



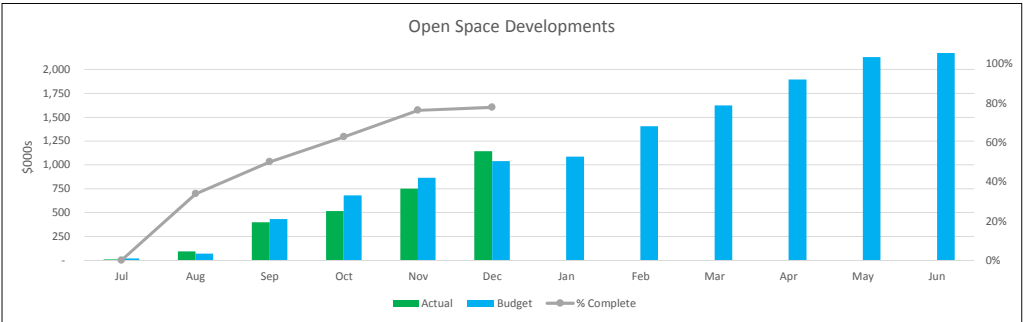
- Charles Street complete, Ramrod Avenue tender has been awarded. Remainder of program scheduled to commence in February 2018.



- Emergency works required for Golf Club bores are now complete.



- Programmed works are now 31% complete.



- Programmed works are now 78% complete

**Completed**

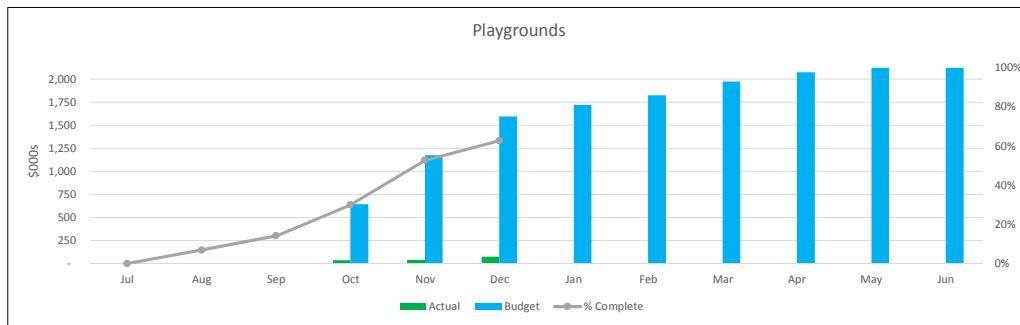
- Clovelly Park Reserve Shade Sails
- Edwardstown Oval Open Space Improvements
- Glade Crescent Reserve Shade Sails
- Jervois Street Reserve Shelter
- Reserve Street Reserve Shelter
- Youth Plaza Oaklands Wetlands Stage 1

**Completed (cont.)**

- Heron Way Reserve Stage 5 - Amphitheatre

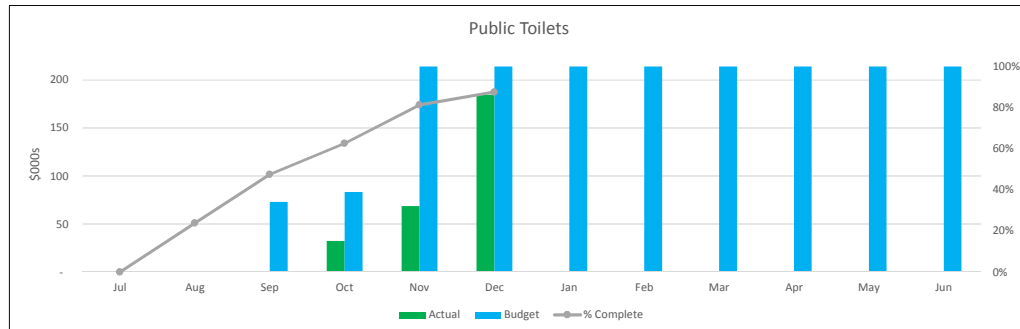
**In Progress**

- Heron Way Reserve Stage 4 - Playground
- Capella Reserve Precinct Plan
- Youth Plaza Oaklands Wetlands Stage 2

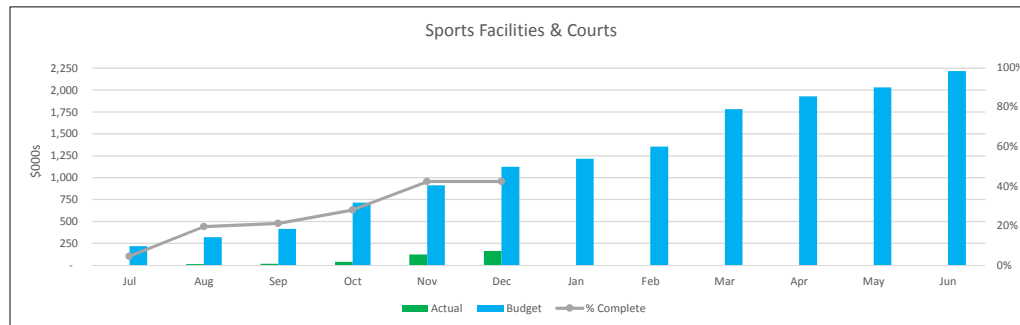


- Programmed works are now 63% complete

- Jervois Street Reserve complete.
- Gully Road, Clare Avenue, Breakout Creek (YMCA), Sixth Avenue and Hendrie Reserve Inclusive Playground are in progress.
- Consultation has commenced on Bandon Tce, Shade Sail Tender has been awarded with Appleby Reserve Rd being awarded in January.



- Installation of Exelooos for Heron Way and Reserve Street Reserve are now complete.
- Exeloo for Hendrie Reserve expected to be delivered in Jan, Gully Road Exeloo is onsite awaiting service connection.



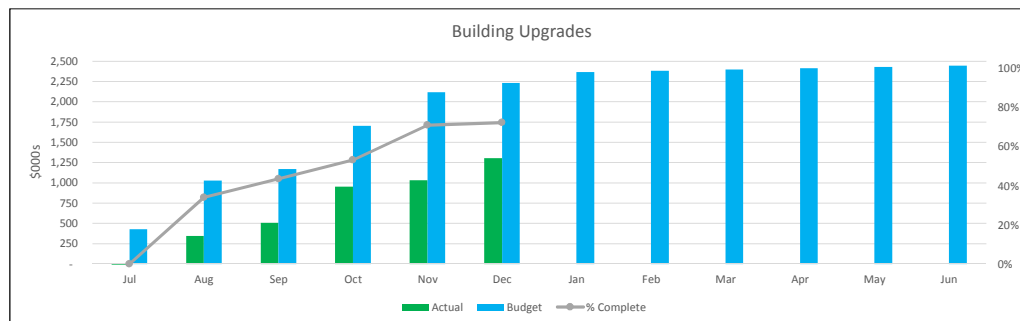
- Programmed works are now 42% complete

#### Completed

- Ascot Park Bowling Fence
- Stanley Street Tennis Court Renewal
- Cosgrove Hall Winches
- Clovelly Park Tennis Club Line Marking and Kitchen
- Mitchell Park Sports Club Air conditioner
- Plympton Park Sports Window Replacement
- Glandore Oval Clubhouse Air conditioner

#### Completed (cont.)

- Hallett Cove BMX Track
- In Progress**
- Marion Club Carpark
- Warradale Tennis Club Clubroom Works
- Marion Golf Park Car Park
- Marion Leisure and Fitness Carpark
- Morphettville Sports Light Towers



- Programmed works are now 73% complete

#### Completed

- Solar panels for Cove, Cooina, LKCC and Glandore
- Marion Outdoor Swimming Centre Water Slide
- Marion Outdoor Swimming Centre Upgrade - Umbrella
- Marion Outdoor Swimming Centre Shade Sail Replacement
- Marion Outdoor Swimming Centre Storeroom Linings
- Clovelly Park Community Hall - Female Toilet
- Solar Installation for Marino Community Hall
- Trott park Neighbourhood Toilet
- Fitzjames Building

#### Completed (cont.)

- Glandore Laneways

#### In Progress

- Marion Cultural Centre Sign
- Cove Sports Car Park Renewal
- Energy Efficiency Projects
- Coastal Walking Trail Renewal
- Furniture and Fittings Renewal
- Admin Accommodation Refit

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	24,055.69	10,746.31	5,828.20	7,326.18	.00	155.00	0%	Made up of 1 out of 6 debtors.
Neighbourhood Centres Total	29,596.50	8,380.00	2,010.00	14,800.00	2,080.00	2,326.50	5%	Made up of 4 out of 17 debtors in this category with one of these totalling \$1,040.00. One account totalling \$455.00 has subsequently been settled in January.
Regulatory Services Land Clearing Total	2,706.36	.00	.00	.00	.00	2,706.36	6%	Made up of 4 debtors. Discussion for setting up a payment plan is in progress for one debtor totalling \$1,725.35.
City Property Facilities Total	34,233.64	11,255.50	10,458.80	10,211.15	162.00	2,146.19	4%	Made up of 3 out of 24 debtors in this category with one of these totalling \$1,034.19. One account totalling \$950.00 is being sent to the debt collectors due to payment plan not being met.
Civil Services Private Works Total	70,441.20	30,799.20	11,920.00	1,850.00	908.00	24,964.00	52%	Made up of 18 out of 32 debtors in this category, with two of these totalling \$4,120.00 relating to works not commenced, awaiting payment, with three of the remaining accounts totalling \$8,700.00. One account totalling \$625.00 is on a payment plan which is not being met. Two accounts totalling \$3,522.00 have subsequently been settled in January.
Swim Centre Debtors Total	19,986.60	18,438.50	1,356.50	.00	.00	191.60	0%	Made up of 1 out of 27 debtors.
Grants & Subsidies Total	300,539.40	124,650.00	150,589.40	25,300.00	.00	.00	0%	
Environmental Health Inspections Total	14,219.67	5,424.07	1,046.60	872.00	1,062.00	5,815.00	12%	Made up of 46 out of 85 debtors in this category, with none individually significant. One account totalling \$118.00 has subsequently been settled in January.
Regulatory Services Other Total	10,051.00	.00	1,608.00	1,273.00	.00	7,170.00	15%	Made up of 79 out of 110 debtors in this category, one account totalling \$671.00 is on a payment plan which is being met. Four accounts totalling \$268.00 have subsequently been settled in January.
Development Services Total	1,891.50	.00	.00	.00	.00	1,891.50	4%	Made up of 6 debtors in this category, with none individually significant.
Living Kaurna Cultural Centre Total	9,610.50	5,769.45	2,974.05	.00	.00	867.00	2%	Made up of 4 out of 21 debtors, with none individually significant.
Economic Development Total	2,365.00	.00	330.00	2,035.00	.00	.00	0%	
Marion Cultural Centre Total	520.20	64.00	456.20	.00	.00	.00	0%	
Total	520,217.26	215,527.03	188,577.75	63,667.33	4,212.00	48,233.15		
Total Aging Profile		41%	36%	12%	1%	9%		

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 Kaurna 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.

\*any category that does not have any outstanding invoices will not be displayed.

## **Rates Report - Collection of Rates to 31 December 2017**

### **ANALYSIS OF OUTSTANDING RATES AS AT 31 DECEMBER 2017**

	<u>Note</u>		<b>% of Total Annual Rates</b>
CURRENT	1	\$ 32,084,623	<b>43.1%</b>
OVERDUE	2	\$ 1,412,022	<b>1.9%</b>
ARREARS	3	\$ 1,317,905	<b>1.8%</b>
INTEREST	4	\$ 77,744	<b>0.1%</b>
POSTPONED	5	\$ 168,916	<b>0.2%</b>
LEGALS	6	\$ 28,341	<b>0.0%</b>
		<b>\$ 35,089,551</b>	<b>47.2%</b>
<b>TOTAL ANNUAL RATES FOR 2017/18</b>		<b>\$ 74,378,692</b>	

#### **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: Interest**

Interest represent the fines and interest applied to overdue rates and rates in arrears.

#### **Note 5: 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 6: 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  
30 JANUARY 2018**

**Notice Received from:** Councillor Hull

**Subject:** Groundwater Contamination

**Ref No:** GC300118M01

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**MOTION:**

That Council be provided with a detailed report and mapping depicting the extent, the nature of the contaminates, the predicted rate and direction of spread and the varying grades of severity of ground water contamination across the City of Marion

**COMMENTS: Councillor Hull**

This motion seeks to address questions asked by a number of city residents, information that is not readily available from the EPA. Unfortunately the subject of ground water contamination is not a subject that is seen and easily understood, it is not flowing down our gutters, it is underground and out of mind. It is my view that thinking is redirected to property values and conversation leads to "do not go there"?

We need to better understand this subject and just leaving it to the EPA is folly. That the Ground Water Prohibition advice email dated 18/12/17 from Mr Mifsud be also attached as an addendum to this motion

**COMMENTS: Vincent Mifsud, General Manager Corporate Services**

Should Council support this Motion an appropriate letter, to be signed by the Mayor, will be prepared and sent to the EPA requesting the information detailed in the Motion.

On 18 Dec 2017, at 4:00 pm, Vincent Mifsud <[Vincent.Mifsud@marion.sa.gov.au](mailto:Vincent.Mifsud@marion.sa.gov.au)> wrote:

For Official Use Only

Dear Members,

The Environment Protection Authority wrote to residents on 7 August 2017 to advise it has been considering the establishment of a formal prohibition on the extraction of groundwater in portions of Edwardstown and surrounding areas.

Before a final decision was made, the EPA undertook consultation with the local community to provide information and seek feedback on the proposal. A report <<https://engage.epa.sa.gov.au/28476/documents/67662>> on the community engagement is available from the EPA website.

Last week the EPA wrote to residents to advise that with no evidence of widespread opposition to the proposal arising from the engagement, the EPA will now proceed with the establishment of a groundwater prohibition area (please see attached fact sheet).

In line with the findings of the Determination Report – Proposed Groundwater Prohibition Area – portions of Edwardstown, South Plympton, Plympton Park, Ascot Park, Park Holme and Melrose Park <<https://engage.epa.sa.gov.au/28476/documents/62210>>, and the Environment Protection Act 1993, the EPA may prohibit or restrict the taking of groundwater if it may be harmful to human health or safety.

This is scheduled to be noted in the South Australian Government Gazette <<http://governmentgazette.sa.gov.au/>> on 9 January 2018. For further information or to have a copy of these reports mailed out to you, please don't hesitate to contact Rachel Hudson via any of the contact details below.

Rachel Hudson  
Principal Adviser, Community Engagement  
Phone: (08) 8124 4216 Mobile: 0427 702 390

Regards

Vinnie

Vincent Mifsud  
General Manager Corporate Services | City of Marion

P 08 8375 6618 | F 08 8375 6699 | M 0402 902 494  
E [Vincent.Mifsud@marion.sa.gov.au](mailto:Vincent.Mifsud@marion.sa.gov.au) | W [www.marion.sa.gov.au](http://www.marion.sa.gov.au)

PO Box 21 Oaklands Park SA 5046  
245 Sturt Road Sturt SA 5047

TO THE RESIDENT

Dear resident

**Re: Proposed prohibition on the extraction of groundwater (bore water)**

Further to our letter of 7 August 2017, the Environment Protection Authority (EPA) has been considering the establishment of a formal prohibition on the extraction of groundwater in portions of Edwardstown and surrounding areas.

Before a final decision was made, the EPA consulted the local community to provide information and seek feedback on the proposal. A report on the community engagement is available from the EPA website (follow the links to 'site contamination', then 'assessment areas', then 'groundwater prohibition areas').

The engagement process was effective in helping the EPA to understand issues that are important to the local community in regards to managing the legacy of contaminated groundwater. Many residents indicated that they think banning access to contaminated groundwater is a good idea, to prevent exposure to the chemicals of concern. A change in the depth of the proposed prohibition area occurred as a result the engagement program, enabling residents that access deeper uncontaminated groundwater to continue to do so.

Under section 103S of the *Environment Protection Act 1993*, the EPA may prohibit or restrict the taking of groundwater if it may be harmful to human health or safety. In line with the findings of the [Determination Report – Proposed Groundwater Prohibition Area – portions of Edwardstown, South Plympton, Plympton Park, Ascot Park, Park Holme and Melrose Park](#), and with no evidence of widespread opposition to the proposal arising from the engagement with the local community, the EPA will now proceed with the establishment of a groundwater prohibition area (please see enclosed fact sheet).

This is scheduled to be noted in the [South Australian Government Gazette](#) on 9 January 2018. For further information or to have a copy of these reports mailed out to you, please contact us on 1800 729 175 or via email [engage.epa@sa.gov.au](mailto:engage.epa@sa.gov.au).

Yours sincerely



Andrew Pruszinski

**A/DIRECTOR REGULATION**

**ENVIRONMENT PROTECTION AUTHORITY**

Date: 11 December 2017



اللغة العربية  
إنّ الماء الجوفية (تحت أرضية) في هذه المنطقة ملوثة ويجب عدم استعمالها لأي غرض بتاتاً. لكن ماء الأنابيب الرئيسية والماء من براميل المطر لم تتأثر من هذا الأمر. ممكن استهلاك الفاكهة والخضروات المزروعة في المنزل بأمان، شرطاً أنها لم تروى بماء جوفية. إذا كنت تود معلومات إضافية بلغتك الأم، الرجاء الاتصال بالرقم 13 14 50.

এই এলাকার ভূগর্ভস্থ পানি (কূপের পানি) দূষিত এবং কোন কাজের জন্য ব্যবহার করা উচিত নয়। পাইপে সরবরাহ করা এবং ট্যাঙ্কে ধরা বৃষ্টির পানি এই সমস্যা দ্বারা প্রভাবিত নয়। বাড়িতে উৎপন্ন ফল ও শাকসব্জী খাওয়া নিরাপদ, যদি তাতে কূপের পানি সিঞ্চন না করা হয়। আপনি যদি আপনার মাতৃভাষায় আরো তথ্য চান, দয়া করে ১৩ ১৪ ৫০ নম্বরে ফোন করুন।

这一地区的地下水（钻孔水）受到污染，所以不再适合使用。自来水及雨水采集箱内的水并未受到这一问题的影响。自种水果与蔬菜可安心食用，只要这些果蔬不是用钻孔水浇灌的。如需更为详细的中文信息，请致电 13 14 50。

本地區地下水（井水）受到污染，不得使用。自來水與來自雨水箱的水不受影響。自種的蔬菜和水果只要不經地下水灌溉，都能安全食用。如果需要了解更多的相關中文信息，請撥打電話：13 14 50。

Το υπόγειο νερό (νερό από γεωτρήσεις και πηγάδια) σε τούτη την περιοχή είναι μολυσμένο και δεν πρέπει να χρησιμοποιηθεί για κανένα σκοπό. Το νερό από το δίκτυο ύδρευσης και το νερό από υδατοδεξαμενές βρόχινου νερού ("ντεπόζιτα") δεν έχει μολυνθεί. Μπορείτε να τρώτε φρούτα και λαχανικά από τον κήπο του σπιτιού σας, αρκεί να μην έχουν ποτιστεί με υπόγειο νερό από γεωτρήσεις και πηγάδια. Εάν θέλετε περισσότερες πληροφορίες στα Ελληνικά, παρακαλείστε να τηλεφωνήσετε στο τηλέφωνο 13 14 50.

इस क्षेत्र में भूजल (बोर वाटर) संदूषित है और किसी भी उद्देश्य के लिए इसका प्रयोग नहीं किया जाना चाहिए। मेन्स वाटर और रेनवाटर टैंक का पानी इस समस्या से प्रभावित नहीं है। घर पर उगाए फल और सब्जियों का सेवन करना सुरक्षित है, बशर्ते कि इन्हें भूजल (बोर वाटर) से पानी न दिया गया हो। यदि आपको अपनी मातृभाषा में अधिक जानकारी चाहिए, तो कृपया 13 14 50 पर फोन करें।

L'acqua sotterranea (dalla falda acquifera) è contaminata in quest'area e non deve essere usata per nessuno scopo. Il problema tuttavia non riguarda l'acqua della rete di distribuzione e dei serbatoi di acqua piovana. Frutta e verdura coltivate presso casa si possono consumare con sicurezza, purché non innaffiate con acqua sotterranea. Per maggiori informazioni in italiano, chiamate il 13 14 50.

ਇਸ ਜ਼ਮੀਨ ਦੇ ਥੱਲੇ ਮਜ਼ੂਰ ਪਾਣੀ ਦੂਸ਼ਿਤ ਹੈ ਅਤੇ ਕਿਸੇ ਚੀਜ਼ ਦੇ ਲਈ ਵੀ ਇਸ ਦਾ ਇਸਤੇਮਾਲ ਨਹੀਂ ਕੀਤਾ ਜਾਣਾ ਚਾਹੀਦਾ। ਪਾਣੀਯਾਂ ਰਾਹੀਂ ਪਹੁੰਚਾਇਆ ਜਾ ਰਿਹਾ ਪਾਣੀ ਜਾਂ ਬਰਸਾਤੀ ਪਾਣੀ ਦੇ ਟੈਂਕ ਦਾ ਪਾਣੀ ਇਸ ਸਮਸਿਆ ਦਾ ਸ਼ਿਕਾਰ ਨਹੀਂ ਹੈ। ਘਰਾਂ ਵਿਚ ਲਗਾਏ ਗਏ ਫਲਾਂ ਜਾਂ ਸਬਜ਼ਿਆਂ ਦਾ ਇਸਤੇਮਾਲ ਕਰਨਾ ਸੁਰੱਖਿਅਤ ਹੈ, ਜਦੋਂ ਤੱਕ ਕਿ ਇਹਨਾਂ ਦੀ ਸਿੰਚਾਈ ਜ਼ਮੀਨ ਦੇ ਥੱਲੇ ਮਜ਼ੂਰ ਪਾਣੀ ਨਾਲ ਨਾ ਕੀਤੀ ਜਾਵੇ। ਆਪਣੀ ਦੇਸੀ ਭਾਸ਼ਾ ਵਿਚ ਇਸ ਬਾਰੇ ਹੋਰ ਜਾਣਕਾਰੀ ਲੈਣ ਦੇ ਲਈ 13 14 50 ਤੇ ਸੰਪਰਕ ਕਰੋ।

මෙම ප්‍රදේශයේ භූගත ජලය (කැබිමෙන් ගන්නා ලද ජලය) දූෂණය වී ඇති බැවින් කිසිම කටයුත්තක් සඳහා යොදා නොගත යුතුය. ප්‍රධාන ජල මාර්ගය සහ ටැංකි වල එක් රැස් කර ගෙන ඇත්තා වූ වැනිවතුර මෙම ප්‍රදේශයෙන් හානි වී නොමැත. භූගත ජලය පාවිච්චි නොකර ගෙවත්තේ වචන ලද ඵලවළු හා පළතුරු කැමට ගත හැක. ඔබට ඔබේ මව් භාෂාවෙන් තවත් තොරතුරු අවශ්‍ය නම් කරුණාකර අංක 13 14 50 අමතන්න.

اس علاقے میں زیر زمین پانی (کنوئیں یا ٹیوب ویل کا پانی) آلودہ ہے اور اسے کسی مقصد کیلئے استعمال نہیں کرنا چاہیئے۔ پانیوں سے آنے والا پانی اور بارشی پانی جمع کرنے والے ٹینکوں کا پانی اس مسئلے سے متاثر نہیں ہے۔ گھر میں اگائے گئے پھلوں اور سبزیوں کو کھانا محفوظ ہے، بشرطیکہ ان کی آبیاری کنوئیں یا ٹیوب ویل کے پانی سے نہ کی گئی ہو۔ اگر آپ اپنے وطن کی زبان میں مزید معلومات لینا چاہتے ہیں تو براہ مہربانی 13 14 50 پر فون کریں۔



## GROUNDWATER PROHIBITION

### Edwardstown and surrounding areas

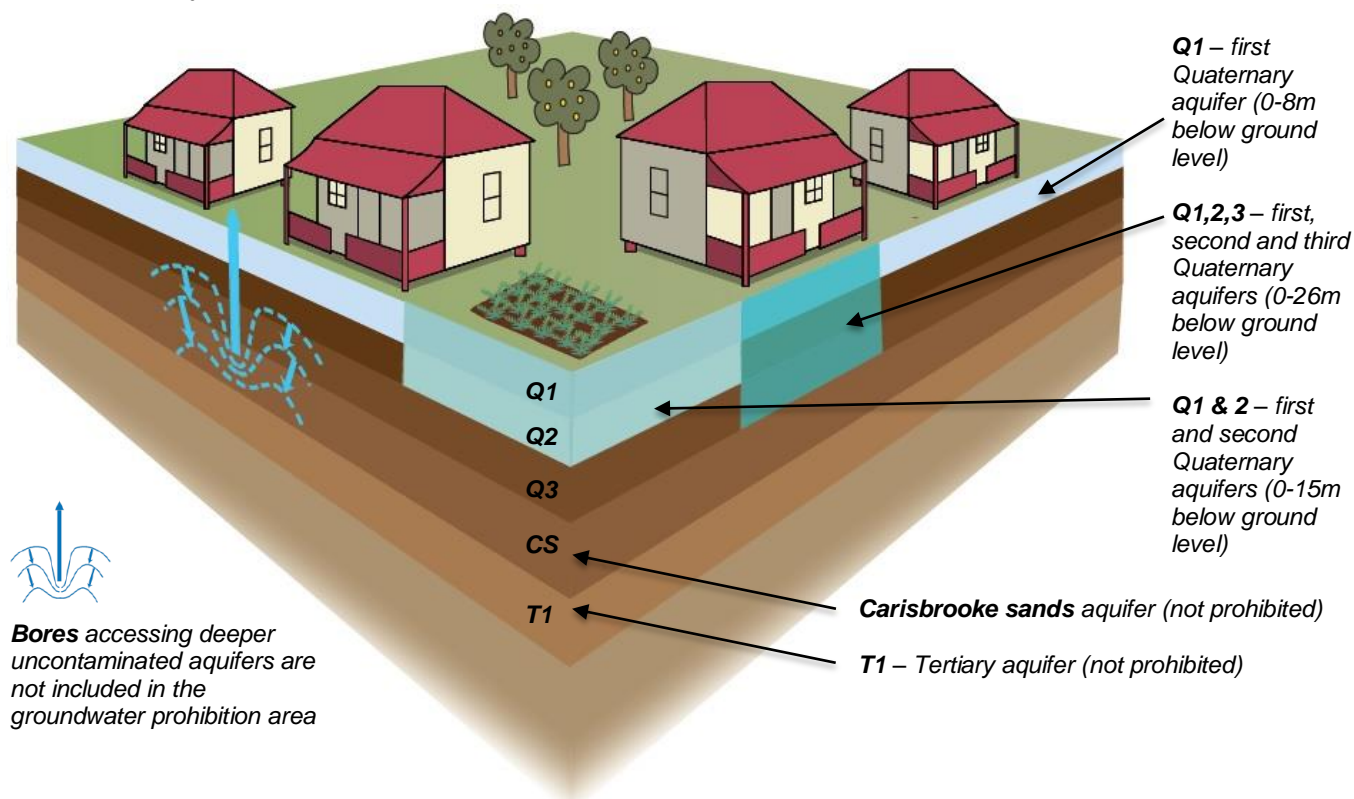
Issued 11 December 2017

Groundwater (bore water) is water that can be accessed by drilling a bore through the soil into underground aquifers and pumping it to the surface. In April 2017 the Environment Protection Authority (EPA) determined that groundwater in shallow aquifers in Edwardstown and surrounding areas has been significantly contaminated with chemicals arising from historical industrial practices within Edwardstown and Melrose Park.

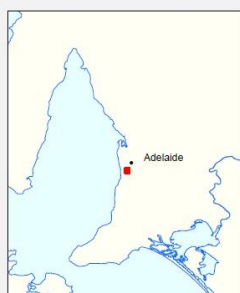
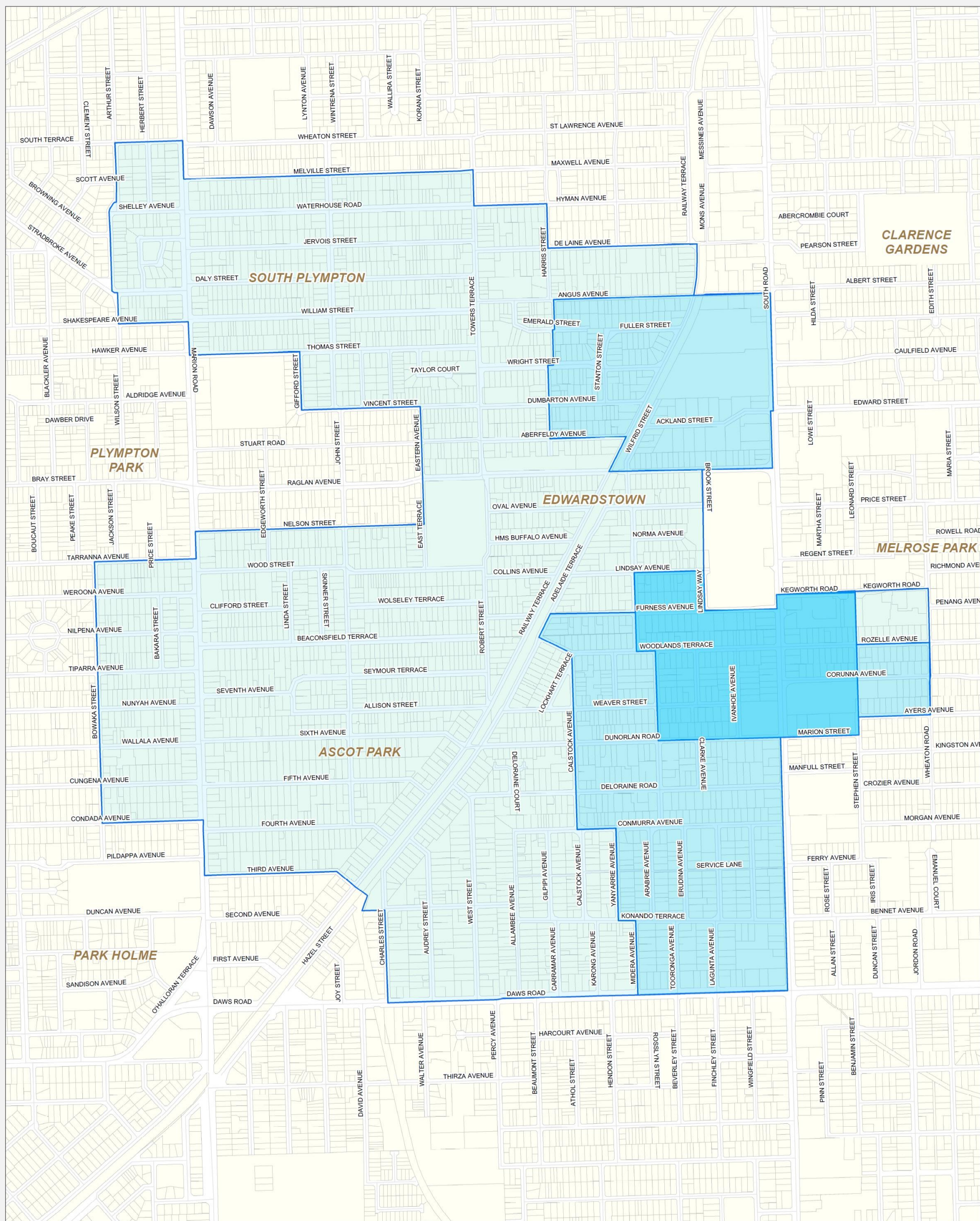
The EPA commenced a comprehensive community engagement strategy on 7 August 2017 in regard to a proposed groundwater prohibition area. A full report on the engagement is available from the EPA website [www.engage.epa.sa.gov.au](http://www.engage.epa.sa.gov.au). This report outlined the approach and findings of the community engagement process, and concluded that there was more evidence of support for a groundwater prohibition area than there was opposition.

The EPA is therefore progressing with the establishment of a groundwater prohibition area, with gazettal in the South Australian Government Gazette on 9 January 2017. From this date, a maximum fine of \$8,000 may be issued if groundwater is extracted from the first, second and third Quaternary aquifers in certain parts of these areas (please see map overleaf).

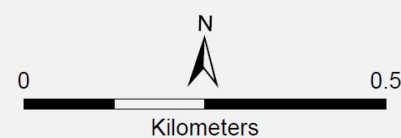
Deeper uncontaminated aquifers are exempt from this prohibition. Residents are encouraged to contact the EPA if they are unsure how deep their bore is.







- |  |  |
|--|--|
|  | Groundwater prohibition area; first quaternary aquifer (0-8 metres below ground level)                     |
|  | Groundwater prohibition area; first, second quaternary aquifers (0-15 metres below ground level)           |
|  | Groundwater prohibition area; first, second and third quaternary aquifers (0-26 metres below ground level) |



**Produced by** Knowledge, Information & Strategy  
Environment Protection Authority  
GPO Box 2607 Adelaide SA 5001  
Web: [www.epa.sa.gov.au](http://www.epa.sa.gov.au)

**Data Source** Web: [www.epa.sa.gov.au](http://www.epa.sa.gov.au)  
**Compiled** EPA, DEWNR  
**Projection** 31 October, 2017  
**Datum** Lambert Conformal Conic  
 Geocentric Datum of Australia, 1994

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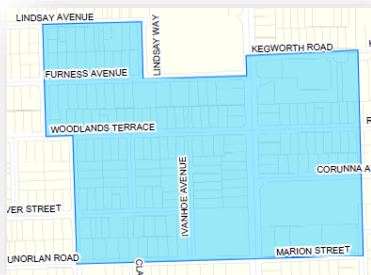
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GIS17 0076



# Edwardstown groundwater prohibition area – KEY TO MAP



## Groundwater prohibited 0-26m

Extracting groundwater (bore water) from the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Quaternary aquifers is prohibited within the specified area. The site contamination affecting the groundwater is in the form of chlorinated hydrocarbons which represent actual or potential harm to human health or safety. In accordance with section 103S of the *Environment Protection Act 1993* the EPA hereby prohibits the taking of groundwater.

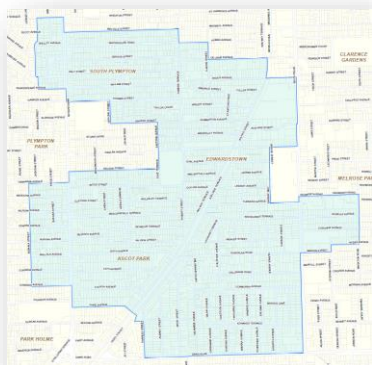


## Groundwater prohibited 0-15m

Extracting groundwater (bore water) from the 1<sup>st</sup> and 2<sup>nd</sup> Quaternary aquifers is prohibited within the specified area.

The site contamination affecting the groundwater is in the form of chlorinated hydrocarbons which represent actual or potential harm to human health or safety. In accordance with section 103S of the *Environment Protection Act 1993* the EPA hereby prohibits the taking of groundwater.

***In order to ensure that future purchasers of properties within a groundwater prohibition area are made aware of the prohibition, a notification of an interest held by the EPA will be made on the Form 1 statement. This is a document that is required to be provided to a prospective buyer before settlement under section 7 of the Land and Business (Sale and Conveyancing) Act 1994.***



## Groundwater prohibited 0-8m

Extracting groundwater (bore water) from the 1<sup>st</sup> Quaternary aquifer is prohibited within the specified area. The site contamination affecting the groundwater is in the form of chlorinated hydrocarbons which represent actual or potential harm to human health or safety. In accordance with section 103S of the *Environment Protection Act 1993* the EPA hereby prohibits the taking of groundwater.

### FURTHER INFORMATION

**For further information on the groundwater prohibition area please contact:**

Site Contamination Branch  
Environment Protection Authority  
GPO Box 2607, Adelaide SA 5001  
Telephone: (08) 8204 2004  
Email: [engage.epa@sa.gov.au](mailto:engage.epa@sa.gov.au)  
Website: [www.epa.sa.gov.au](http://www.epa.sa.gov.au)

**For health related information please contact:**

Scientific Services Branch  
Public Health Services, SA Health  
11 Hindmarsh Square, Adelaide SA 5000  
Telephone: (08) 8226 7100  
Email: [public.health@health.sa.gov.au](mailto:public.health@health.sa.gov.au)  
Website: [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au)



**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Notice Received from:** Councillor Telfer  
**Subject:** Light Square Project  
**Ref No:** GC300118M02

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**MOTION:**

That:

1. The flower landscaping project for Light Square, birthplace of Marion, in conjunction with volunteers from Marion Historic Village, be advanced forward to allow for design, irrigation and plantings (eg. pink runner roses, purple statice and purple agapanthus) to occur in 2017/18.
2. The remaining landscape elements of the Light Square improvements (up to \$20,000 which may be inclusive of interpretive signs) remain in the 2018/19 draft budget.

**COMMENTS: Councillor Telfer**

The Marion Heritage Village Display Group addressed Council with a submission and their requests for flowers in Light Square was passed by Council.

The timing of this project for July 2018 plantings by the community volunteers in the Marion Heritage Village is critical. Hence the design and irrigation needs to be brought forward to 2017/18.

**COMMENTS: Amy Liddicoat, Open Space and Recreation Planner**

At the General Council meeting on 10 October 2017 Council considered a Notice of Motion (GC101017M02) in relation to Light Square and the following motions were adopted:

1. *Council develops a concept plan to rejuvenate the landscaping for Light Square, with the inclusion colourful plants, to create a guided walk and tourist destination point of arrival.*
2. *A budget of \$20,000 for landscaping rejuvenation to Light Square be referred to the 2018/19 budget process (if the project is not fully funded through the State Government Fund My Neighbourhood program).*

This project was not successful through the Fund My Neighbourhood program and has consequently been referred to the 2018/19 budget process.

Council is in the process of developing a draft 2018/19 budget and at this stage \$20,000 is included towards the Light Square project as per the October Resolution. The funding

allocation will enable a design which may include landscape elements such as interpretive signage that will enhance the historical significance of the site.

Should Council wish to include all of the works, it should be noted that the project can be achieved in two stages.

2017/18	Stage 1	Concept design, stakeholder consultation, plantings and irrigation.
2018/19	Stage 2	Landscape elements which may include interpretive signage.

Stage 1, the design, consultation, irrigation and plantings can be undertaken within current resources by an internal landscape architect. The upgrade to the irrigation system can be reprioritised within the existing 2017/18 irrigation program. The flowers could also be planted as part of the irrigation upgrade and the cost of the plants (approximately \$1,000) can be undertaken within the 2017/18 open space operations budget.

Flowering plants will require increased maintenance as they are more labour intensive, may require annual replacement and increased irrigation. It is proposed that the plants to be used be determined through the design process and take into consideration amenity and maintenance implications.

An indicative project timeframe is provided below should Council wish to proceed with both stages of the project.

<b>Upgrade of Light Square</b>	
<b>Stage 1</b>	
Landscape & Irrigation Design	March 2018
Consultation with Marion Historic Group	April 2018
Irrigation Upgrade	May 2018
Plantings	May / June 2018
<b>Stage 2</b>	
Landscape Elements (which may include interpretive signage)	2018/19 ( <i>subject to budget process</i> )

Stage 1; the design, consultation, irrigation and plantings can be undertaken in 2017/18 and does not require any funds to be brought forward.

Stage 2; the landscape components will need to be designed and costed to determine the required budget. There is an allocation of \$20,000 in the 2018/19 draft budget for the upgrade of Light Square.

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Notice Received from:** Councillor Telfer

**Subject:** Mitchell Park Sports and Community Centre Scoreboard  
Water and Power Connection

**Ref No:** GC300118M03

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**MOTION:**

That Council:

1. Includes in the 2018/19 budget the connection of water to the Mitchell Park Sports and Community Centre Oval Scoreboard at a cost of approximately \$5,000.
2. Includes in the 2018/19 budget the connection of electricity to the Mitchell Park Sports and Community Centre Oval Scoreboard at a cost of approximately \$15,000.

**COMMENTS: Councillor Telfer**

As per the deputation from Mitchell Park Sports and Community Centre the reasons are stated as:

**NEED FOR WATER CONNECTION**

Sports club & affiliates:

1. Health & safety – access to fresh water for participants during organised sports (league requirement footy, rugby, cricket).
2. Eliminate need to transport large & heavy containers of drinking water across the oval – issue in winter when grounds are sodden
3. Access to clean water for medical purposes – trainers treating blood rule injuries

Water:

4. Community- access to drinking water for locals & community members utilising the sports park facilities
5. Dog water station, & pressure operated water fountain for public using ovals & surrounds for recreational sports & family outings
6. Walking trail & exercise station participants – access to clean drinking water (currently only water avail to public outside of club operating hours is the sink taps in the public toilets.

## NEED FOR POWER CONNECTION

1. Club has sensational oval lighting to facilitate night sports for all codes + public activities & events but the scoreboard is underutilised as without illumination, scoreboard has limited visibility for players & spectators
2. Scoreboard design includes multi-purpose use. 240V or 12V (solar) power provision would enable hard wiring of lighting & siren
3. Would reduce frequent transport of vehicle type wet cell batteries & temporary battery powered lighting inside the scoreboard
4. Charging facility for line marking trolley – would relocate charging equipment from medical room

### **COMMENTS: James Clough, Unit Manager Land and Property**

Quotes have been obtained for the supply of power and water to the Mitchell Park Sports and Community Centre.

#### **Power**

Cost for the connection of power to the Mitchell Park Sports and Community Centre scoreboard is approximately \$15,000. This includes:

- Trenching
- New mains
- New sub board, mains switch and residual current device for power supply and light fittings
- Wiring for new lights and power for general use

#### **Water**

Cost for the connection of water to the Mitchell Park Sports and Community Centre scoreboard is approximately \$5,000. This includes:

- Joining to existing 50mm water feed at Moreland Ave
- Trench feed to scoreboard
- Install 40mm blue line poly water feed and install tap at scoreboard
- Back fill trenching

#### **Solar**

Solar options were also explored, initial advice indicates that a minimum of 15 sq metre of roof space would be required to attach the panels e.g. a shelter would need to be constructed to house the panels. The indicative cost to supply screen, panels and batteries would be in the vicinity of \$45,000.00.

The advice received indicates that it would not be viable to pursue this option at this point in time, with the ongoing progress of solar options it is likely within the next 5 years it could become viable to consider solar power for the scoreboard.

It is considered more feasible and cost effective to deliver power to the scoreboard with a fixed power supply as described above.



At this stage there is no funding available in the Land and Property 2017/18 capital works budget. There has been no indication if the club is the position to contribute to the project to enable consideration under the Community Facilities Partnership Program.

This initiative has been considered by Elected Members as part of the new initiative 2018/19 budgeting process and to date has not been supported for inclusion in the draft 2018/19 budget.

Should Council decide to progress this work the following options are available to Council:

- That Council consider funding for this work to be included in the draft 2018/19 budget as part of the next prioritisation of the new initiatives.
- Alternatively, Council can refer this work be considered for funding as part of the 2017-18 2<sup>nd</sup> budget review process.

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Notice Received from:** Mayor Kris Hanna

**Subject:** Leave of absence

**Ref No:** GC300118M04

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**MOTION:**

*That the Mayor is granted a leave of absence with effect from the closure of the General Council Meeting of 30 January 2018 until 30 March 2018.*

**COMMENTS: Mayor Kris Hanna**

Nil comment

**COMMENTS: Sherie Walczak, Acting Manager Corporate Governance**

If Council supports the Motion, the Deputy Mayor may act in the absence of the Mayor pursuant to Section 51(6) of the Local Government Act 1999.

During a leave of absence, an Elected Member is still entitled to allowances and benefits as outlined in Section 76 of the Local Government Act 1999 and Council's Elected Members Expenses, Benefits, Support and Facilities Policy as adopted by Council at its meeting of 28 July 2015 (GC280715R08).

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Notice Received from:** Councillor Jason Veliskou  
**Subject:** New Properties Application for Reticulation (AFR)  
**Ref No:** GC300118M05

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**MOTION:**

That council ask all developers or property owners to provide evidence that new properties have had an Application for Reticulation (AFR), ensuring that new properties are recognised by telecommunication providers, who without an AFR, that can only be submitted by a developer there can be no provision of internet or phone services to the property.

If this is not provided, that council advise the subsequent purchasing parties as soon as practical of this issue.

Further that council write to the relevant ministers and shadow ministers seeking that this requirement is mandated in the relevant legislation.

**COMMENTS: Councillor Veliskou**

Nil

**COMMENTS: Jason Cattonar, Manager Development and Regulatory Services**

Applications for subdivision are lodged with the State Planning Commission (SCAP), not local Councils. SCAP is the responsible authority for undertaking mandatory referrals to State Agencies e.g. SA Water, ETSA Utilities, CFS, DPTI), while Council planning staff undertake the planning assessment against the Development Plan.

The decision by a Council to approve (or refuse) a subdivision is based on the ability of proposal to satisfy the Development Plan (e.g. site area and frontage width) and have access/connection to essential infrastructure which includes water mains, sewer, electricity and access to a public road. There is no requirement for connection to telecommunications infrastructure.

The Council cannot withhold issuing a planning decision, or refuse an application based on a failed request for evidence that an Application for Reticulation (AFR) has been submitted, or approved.

Advising purchasers that an allotment is not connected to telecommunications infrastructure would be unmanageable. Applications for subdivision are assessed, and approved, well in advance of new allotments becoming registered Titles and subsequently purchased. In addition, there is no legislative mechanism for the Council to compel a developer to arrange a connection, or provide evidence that a connection has been installed.

Given that telecommunications infrastructure falls within the jurisdiction of the Federal Government, Council could write to the relevant Minister and Shadow Minister seeking that connection to telecommunication infrastructure is mandated in the relevant legislation.

Council could also consider submitting a motion to the Local Government Association General Meeting in April 2018 to advocate for legislative change. Noting that suggested motions seeking legislative change must be worded in the following manner:

*That the Ordinary General Meeting requests the LGA to investigate whether there is sufficient evidence across Local Government to ...*

Given the above information, Council may wish to consider the altering the motion as follows:

**That Council:**

- 1. writes to the relevant Minister and Shadow Minister seeking that connection to telecommunication infrastructure is mandated in the relevant legislation.**
- 2. submits the following Notices of Motion to the Local Government Association for consideration at the 2018 LGA Ordinary General Meeting:**
  - a. That the Ordinary General Meeting requests the Local Government Association to investigate whether there is sufficient evidence across Local Government to advocate for the connection to telecommunication infrastructure being mandated in relevant legislation.**

**CITY OF MARION  
GENERAL COUNCIL MEETING  
30 JANUARY 2018**

**Question Received from:** Councillor Jason Veliskou

**Subject:** Parking In Local Streets Survey

**Reference No:** GC300118Q01

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**QUESTION:**

What is council doing to promote the parking in local streets survey ([yoursay.gov.au](http://yoursay.gov.au)) to residents and the wider community?

**COMMENTS: Councillor Veliskou**

Nil

**COMMENTS: Craig Clarke, Unit Manager Communications**

Planning Minister John Rau has this month written to 19 metropolitan councils notifying them of a review of on-street parking in suburban areas as a result of infill development.

The review will be headed by former Onkaparinga Council chief executive Jeff Tate.

The following three activities will occur as part of the review:

- A Car Parking Summit with senior representatives from councils.
- An online community survey through [Yoursay.sa.gov.au](http://Yoursay.sa.gov.au).
- A series of targeted conversations and activities with representatives from the planning, transport and development sectors.

The City of Marion will promote the online survey to the community through social media, the website and the What's Happening column. The promotion is reliant on information being available from the State Government.