

His Worship the Mayor
Councillors
CITY OF MARION

NOTICE OF GENERAL COUNCIL MEETING

Council Chamber, Council Administration Centre
245 Sturt Road, Sturt

Tuesday, 24 July 2018 06:30 PM

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

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 Centre on Sturt Road, Sturt.



Adrian Skull
Chief Executive Officer



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OPEN MEETING

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 (if any)

CONFIRMATION OF MINUTES

Confirmation of the minutes for the General Council Meeting held on 10 July 2018

Originating Officer Governance Officer - Victoria Moritz
Corporate Manager Manager Corporate Governance - Kate McKenzie
Report Reference: GC180724

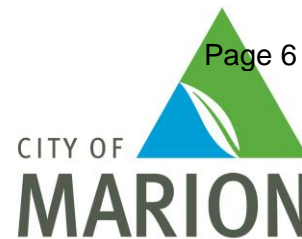
RECOMMENDATION:

That the minutes of the General Council Meeting held on 10 July be taken as read and confirmed.

ATTACHMENTS:

#	Attachment	Type
1	Appendix 1 - Minutes GC 10 July 2018	PDF File

**MINUTES OF THE GENERAL COUNCIL MEETING
HELD AT ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 10 JULY 2018**



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

Nathan Prior

Warriparinga Ward

Luke Hutchinson

Woodlands Ward

Tim Pfeiffer

In Attendance

Mr Adrian Skull
Ms Abby Dickson
Mr Tony Lines
Ms Kate McKenzie
Ms Jaimie Thwaites
Ms Deborah Horton

Chief Executive Officer
General Manager City Development
General Manager City Services
Acting General Manager Corporate Services
Unit Manager Governance and Records
Quality Governance Coordinator

1. COMMENCEMENT

The meeting commenced at 6:30pm

2. KAURNA ACKNOWLEDGEMENT

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

3. 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

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

- Nil

5. CONFIRMATION OF MINUTES

Moved Councillor Hutchinson, Seconded Councillor Byram the minutes of the General Council meeting held on 26 June 2018 be taken as read and confirmed.

Carried Unanimously

6. COMMUNICATIONS

Nil

7. ADJOURNED ITEMS

Nil

8. DEPUTATIONS

Nil

9. PETITIONS

6:32pm Petition - Phillis Court, Warradale Development
Report Reference: GC180710P01

Moved Councillor Velskiou, Seconded Councillor Westwood that:

1. The petition is noted.

Carried

10. COMMITTEE RECOMMENDATIONS

Nil

ORDER OF AGENDA

The Chair sought and was granted leave to vary the agenda.

11. CORPORATE REPORTS FOR DECISION

6:34pm Organisational Policy Review 2018
Report Reference: GC180710R01

Moved Councillor Westwood, Seconded Councillor Crossland that Council:

1. Approves the Policy Framework (Attachment 1) which includes a policy review process and four year policy review cycle for all Council policies that do not have a legislatively determined review time-frame.

2. Approves the proposed Council Policy Review Schedule (Attachment 2) and all policies created forthwith to follow a term of council review date (unless otherwise directed).
3. Reviews the proposed list of policies suggested to be rescinded (Attachment 3) and formally rescinds the following;
 - a. Borrowings Policy (Attachment 3a)
 - b. City Landscapes (Attachment 3b)
 - c. Community Transport Service (Attachment 3d)
 - d. Contamination (Attachment 3e)
 - e. Customer Service (Attachment 3f)
 - f. Footpath (Attachment 3g)
 - g. Healthy Cities (Attachment 3h)
 - h. Landscape Irrigation (Attachment 3i)
 - i. Memorial (Attachment 3j)
 - j. Replacement and removal of trees/shrubs (Attachment 3k)
 - k. Tree Management (Attachment 3l)
 - l. Undergrounding Overhead Services (Attachment 3m)
 - m. Youth Policy/Plan (Attachment 3n)
 - n. Investment (Attachment 3o)
 - o. Information Management - Provision use of Equipment (Attachment 3p)
4. Endorses the Asset Management Policy (Attachment 4).

Carried

6:42pm Community Facilities Policy
Report Reference: GC100718R02

Moved Councillor Hutchinson, Seconded Councillor Westwood: that Council:

1. Endorses the Community Facilities Policy attached as Appendix 1 to this report for community consultation.
2. Requests Administration report back on the consultation outcomes for Council's consideration on 28 August 2018.

Carried Unanimously

6:43pm Open Space Policy - Updated
Report Reference: GC180710R03

Moved Councillor Veliskou, Seconded Councillor Crossland that Council:

1. Endorses the changes to the Open Space Policy and adopts the policy as provided as Appendix 1, subject to the following amendments to this report;
 - Refer to page 163 of the agenda and remove "Shade" from the description of local level open space after 'park bench'.

Carried

6:50pm Energy Efficiency and Renewable Energy - A Plan for the City of Marion
Report Reference: GC180710R04

Moved Councillor Veliskou, Seconded Councillor Bryam that Council:

1. Endorse the draft Energy Efficiency and Renewable Energy Plan (Appendix 1)

Carried

6:53pm Funding Agreement for Facility Manager at Cove Sports & Community Club
Report Reference: GC180710R05

Moved Councillor Bryam, Seconded Councillor Westwood that Council:

1. Endorses the funding agreement for the employment of a part time facility manager at Cove Sports & Community Club attached as appendix 1 to this report subject to the following amendments;
 - That the agreement reflect payment will be made up to \$60k per annum (CPI indexed).
2. Authorises administration to commence recruitment for the position in July 2018.
3. Requests Administration bring a report back to Council in August 2019 with a review of the governance, financial performance and utilisation of Cove Sports and Community Club.
4. Authorises the Manager City Property to finalise and execute the funding agreement between Council and the Cove Sports and Community Club.

Carried

6:59pm Variation of Easement - Young Street Trott Park
Report Reference: GC180710R06

Moved Councillor Bryam, Seconded Councillor Westwood That Council:

1. Notes the report and that the previous resolution of Council will not be implemented and will be closed out.

Carried Unanimously

7:00pm Oaklands Rail Crossing - Stage 2- New Railway Station and Associated Infrastructure
Report Reference: GC180710R07

Moved Councillor Prior, Seconded Councillor Veliskou that formal meeting procedures be suspended.

Carried

7:06pm formal meeting procedures suspended.

7:30pm Councillor Pfeiffer left the meeting.

7:33pm formal meeting procedures resumed.

Moved Councillor Prior, Seconded Councillor Gard that Council:

1. Advises the State Commission Assessment Panel (SCAP) that Council supports, in principle, Development Application 100/V068/18 – Oaklands Crossing – Stage 2 – New Railway Station and Associated Infrastructure.
2. Writes to the Minister for Transport seeking Council ownership of a verge including regulated trees adjacent to Murray Terrace.
3. Advises the State Commission Assessment Panel (SCAP) that Council concurs with the comments submitted by the Administration on 25 June 2018 (Appendix 5) subject to the following amendments to the correspondence in (Appendix 4);

- The inclusion of:

“To supplement the comments from the Administration submitted pursuant to Section 49(5) of the Act, the Elected Members of Council have also considered the proposal and wish to provide the following comments to the State Commission Assessment Panel;

1. The existing regulated trees which are identified to be retained, should be retained long-term and maintained in good health and vigour to the reasonable satisfaction of Council. Development should not be permitted which would impair the health of these trees.
2. Parking for the current Oaklands Station has been inadequate. In the Monday to Friday period, there are hundreds of commuter cars parked in nearby residential streets. This causes loss of amenity for nearby residents. The applicant states that the development will bring approximately an extra 50 carparks. Council is concerned this is illusory because the carparks designated for the northern side of the railway line are on land which the applicant expects to be developed with built form.
4. The approximate 50 car parking spaces identified on the northern side of the rail line, and within the area marked for “future development” shall be maintained at all times, or in the event that the area is developed with built form, at least the same number of car parking spaces shall be provided in an alternative location to ensure convenient parking is provided for rail commuters, and to minimise disturbance caused by on-street parking to nearby residents.”

Carried

7:34pm Councillor Pfeiffer re-entered the meeting.

7:35pm LGA Request - Seeking Funding Support to Adelaide City Council's Legal Costs to Defend allegations of Legal Defects in the Fines Enforcement Process
Report Reference: GC180710R08

Councillor Hutchinson – declared a perceived conflict of interest as he is an employee of one of the parties to the court case and advised he would leave the meeting for the item.

7:34pm Councillor Hutchinson left the meeting.

Moved Councillor Appleby, Seconded Councillor Veliskou that the Council:

1. Declines the LGA's request to support the Adelaide City Council's legal defence and authorises that a letter be sent to the LGA advising them of the decision.

Carried

7:41pm Councillor Hutchinson re-entered the meeting.

12. CORPORATE REPORTS FOR INFORMATION / NOTING

7:42pm Councillor Byram Attendance at the Australian Local Government Association National General Assembly 2018
Report Reference: GC180710R09

Moved Councillor Byram, Seconded Councillor Crossland that Council:

1. Notes the report.

Carried Unanimously

7:43pm Questions Taken on Notice Register
Report Reference: GC180710R10

Moved Councillor Crossland, Seconded Councillor Hutchinson that Council:

1. Notes the report "Questions Taken on Notice Register"

Carried Unanimously

13. WORKSHOP / PRESENTATION ITEMS

Nil

14. MATTERS RAISED BY MEMBERS

Motions with Notice

7:43pm Hire Charges of Council Operated Facilities
Report Reference: GC180710M01

Moved Councillor Veliskou, Seconded Councillor Crossland that:

1. Council request Administration undertake a review of the fees and charges for the hire of halls, meeting rooms and performance spaces of Council operated facilities with options that can make charges more accessible for community groups, maximise the use of council facilities and are sustainable.
2. A report and recommendations be brought back to Council for consideration by September 2018.

Carried Unanimously

7:47pm Telecommunications Infrastructure
Report Reference: GC180710M02

Moved Councillor Veliskou, Seconded Councillor Westwood that Council:

1. Writes to the relevant Federal Minister and Shadow Minister seeking that connection to telecommunication infrastructure is mandated in the relevant legislation.
2. Attached to the minutes is the additional correspondence from residents evidencing the situation.

Carried

7:51pm Debt Incurrence Versus Deployment of Reserves
Report Reference: GC180710M03

Moved Councillor Gard, Seconded Councillor Hutchinson that Management:

1. Researches and reports on regulation and policy related to acquisition of debt and debt management strategy in local government in Australia
2. Reports the relevant current financial ratios, particularly the Financial Liabilities Ratio, and the corresponding budgets, of other municipalities in the Adelaide metropolitan area
3. Reports the graph of 'rates collection versus Council reserves' for the last 10 years
4. Having regard for the findings in points 1 to 3, develops a proposal for the incurrence of debt, versus the drawdown on reserves for future capital expenditure.

Carried

7:56pm Proposed By-law for Cat Curfew
Report Reference: GC180710M04

Moved Councillor Byram, Seconded Councillor Gard that Council:

1. Receives a report from Administration in August 2018:
 - a) proposing a by-law for a cat curfew in the City of Marion; and
 - b) advising on appropriate enforcement measures and the estimated cost of enforcement.

Carried

15. CONFIDENTIAL ITEMS

8.07pm Code of Conduct Complaint
Report Reference: GC180710F01

Moved Councillor Crossland, Seconded Councillor Westwood 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 Adrian Skull, Chief Executive Officer; Kate McKenzie, Acting General Manager Corporate Services and Jaimie Thwaites, Unit Manager Governance and Records, be excluded from the meeting where the Council will receive and consider information pertaining to the item Code of Conduct upon the basis it 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 on the grounds that the report contains information relating to personnel matters.

Carried Unanimously

8.07pm the meeting went into confidence

Moved Councillor Crossland, Seconded Councillor Veliskou that:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council 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 be kept confidential and not available for public inspection for the current term of the Council. This confidentiality order will be reviewed as required by the Act with the first such review to occur at the General Council Meeting in December 2018.

Carried Unanimously

Move Councillor Hutchinson, Seconded Westwood that Council determines:

1. Councillor Hull breached the behavioural section of the Code of Conduct regarding his conduct on the interview on ABC radio on 13 June 2018.
2. To take no further action.
3. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, any attachment to this report having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential and not available for public inspection for the current term of the Council. This confidentiality order will be reviewed as required by the Act with the first such review to occur at the General Council Meeting in December 2018.

Carried

9.01pm the meeting came out of confidence

16. 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.

MEETING CLOSURE - Meeting Declared Closed at 9.01pm

CONFIRMED THIS 24 JULY 2018

.....
CHAIRPERSON

Appendix 1
Telecommunications Infrastructure
Report Reference: GC180710M02

Late March 2018

After a couple more months I've heard back from the TIO and there is nothing that can do further with this complaint as Telstra have fulfilled their obligation? and they cannot give legal advice. So they cannot specifically tell me if the developer is actually legally responsible in court compared to what he claims and what the federal policy states. So if I do take him to court etc potentially I risk incurring even more costs...

Mid feb 2018

There has been no progress. I cant believe this can happen. This is causing me a huge amount of stress for many months having to deal with all these entities trying to explain the same thing and getting no where. Having toto call people or take calls multiple days every week because its the only time telstra etc are available ... and hours upon hours every week of personal time spent researching. Of course thats life but to do it for months on end with no progress...i feel this is a huge injustice and theres nothing i can even do. I hate this

13 Jan 2018

i still need internet to my house and feel this is totally unfair what is happening to me. Ive spent over half a year now dealing with telstra and all different entities including the government to try resolve this and still i am refused a connection.

Telstra had sent me a formal letter saying they are closing the case as well as the AFR since the developer isnt willing to pay. So i can be refused a connection by a multibillion dollar company due to a process that has nothing to do with me. Great processes and laws we have...

The developer is claiming they are not required to raise or pay this from what they were told by their company they went through to subdivied and said they are willing to stand up in court on their behalf
Meanwhile telstra is telling me that they need to do this or i cant get anything!?

Meanwhile no one can tell me what the actual laws or requirements are, not even my council, government or legal services commission. Hardly anyone i speak to even knows what an AFR is.

I've contacted the TIO again but it takes another 4 weeks to even be assigned a case manager and the person on the phone didnt even know what an AFR was, and if telstra are refusing you, office what chance do i stand?

I would love for you to raise that on my behalf and i would love to know what the current requirements for the developer are and how this is possible. Is there any update on making sure this doesn't happen to anyone ever?

Jan 2 2018

It has almost been another month now and I still don't have a resolution from Telstra. Since the MP office contacted Telstra I got moved to "Executive Complaints Team" which is my 5th case manager within Telstra. It seems I just keep getting bumped around to people with new titles giving this fake sense of "progress" but not getting anywhere...I felt like with this one I even went backwards.

I was advised to create an AFR myself with the limited details I had (as I am not the developer) and now they have sent me an IPA agreement to the cost of \$3000 which is intended for a developer the properties (1-into-2 subdivision) and I do not see it fair that I (the end user / home owner) have to pay for this because I have slipped through the cracks in the SA Law/processes, as stated in my initial email.

To make matters worse NBN was available in my area as HFC (Hybrid Fibre Coaxial) but there is a hold on any further / new developments in this due to issues. So I am forced to go through Telstra. This is completely unreasonable and unfair that this process is "apparently required" by Telstra it is not picked up by the council during subdivision and is not a law in south Australia for the developer to lodge this AFR (Application for Reticulation). I should be able to receive internet at my home as a basic right! it's not like i'm living out in the country or anything either, I'm less than 20 mins from the CBD! and everyone else in the suburb has internet and/or NBN, including the neighbour who purchased the other house from the subdivision.

It's been 6 months now since we moved in and still have not got internet. I cannot believe it. This is so unfair and unreasonable! I need my internet for my work in ICT and I want the laws to be changed so that this NEVER happens to anyone again and developers are held accountable for things that supposedly Telstra can enforce but the council and government cant!?

Mid November 2017

I am writing to you as the owner of a new property partner and I purchased our first piece of land in March 2016 from a developer who subdivided their original block o into 2 lots. (mine). We have recently moved in after a long process of completing our first home build and have found that we have no telecommunications available to us. The builder has fulfilled their end of the contract, wiring the house and providing trenching, cable and conduit to the curb/stoby pole. Telstra refuses to service us because we don't exist to them, because the original developer (who subdivided) did not submit an AFR (Application for Reticulation). This is a Federal policy which is required by the developer (someone subdividing 1 into 2 lots) and not for a home owner (myself). When i called the council, they were not even aware of what the AFR is and any requirement to submit one, yet this is a Federal Policy and I cannot get any phone line, or internet service activated to my address because this did not happen! Apparently it is not a requirement in the South Australian Land Division Act to actually notify Telstra or submit this AFR (Even though it is in a federal policy, and in the Act in other states), yet Telstra won't provide me with any service until this is done, which has to be done by the developer for a fee, which they will not do because its not in the Act.

So basically now I'm in a position where I cant even lodge an AFR myself because i don't meet the requirements of a developer, I'm not subdividing 1 into 2 or building 2 or more properties. I don't think I should be responsible for paying the developer fees as I'm just a home owner not a developer. Telstra wont do anything until they have the AFR and in South Australia the developer is not required to submit the AFR? So I'm stuck in the deadlock and cant get any services at my address. Which i thought would be a requirement for every house to be serviceable? and how did this subdivision get council approval if it doesn't even meet federal policy. If somehow an AFR is lodged it can be a 6 month process before anything is available...

I'm really unsure of what my options are and don't understand how something like this is even allowed to happen. How is this not a law requirement or enforced by councils.

Could you please get back to me on as early as possible as we have been passed around for weeks now as no one is taking responsibility and that leaves our address unserviceable to any phone or internet.

COMMUNICATIONS

Mayoral Communication Report

Date of Council Meeting 24 July 2018

Name of Elected Member Mayor - Kris Hanna

Report Reference GC180724

Details

Date	Event	Comments
21 June 2018	Edwardstown Footy Club Sponsor's Night	Attended
22 June 2018	Club Marion Lease Meeting	Attended
22 June 2018	True North Marion "A Sense of Home" Opening Night	Attended
23 June 2018	Adelaide Multicultural Eid Festival	Attended
23 June 2018	Cove FC Event	Attended
23 June 2018	2018 Lions Club of Hallett Cove Handover Dinner	Attended
26 June 2018	Cafe Shop Day, Community Event, Cooina Neighbourhood Centre	Attended
28 June 2018	Coast FM Radio Segment	Interviewed on air
30 June 2018	YMCA South Australia: Youth Empowerment Camp	Guest Speaker
30 June 2018	Marino Community Garden Fundraiser	Attended
2 July 2018	Meeting with CEO Grant Mayer, Morphettville Racecourse	Attended
2 July 2018	Rotary Club of Holdfast Bay Annual Changeover Dinner	Attended
3 July 2018	Rotary Club of Edwardstown Annual Changeover Dinner	Attended
5 July 2018	FutureMakers: Seaview High School Year 10 Program	Attended
9 July 2018	YMCA Youth Parliament	Attended
11 July 2018	Metropolitan Mayors Luncheon	Hosted
11 July 2018	Metropolitan Local Government Group Meeting	Attended
12 July 2018	South Australian	Hosted
13 July 2018	Local Government Association Special General Meeting	Attended
13 July 2018	Marion RSL Playground opening	Cut ribbon & opened playground with Nicolle Flint MP

13 July 2018	Gallery M, Larger than Life Exhibition Opening	Attended
14 July 2018	Hazlemere Reserve, Dog Park Upgrade, Community Information Session	Attended
14 July 2018	Edward Said Memorial Lecture	Attended
17 July 2018	Citizenship Ceremony	Conducted ceremony
19 July 2018	MarionLIFE Community Meal, 10 year Anniversary Dinner	Attended
In addition, the Mayor has met with residents, MPs, Candidates and also with the CEO and Council staff regarding various issues.		

Deputy Mayoral Communication Report

Date of Council Meeting 24 July 2018

Name of Elected Member Councillor - Janet Byram

Report Reference GC180724

Details

Date	Event	Comments
21 June 2018	Open Mic, MCC	Attended
25 June 2018	Salvation Army meeting	Attended
26 June 2018	Cafe Shop Day: Community Event, Cooina Neighbourhood Centre	Attended
27 June 2018	City of Marion Leadership Program participant catch up dinner	Attended
2 July 2018	Committee Meeting, Spirit of Woman	Attended
3 July 2018	Rotary Club of Edwardstown Annual Changeover Dinner	Attended
4 July 2018	Special General Meeting of the Local Government Association Board	Attended
4 July 2018	Council Assessment Panel Meeting	Attended
6 July 2018	Over 50's Travel and Social Club	Guest Speaker
6 July 2018	Tanzania Independence Celebrations	Attended
8 July 2018	Marion RSL Committee Meeting	Attended
18 July 2018	SA Women's Memorial Playing Fields Trust Meeting	Attended
18 July 2018	SA Women's Memorial Playing Fields Trust Executive Meeting	Attended
19 July 2018	Local Government Association Board Meeting	Attended
In addition, the Deputy Mayor has met with residents, MPs, Candidates and also with the CEO and Council staff regarding various issues.		

CEO and Executive Communications Report

Date of Council Meeting 24 July 2018

Report Reference GR180724

Details

Date	Activity	Attended By
27 June 2018	South Australian Economic Development Board Meeting (SAEDB)	Adrian Skull Abby Dickson
29 June 2018	Council Solutions Directorate Meeting	Vincent Mifsud
29 June 2018	Meeting with Department of Planning, Transport and Infrastructure re asset ownership	Tony Lines
2 July 2018	Meeting with Michael Carter FFSA re Southern Regional Football Facility	Adrian Skull
3 July 2018	Meeting with John Hanlon re Renewal SA Exit Strategies for Tonsley	Adrian Skull
5 July 2018	Meeting with Justin Lynch, Mark Dowd and Mark Booth re SRWRA and "China Sword Issues."	Adrian Skull
5 July 2018	Meeting with Paul Sutton and Kerrie Jackson (City of Charles Sturt) re Shared Procurement Function	Adrian Skull
6 July 2018	NAWMA Recycling Plant site tour and information session	Tony Lines
6 July 2018	Australian Workers Union EA meeting	Tony Lines
11 July 2018	Metropolitan Local Government Group Meeting (MLGG)	Kate McKenzie as proxy for Adrian Skull
11 July 2018	Meeting with CEO Advisory Group - LGASA Commercial Solutions	Adrian Skull
12 July 2018	Trolley Forum hosted by City of Marion	Tony Lines
12 July 2018	Meeting with Renewable Intelligence re water supply	Tony Lines
20 July 2018	Meeting with CEO's - Cities of Charles Sturt and Port Adelaide Enfield on cross council initiatives	Abby Dickson
13 July 2018	Crown Street Reserve Cheque handover	Adrian Skull

13 July 2018	Call with Katina D'Onise SA Health re Oaklands Park Cancer Custer	Adrian Skull
13 July 2018	Attended the Launch of The International Koala Centre of Excellence	Adrian Skull
17 July 2018	Meeting with Christian Reynolds	Adrian Skull
19 July 2018	Meeting with John Spoehr (Flinders University) re Priorities Discussion - Marion Council/Flinders University	Adrian Skull
19 July 2018	Tour of Life Lab Tonsley by Julianne Parkinson GMCA	Adrian Skull Tony Lines
20 July 2018	Tonsley PCG meeting	Tony Lines

ADJOURNED ITEMS

DEPUTATIONS

PETITIONS

COMMITTEE RECOMMENDATIONS

Confirmation of the Minutes of the Infrastructure and Strategy Committee meeting held on 3 July 2018

Originating Officer	Strategy Leader - Elaine Delgado
Corporate Manager	Manager Innovation and Strategy - Fiona Harvey
General Manager	General Manager City Development - Abby Dickson
Report Reference	GC180724R01

REPORT OBJECTIVE

The purpose of this report is to facilitate the receiving and noting of the minutes from the 3 July 2018 Infrastructure and Strategy Committee meeting.

EXECUTIVE SUMMARY

A summary of the items considered are noted below.

BMX Project Progress Report

The Committee noted and discussed this confidential report.

Stormwater Management This report provided the Committee with information on the planning, design and construction of stormwater assets. Plans are in place to manage stormwater to the west of Sturt River and Lonsdale Road, and development of a plan has commenced to address the catchment east of the Sturt River. Council's Drainage Stormwater Asset Management Plan is due for review in 2019, and development of a plan for the catchment east of the Sturt River has commenced. Funding is provided through both the Long Term Financial and Annual Business Plans. In addition to planning, a number of mitigation measures are in place for stormwater to be managed effectively that includes a street sweeping program, use of pits and traps to detain debris, and use of water sensitive urban design. Additional controls for stormwater management are being requested from the Department of Planning, Transport and Infrastructure

Tonsley Water Agreement

There is an opportunity for Council to enter into an agreement with Enwave Tonsley Pty Ltd. for the bulk supply of treated stormwater from Oaklands Wetland Aquifer Storage and Recharge Scheme. The principal purpose of the agreement is to waterproof and meet water demands for the City of Marion with the potential to service a third party depending on capacity. Feedback was sought for consideration in entering into a formal agreement. Members advised that Council would prefer all consents to be in place for the volumes to survive internal demand and the proposed Tonsley demand.

Funding for Space Ready Projects

An internal Funding Attraction Steering Committee has been established to enable a proactive, centrally coordinated, and targeted approach to seeking external funding. To date 33 projects have been identified for potential external funding submissions.

RECOMMENDATION

That Council:

1. Receives and notes the minutes of the Infrastructure and Strategy Committee meeting of 3 July 2018 (Appendix 1).
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Infrastructure and Strategy Committee.

Attachment

#	Attachment	Type
1	ISC180703 - Minutes ISC meeting 3 July 2018.docx	PDF File

**MINUTES OF THE INFRASTRUCTURE AND STRATEGY COMMITTEE
HELD AT ADMINISTRATION CENTRE
245 STURT ROAD, STURT
ON TUESDAY 3 JULY 2018**



PRESENT

Elected Members

Councillor Luke Hutchinson (*Presiding Member*), Councillor Tim Pfeiffer, Councillor Nathan Prior, Councillor Tim Gard, and Councillor Bruce Hull

His Worship the Mayor Kris Hanna – apology

Independent Member

Mr Christian Reynolds - apology

In Attendance

Councillor	Ian Crossland
Councillor	Nick Kerry
Councillor	Jason Veliskou
Mr Adrian Skull	Chief Executive Officer
Ms Abby Dickson	General Manager City Development
Mr Tony Lines	General Manager City Services
Ms Kate McKenzie	Manager Governance
Ms Fiona Harvey	Manager Innovation and Strategy
Mr Mathew Allen	Manager Engineering and Field Services
Mr Greg Salmon	Manager City Activation
Ms Carla Zub	Project Manager Strategic Projects
Ms Elaine Delgado	Strategy Leader

1. OPEN MEETING

The meeting commenced at 6.35pm.

2. KAURNA ACKNOWLEDGEMENT

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

3. MEMBERS DECLARATION OF INTEREST

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

- No declarations were made.

4. CONFIRMATION OF MINUTES

Moved Cr Prior, Seconded Cr Pfeiffer that the minutes of the Infrastructure and Strategy Committee Meeting held on 5 June 2018 be taken as a true and correct record of proceedings.

Carried unanimously

5. BUSINESS ARISING

5.1 Review of the Business Arising from previous meetings of the Infrastructure and Strategy Committee Meetings

- The Business Arising statement was noted.

6. CONFIDENTIAL REPORTS

6.38pm BMX Project Progress Report - Cover Report

Report Reference: ISC180703F01

Moved Cr Gard, Seconded Cr Pfeiffer that:

1. Pursuant to Section 90(2) and (3)(b) and (d) of the *Local Government Act 1999*, the Infrastructure and Strategy Committee orders that all persons present, with the exception of the following persons: Cr Crossland, Cr Kerry, Cr Veliskou, Adrian Skull, Abby Dickson, Tony Lines, Kate McKenzie, Fiona Harvey, Elaine Delgado, Greg Salmon and Carla Zub, be excluded from the meeting as the Committee receives and considers information relating to the BMX Project, upon the basis that it 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 on the grounds that the report contains information of a commercial nature and would on balance, be contrary to the public interest.

Carried unanimously

6.38pm the meeting went into confidence

Moved Cr Pfeiffer, Seconded Cr Gard that:

1. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Committee orders that this report, BMX Project – Progress of Darlington site investigations, associated appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) and (d) 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

7.25pm the meeting came out of confidence

7. REPORTS FOR DISCUSSION

7.26pm Infrastructure Projects Progress Update

Report Reference: ISC180703R01

The infrastructure projects were reviewed with the following comment made:

- The amber rating for the quality/scope component of the Soccer Facilities project was queried with the response noting this was due to a lack of clarity on a site for soccer.

Moved Cr Gard, Seconded Cr Pfeiffer that the Infrastructure and Strategy Committee:

1. Notes the progress report on key infrastructure projects.

Carried unanimously

**7.30pm Stormwater Management
 Report Reference: ISC180703R02**

Mr Allen introduced the report noting the following points:

- Council's Drainage Stormwater Asset Management Plan is due for review in 2019
- Funding is allocated in the Long Term Financial Plan with annual works allocated in the Annual Business Plan
- Mechanisms are in place to address the effects of urban infill
- The Holdfast Bay and Hallet Cove Creeks Stormwater Management Plans cover most of Marion Council west of the Sturt River and Lonsdale Road
- Development of a stormwater plan for the catchment east of the Sturt River has commenced
- Many mechanisms are used to maintain stormwater assets including a street sweeping program to keep debris out of the system, clean pits, and gross pollutant traps
- The use of water sensitive urban design is always considered during design for streetscaping stormwater treatment with a challenge being the maintenance levels required to ensure the treatment performs

Mr Allen provided the following responses to Members' comments:

- The use of permeable pipes is being investigated
- The issue of detention/retention north of Seacombe Road has been addressed in Council's Development Plan
- There is capacity in Council's drainage network to respond to storm events
- Water sensitive urban design is improving water quality - Warriparinga is working well with use of annual testing and the expansion of wetlands has contributed to improved water quality
- Council is requesting additional controls from the Department of Planning, Transport and Infrastructure to ensure stormwater management is considered in development of higher density development sites
- Flood mapping for existing and future higher density sites informs mitigation
- Developer contributions for larger development sites are currently not a mechanism used to contribute to funding stormwater infrastructure

Moved Cr Prior, Seconded Cr Gard that the Infrastructure and Strategy Committee:

1. Notes the report.

Carried unanimously

**8.05pm Tonsley Water Agreement
 Report Reference: ISC180703R03**

Mr Ricketts provided a presentation noting the following:

- The principal purpose of the Agreement is to waterproof and meet water demands for the City of Marion in the first instance, and service third party demand if capacity enables this to occur
- Oaklands distribution network connects to Tonsley, and could be extended to Flinders Uni campus, if economically viable

- Sturt River flows at the old gauging station exceeded on average 7,000 ML per year, Oaklands would only take less than 10% of this flow, plus there is significant stormwater contribution between the site of the old gauging station and the wetland offtake.
- There is potential to service the City of Mitcham in future
- The Oaklands Crossing and Darlington state government projects use Marion's treated stormwater
- A supply and demand joint study with the City of Holdfast Bay has identified potential for use of Marion's wetland water on a Holdfast Bay reserve
- City of Marion is increasing its water security via water running through Drain 21 which flows from Tonsley to Marion Road

Members were provided with a hard copy of a draft Tonsley Water Agreement and Mr Ricketts and Mr Lines provided the following responses to Members' comments:

- City of Marion is drought-proofed with its current infrastructure
- The Morphettville Racecourse site is not at risk in a 100-year flooding event
- The Sturt River flows for the period June-November only harvesting on average 700 megalitres per year
- An Environmental Risk Management Framework is being developed in partnership with the Environmental Protection Authority which will include reference to injection and extraction licences
- Approvals are issued by EPA and Dept for Environment and Water
- The Agreement does not include any proposal that Council has to supply water if it is not available
- Administration understands that Members will only endorse the Agreement when the licences are in place
- From a risk management perspective, Administration understands Elected Members present would prefer if all consents are in place required for the volumes to survive internal demand and the proposed Tonsley demand
- The tariff model in Appendix A of the draft Agreement is set out the tiered unit prices
- It is unlikely there will be no water for distribution however, if no water is distributed Council will not pay for any water
- The largest cost for Council is for treatment costs with Enware
- The project will be self-funded and Council will be the essential partner as the provider of water
- The Agreement will ensure ratepayers will not be required to cross-subsidise a third party entity

Moved Cr Pfeiffer, Seconded Cr Gard that the Infrastructure and Strategy Committee:

1. Recommends that a report be provided to Council recommending that Council delegates to the CEO approval to enter into an Agreement with Enwave to sell treated storm water into the Tonsley Precinct and Flinders University Development subject to agreement being tabled with Council with tiered pricing model and demand model
2. An opportunity be provided by Administration for an Elected Member briefing if desired by Members

9.23pm Funding Strategy for Spade Ready Projects **Report Reference: ISC180703R04**

Mr Watson provided an overview with the following comments:

- The Draft Council Public Funding Policy Statement: *'Council's projects and services are predominantly funded by rates and supported by grants from State and Federal governments, with contributions from sporting and community clubs and other non-*

government organisations', was inadvertently omitted from the report and a hard copy distributed to Members at the meeting

- An internal Funding Attraction Steering Committee has been established to enable Council to be proactive in seeking external funding
- The work of the Committee comprises identification of projects for external funding that align with strategic directions, relationship building, training in funding application preparation, and tracking of funding applications that have been submitted
- To date 33 projects have been identified for potential external funding submissions – a list of these projects was distributed to Members at the meeting

Mr Watson provided the following responses to Members' comments:

- The Funding Strategy recognises that the Mayor is the lead for lobbying for grants, e.g. the Oaklands Crossing project
- The role of the Funding Committee is to coordinate grant applications which includes providing information to ensure that the Mayor has correct details when lobbying for grants
- The value-add for this approach is that it is centrally coordinated, it will improve the quality of applications, it is proactive, and targeted
- There is a valuable role for Elected Members in promoting the benefits of spade-ready projects with potential funding decision-makers

1. The Chair stated the Infrastructure and Strategy Committee noted the report.

8. REPORTS FOR NOTING

9.28pm Asset Optimisation

Report Reference: ISC030718R05

The Chair stated the Infrastructure and Strategy Committee:

1. Noted the progress on the medium-long term management plans, policies and frameworks that guide procurement, ownership, service levels and divestment of assets.

9. WORKSHOP / PRESENTATION

Nil

10. ANY OTHER BUSINESS

11. MEETING CLOSURE

The meeting was declared closed at 9.30pm.

12. NEXT MEETING

The next meeting of the Infrastructure and Strategy Committee will be held at 6.30pm on Tuesday 7 August 2018 in the Council Chamber, 245 Sturt Road, Sturt.

CONFIRMED

.....
CHAIRPERSON
/ /

CONFIDENTIAL ITEMS**Cover Report - Confirmation of the Confidential Minutes for the Infrastructure and Strategy Committee Meeting held on 5 June 2018**

Originating Officer	Strategy Leader - Elaine Delgado
Corporate Manager	Manager Innovation and Strategy - Fiona Harvey
General Manager	General Manager City Development - Abby Dickson
Report Reference	GC180724F01

RECOMMENDATION

That:

1. Pursuant to Section 90(2) and (3)(b) and (d) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Abby Dickson, Tony Lines, Kate McKenzie, Jaimie Thwaites, Sherie Walczak and Victoria Moritz be excluded from the meeting as the Council receives and considers the report Infrastructure and Strategy Committee Confirmation of Minutes, upon the basis that it 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 on the grounds that the minutes contain information of a commercial nature and would on balance, be contrary to the public interest.

CONFIDENTIAL - Confirmation of the Confidential Minutes of the Infrastructure and Strategy Committee meeting held on 3 July 2018**CONFIDENTIAL****Reason For Passing This Resolution:**

Local Government Act (SA) 1999 S 90 (2) 3(d) (i) and (ii) : commercial information of a confidential nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.

Local Government Act (SA) 1999 S 90 (2) 3(b) (i) and (ii): information the disclosure of which (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and (ii) would, on balance, be contrary to the public interest.

Cover Report - Code of Conduct

Originating Officer	Unit Manager Governance and Records - Jaimie Thwaites
Corporate Manager	N/A
General Manager	Acting General Manager Corporate Services - Kate McKenzie
Report Reference	GC180724F02

RECOMMENDATION

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 Abby Dickson, Acting Chief Executive Officer; Kate McKenzie, Manager Corporate Governance and Jaimie Thwaites, Unit Manager Governance and Records be excluded from the meeting where the Council will receive and consider information pertaining to the item Code of Conducts upon the basis it 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 on the grounds that the report contains information relating to personnel matters.

CONFIDENTIAL - Code of Conduct**CONFIDENTIAL****Reason For Passing This Resolution:**

Local Government Act (SA) 1999 S 90 (2) 3(a): information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

CORPORATE REPORTS FOR DECISION

Tonsley Water Agreement

Originating Officer	Water Resources Coordinator - Glynn Ricketts
Corporate Manager	Manager Engineering and Field Services - Mathew Allen
General Manager	General Manager City Services - Tony Lines
Report Reference	GC180724R02

REPORT OBJECTIVE

The purpose of this report is to consider entering into a formal arrangement with Enwave Tonsley Pty Ltd (Enwave) for the bulk supply of treated stormwater from Oaklands Wetland Aquifer Storage and Recharge (ASR) scheme.

RECOMMENDATION

That Council:

1. Notes the report.
2. Notes that Administration is currently pursuing a Department of Environment and Water (DEW) extraction licence upgrade to 700 ML/year, and that not obtaining this or only securing a lower extraction licence is a risk to Enwave and not Council.
3. Delegates to the CEO approval to enter into an Agreement with Enwave to sell treated stormwater into the Tonsley Precinct and the proposed Flinders University Development.

DISCUSSION

The design intent of Oaklands was to provide an opportunity to supply water to 3rd parties (GC270411R05). Both the State and Federal Governments provided funding and a land donation with the knowledge that the site was designed and built to be capable of supplying water to the Tonsley Development and the future development of the Flinders University Site (Section 48 Report, April 2014).

The opportunity to partner with a water retailer has previously been reported to Council (GC140317R and GC110417R08) and has now been through a detailed assessment to understand risk and opportunities.

A Water Supply Agreement has been drafted based on the standard template provided by the Essential Services Commission of South Australia (ESCOSA). A copy of the Agreement is attached in Appendix 1.

The Tonsley Development and State Government Contract

In 2012, Cabinet approved the Tonsley project as a public sector initiative to transform the 61-hectare former Mitsubishi Motors manufacturing site into a mixed-use employment, education and residential community. The project is supporting the transformation of South Australia's manufacturing industry by providing a high quality, people-focussed and knowledge-driven environment.

To meet the approved project objectives for a climate-smart precinct, in September 2016 Renewal SA released an Expression of Interest (EOI) for a renewable energy solution for Tonsley.

From the EOI and a rigorous assessment process, Enwave was selected by Renewal SA as the preferred proponent to deliver a District Energy Scheme (DES) incorporating on-site renewable power generation, battery storage, smart technologies and alternative water supply.

Enwave Tonsley Pty Ltd is a wholly owned subsidiary of Enwave Australia Pty Ltd (formerly known as Brookfield Utilities (Australia) Pty Ltd). Enwave Australia is 100% owned by Brookfield Infrastructure Partners L.P. (listed on the New York and Toronto stock exchanges with a market capitalisation of approximately US \$17.7 billion), and has had a long and successful history of owning and operating utility infrastructure assets across the Asia-Pacific region.

Enwave has proposed to build, own and operate a DES and alternative water supply and will draw upon its demonstrated experience in owning and operating similar energy utility services at Sydney Central Park, Sydney Airport as well as numerous international projects. Enwave will deliver a sustainable and integrated solution with the objective of delivering best practice community energy and recycled water infrastructure as Tonsley grows.

Enwave will invest capital of approximately \$40 million (including a capital payment of \$1 million to Council) over the 50-year period for required battery storage, photovoltaics, smart technologies, future MAB electrical assets, as well as a potential further investment towards future thermal hubs (thermal energy supply network). As a separate proposition, Enwave has also expressed the desire to install a \$60 million gas fired peaking Energy plant at Tonsley.

The Minister for Transport, Infrastructure and Local Government signed the Agreement with Enwave on 21 May 2018 (Appendix 2). Consequently Enwave is now seeking to sign all required supply agreements, including the Water Supply Agreement with Council. The Council/Enwave agreement confirms both the supply rate and the capital payments from Enwave to Council, to install two additional Aquifer Storage and Extraction wells at Oaklands Wetlands.

Project Details

Council's distribution network is already connected to the recycled water distribution pipes in Tonsley. Enwave now owns the recycled water, gas and electricity networks within Tonsley. The Water Supply Agreement would be for Enwave to purchase bulk water from Council's Water Supply Business. Storage and additional treatment is required within the Tonsley precinct to improve water supply and quality. Additional treatment includes chlorine dosing, ultra-filtration and possibly reverse osmosis. Enwave has committed to fund new capital infrastructure for Tonsley as well as Council's infrastructure upgrade at Oaklands Wetland. A project schematic is included in Appendix 3.

Cabinet approval was required for this project. Concerns over a single provider and probity were addressed by Renewal SA. Residents and businesses within the Tonsley Precinct will still have service-provider-of-choice provision for gas and power and can still buy water from SA Water if they so choose. In addition any utility charges need to be at or lower than competition's consumption rates.

Supply and Demand Capability

Stormwater is pumped from the Sturt River for wetland treatment and aquifer storage. The Sturt River is considered a high security supply. Even in an extreme dry winter, the flows are significant. Analysis of flows from a now removed (2009) gauging station in the River, near Sturt Road, showed that for 60% of the time over 4 ML per day flowed past the measuring device. Between the years 1994 and 2009, total average yearly flows exceeded 7000 ML. This period includes the Millennium drought. In addition this analysis is considered very conservative as there is significant stormwater contribution from pipes and drains that run into the Sturt River downstream of where the gauging station was located and upstream of the wetland off-take structure. This includes 2 x 1500 mm box culverts that yield significant volumes from a sub catchment in Mitcham. Therefore, less than 10% of the Sturt River's winter flow is required to service the expected water demand profile.

Two new ASR wells are required to provide operational flexibility and all year round supply capacity. The exact timing of the system augmentation is to be determined (anticipated 2019 and 2023 respectively for each new well). Enwave has agreed to fund the cost of the two wells (two \$500,000 payments, escalated by CPI) and this commitment is captured within the Agreement.

Environmental permits and licences are required to operate an ASR scheme. Council currently holds all required permits and consents to inject and extract the volume required to service our own internal demand, plus some minor 3rd party sales (we have a Section 128 approval to extract 172 ML per annum). The current and future operating philosophy, which is detailed in the supply agreement with Enwave, is to service our own internal demand first. Enwave would then be a priority third party customer.

In order to increase our licenced capacity to service the maximum proposed harvesting, injection and extraction volumes (700 ML per annum), licence and permit variations have been applied for. To support the increase, quantitative modelling and environmental risk assessment have been submitted to both the Department of Environment and Water (DEW) and the Environmental Protection Agency (EPA). Both Regulators have technically assessed the applications and have now consulted with the public. The EPA issued the Works Permit for injection on 18 July. It is anticipated that the extraction licence will be issued shortly, as DEW support the proposed increase in volumes. The new licences would enable us to extract 700 ML per annum, irrespective of injected volumes, further reducing supply risks. Enwave own this risk in the unlikely event that Council is unable to secure the required remaining permit.

Council already holds a minor retail water licence, issued by ESCOSA to enable the sale of water to Enwave. This licence does not need any variation.

The Water Supply Agreement clearly states that Council does not guarantee volumes or water quality. To this end, Enwave will maintain a mains water back-up system in the event of drought, power failures or electrical/mechanical failures and reserves the right to take any water quality. Council will use best endeavours to recommence supply as soon as possible in the event of a breakdown. A balancing storage tank will provide at least 8 hours storage to reduce supply risks.

Financial Analysis

The Water Supply Agreement includes a three tier supply rate structure. Initial volumes will be bought at a higher rate, while higher volumes will be bought at a lower rate, reflecting economies of scale.

During discussions with Enwave the focus was on ensuring our rate payers are not cross subsidising a third party supply. Hence a detailed, 30 year timeline financial model, capturing costs and revenue has been developed. ESCOSA will audit the pricing model.

With no initial upfront or ongoing capital costs to be met by Council, the projected net revenue generated confirms water sales are not subsidised by the ratepayer.

Benefits of Supply

The benefits of supplying treated stormwater are well documented. Fit for purpose water quality is always preferred for public irrigation, toilets, heating and cooling compared to very high quality drinking water. The supply of Oaklands Water into the Tonsley site is one of the criteria for the 6 Star Green Star award.

Current Oaklands Water volumes are well below design intent and operational capacity. In order to maximise the Federal, State and Council investment additional supply volumes are required.

Another exciting opportunity emerging from within Tonsley is the proposed Hydrogen Fuel Plant. This provides Council with a possible unique, closed loop water cycle. Stormwater is discharged from Tonsley, this drains into the Sturt River, where some of it is pumped into the wetlands for treatment. Treated water is then pumped back to Tonsley where some is to be used to create Hydrogen fuel, enabling Council to use this energy source to power its possible future fleet of cars and trucks.

Project Risks

A detailed project risk assessment has been produced (Appendix 5). The risk profile to Council is considered very low due to three main reasons;

- Water Quality supply risk is very low as we are only providing water classified as "Treated Stormwater". Further water quality improvements are the responsibility of Enwave.
- Ability to service water demand is considered, after mitigation, a low risk. Volumes are not guaranteed. Back up mains supply is to be installed. Council's obligation is to use "reasonable endeavours" in the event of a drought, power or mechanical failure.
- Capital funding to install the required 2 new ASR wells is to be provided by Enwave. This provides additional supply risk mitigation, not funded from general reserves.

Timing and Next Steps

In order to complete all due diligence, Enwave require all energy and water agreements to be signed before they can commit any capital contributions to the project. This allows for the investment in the site's infrastructure to commence. Staff from Council, Enwave and Renewal SA are attending regular workshops and meetings with DEW, the EPA, Office of the Technical Regulator, Department of Health and ESCOSA. Multiple Agency meetings are also planned with customers including Flinders University (on campus and within Tonsley), TAFE, Australian Gas Network and PEET (the residential developer).

It is anticipated that additional treatment capacity and the required extra distribution network pipes will be in place by mid-2019, although supply of water for irrigation of the public realm is due to start this coming summer.

CONCLUSION

The supply of treated water into Tonsley will showcase innovation to our community, promote the benefits of recycled water supply, generate a low risk revenue stream, and help enable beneficial environmental, social and recreational outcomes for a significant State development.

Negotiations on the supply of alternative water to the Tonsley site have focussed on environmental risks of supply, prioritising internal demand and the long term incremental economic assessment.

Attachment

#	Attachment	Type
1	Appendix 1 Stormwater Contracts - blank Annexure A - Final	PDF File
2	Appendix 2 - City of Marion Letter - Tonsley District Energy Scheme	PDF File
3	Appendix 3 - Schematic	PDF File
4	Appendix 4 Estimated Demand Profile	PDF File
5	Appendix 5 - Risk Profile	PDF File

DATE**PARTIES**

CITY OF MARION ABN 37 372 162 294 of PO Box 21, Oaklands Park SA 5046 (**Council**)

ENWAVE TONSLEY PTY LTD ACN 623 288 175 of Level 22, 135 King Street, Sydney 2000 (**Customer**)

BACKGROUND

- A. Council owns and operates the Oaklands Aquifer Storage and Recharge (ASR) Scheme and Oaklands Wetlands and a distribution network.
- B. The distribution system conveys Treated Stormwater to the Connection Point (as detailed in Annexure D).
- C. Council has agreed to allow the Customer to draw the Treated Stormwater from the Connection Point for use by the Customer on a commercial basis.
- D. The Customer acknowledges that it must use the Treated Stormwater on the terms and conditions of this Agreement.

The parties agree as follows:

1. DEFINITIONS

In this Agreement, unless the contrary intention appears, the following words have the following meaning:

- 1.1 **Authorised Use** means the use of Treated Stormwater by the Customer to enable provision of recycled water services to the customers at Tonsley and neighbouring sites.
- 1.2 **Billing Period** means the 12 month period from 1 July to 30 June each year and comprising four quarterly invoicing dates as detailed in Annexure B, provided that:
 - 1.2.1 the first Billing Period will commence on the Commencement Date and end on the next 30 June; and
 - 1.2.2 the last Billing Period will commence on the 1 July preceding the end of the Term and end on the last day of the Term.
- 1.3 **Commencement Date** means the date of execution of this Agreement.
- 1.4 **Connection Point** means the outlet flange of the meter installed at the point at which the Pipeline System connects at or near the boundary of the Customer Premises as shown in Annexure D.
- 1.5 **Council** means the Water Business Unit of the City of Marion, or such other area or department of the City of Marion having responsibility from time to time for the commercial operation of the ASR Scheme and the supply of Treated Stormwater and, where the context permits, includes the employees, contractors or agents of Council.

- 1.6 **Customer Premises** means the recycled water plant owned by the Customer as detailed in Annexure D.
- 1.7 **EPA** means the Environment Protection Authority established under the *Environment Protection Act 1993*.
- 1.8 **Expiry Date** means the 50 years from Commencement Date.
- 1.9 **Fees** means the fees payable by the Customer to Council for the supply of Treated Stormwater under this Agreement, as calculated in accordance with clause 4.1.1.
- 1.10 **Force Majeure** means an event or circumstance:
- 1.10.1 which is beyond the reasonable control of a party, including (but not limited to) the following events or circumstances:
 - 1.10.1.1 acts of God;
 - 1.10.1.2 earthquakes, flood, storms, tempest, washaways, fire, explosions;
 - 1.10.1.3 breakages of, or accidents to machinery or equipment;
 - 1.10.1.4 nuclear accidents, acts of war, acts of public enemies;
 - 1.10.1.5 riots, civil commotions;
 - 1.10.1.6 strikes, lockouts, pickets, industrial boycotts, restraint of labour or other similar acts;
 - 1.10.1.7 shortages of specialist labour, equipment or materials; and
 - 1.10.2 which prevents that party from complying with any of its obligations under this Agreement; and
 - 1.10.3 which that party:
 - 1.10.3.1 did not cause;
 - 1.10.3.2 cannot control or influence; and
 - 1.10.3.3 could not have been prevented or avoided by the exercise of due diligence and through prudent management processes, policies and precautions, including the use of alternative resources, the procuring of services from another source and work around plans.
- 1.11 **Guidelines** means the Australian Guidelines 23 for Water Recycling: Managing Health and Environmental Risks (Phase 2): Stormwater Harvesting and Reuse, as updated or replaced from time to time.
- 1.12 **Legislation** includes any Statute or Act of Parliament (whether State or Federal) and any regulation or by-law including by-laws issued by any local government body or authority (including Council in its capacity as such).

- 1.13 **Minimum Standards** means those minimum health and environment risk standards recommended in the Guidelines for recycled water to be suitable for the Authorised Use.
- 1.14 **Pipeline System** means the pipeline infrastructure owned by Council, which is connected to the Customers Premises via a master valve.
- 1.15 **Renewal Term** means the period set out in Annexure E.
- 1.16 **Statutory Authority** means any government or semi-government authority and any authority created by or under Legislation (including Council in its capacity as such).
- 1.17 **Supply Rates** means, in relation to a Billing Period, the supply rates determined in accordance with clause 4.3 and Annexure A for that Billing Period.
- 1.18 **Term** means (as applicable):
- 1.18.1 the period commencing on the Commencement Date and expiring on either:
 - 1.18.1.1 the Expiry Date; or
 - 1.18.1.2 the expiry of the Renewal Term should the Customer exercise its right of renewal in accordance with clause 7 of this Agreement; or
 - 1.18.2 the period commencing on the Commencement Date and expiring on the date this Agreement is terminated pursuant to clause 12.
- 1.19 **Total Volume** is the maximum amount of Treated Stormwater the Customer is entitled to draw from Council's Treated Stormwater supply scheme in any Billing Period, being the volume detailed in Annexure C as at the Commencement Date and as determined by clause 6.1 or revised from time to time in accordance with this Agreement.
- 1.20 **Treated Stormwater** means the rainwater runoff that is harvested and treated by Council at its Oakland site and which is made available for supply via the Pipeline System to the Customer pursuant to this Agreement.
- 1.21 **Volumetric Usage** refers to the method by which Council measures the readings taken from Council's meter at the Connection Point and thereby calculates the amount of Treated Stormwater drawn by the Customer from the Connection Point over a period of time. The method of measurement is to comply with clause 8.6.1.

2. INTERPRETATION

- 2.1 In this Agreement, unless an alternative meaning is clearly intended:
- 2.1.1 a reference to this Agreement is a reference to this document and includes all annexures and schedules to this document;

- 2.1.2 a reference to an Annexure is a reference to an annexure to this Agreement;
- 2.1.3 a reference to a clause is a reference to a clause in this Agreement;
- 2.1.4 words beginning with capital letters are defined in clause 1;
- 2.1.5 a reference to Legislation includes any statutory modification or re-enactment of it or any Legislation substituted for it and all by-laws, regulations, rules, guidelines, codes or directions issued under it;
- 2.1.6 headings do not affect the interpretation of this Agreement;
- 2.1.7 if a provision of this Agreement would, but for this clause, be unenforceable:
 - 2.1.7.1 the provision must be read down to the extent necessary to avoid that result; and
 - 2.1.7.2 if the provision cannot be read down to that extent, it must be severed without affecting the validity and enforceability of the remainder of this Agreement;
- 2.1.8 a reference to any party in this Agreement includes that party's executors, administrators, successors and assigns.
- 2.2 The parties agree that the Background on page 1 of this Agreement is true and correct and forms part of this Agreement.
- 2.3 Where it is necessary under this Agreement to make a calculation by reference to part of a Billing Period or to a Billing Period which is less than 12 consecutive months, the part or the number of days in that Billing Period (as applicable) will be the portion that the number of whole days in the relevant period bears to 365 (or 366 in a leap year). For clarity, the Total Volume will be reduced pursuant to this clause 2.3 where a Billing Period is less than 12 consecutive months.

3. **SUPPLY OF TREATED STORMWATER**

The parties acknowledge and agree that Council:

- 3.1 will use all reasonable endeavours to supply Treated Stormwater to the Connection Point via the Pipeline System during the Term;
- 3.2 will, subject to the restrictions otherwise specified in this Agreement, permit the Customer to draw Treated Stormwater from the Connection Point during the Term;
- 3.3 warrants that the Treated Stormwater will satisfy the Minimum Standards for public restricted use irrigation quality water when drawn at the Connection Point. If the water quality is outside of the Minimum Standards ("out of spec water") due to factors beyond the reasonable control of Council, the Customer may still elect to take the water. If the Customer elects to take the out of spec water, then Council will not be held liable.

- 3.4 does not give any guarantees as to the quality of the Treated Stormwater once it passes the Connection Point;
- 3.5 will provide Treated Stormwater at the Connection Point as specified in Annexure C;
- 3.6 passes to the Customer unencumbered title to all Treated Stormwater upon it being drawn by the Customer at the Connection Point;
- 3.7 will provide the Customer the required permits to access the Customer's recycled water network under public roads and other Council-controlled areas; and
- 3.8 will not be responsible for, nor be at risk in respect of, all Treated Stormwater once it passes the Connection Point.

4. **FEES**

4.1 **Calculation of Fees**

- 4.1.1 Fees will be calculated by Council on a Volumetric Usage basis in accordance with the following formula:

$$\text{Fees} = \text{Supply Rates} \times \text{Volumetric Usage}.$$

- 4.1.2 Fees will be invoiced quarterly during the Term on each invoice date of the applicable Billing Period.

4.2 **Invoicing and Payment**

- 4.2.1 On each invoice date of a Billing Period, Council will furnish the Customer with an invoice for all amounts payable under this Agreement for the quarter to which that invoice relates, which invoice must include the following information:
 - 4.2.1.1 the total quantity of Treated Stormwater measured as being withdrawn at the Connection Point;
 - 4.2.1.2 the Fees payable;
 - 4.2.1.3 where the invoice is in respect of the last quarter of a Billing Period:
 - 4.2.1.4 the total amount due to Council for the quarter; and
 - 4.2.1.5 the basis of the calculation of the above quantities and amounts.
- 4.2.2 The Customer must pay all amounts invoiced in accordance with clause 4.2.1 within 30 days after the date of issue of the relevant invoice and in the manner set out in that invoice.

4.3 **Supply Rates**

- 4.3.1 The Supply Rates for a Billing Period will be the dollar rate per kL as outlined in Annexure A for water use charge for that Billing Period.

4.4 **Implications of Water Industry Act 2012**

- 4.4.1 The parties acknowledge and agree that as at the date of this Agreement the Water Industry Act 2012 (SA) (**Act**) has been enacted by Parliament and come into operation.
- 4.4.2 The Act may impose pricing restrictions and other conditions on the supply of Treated Stormwater by Council as a water industry entity.
- 4.4.3 If the Act applies to this Agreement then this Agreement will be read and interpreted subject to the provisions of the Act and to the extent to which there is any inconsistency with the provisions of the Act, those provisions will override the terms of this Agreement.

4.5 **Fees at the expiry of the Term**

The Customer acknowledges and agrees that in the event the Customer wishes to exercise its right of renewal in accordance with Clause 7 of this Agreement with Council for the supply of Treated Stormwater upon expiry of the Term, Council may re-set the Supply Rates to apply under such agreement, depending on Council's water pricing policy at the time and subject to the provisions of the Act.

4.6 **Adjustments**

In the event that an error is discovered in the amount shown in any invoice issued under clause 4.2 an adjustment to compensate for such error will be effected in the next invoice.

4.7 **Disputed Amounts**

In the event of a bona fide dispute arising as to the correct amount owing under any invoice issued under clause 4.2.1, the Customer must pay the amount not in dispute in accordance with clause 4.2.2 and, within 10 business days of becoming aware of grounds for a dispute, notify Council in writing of the amount disputed and the grounds for the dispute. Any amount in dispute, and subsequently agreed or determined to be payable by a party, will be due and payable by that party within 14 days after such agreement or determination.

5. **PIPELINE SYSTEM**

- 5.1 The parties acknowledge that Council has, prior to the Commencement Date, facilitated the construction of the Pipeline System and the Connection Point (or another point as agreed), at Council's cost.
- 5.2 Ownership of the Pipeline System up to and including the Connection Point is vested in Council.

6. **CUSTOMER'S RIGHTS AND OBLIGATIONS**

The Customer acknowledges and agrees that:

- 6.1 the Customer, six months prior to each Billing Period, will submit to Council a forecast of the Total Volume for the next thirty Billing Periods. The Customer is

- entitled to draw up to and including the Total Volume of Treated Stormwater during any Billing Period;
- 6.2 the Total Volume is allocated for a single Billing Period and there is no provision for the banking or rollover of water quantities into the next Billing Period;
 - 6.3 the Customer may request in writing a review of the Total Volume at any time during a Billing Period and Council may, at its absolute discretion, revise the Total Volume following such a request;
 - 6.4 Treated Stormwater consumed in addition to the Total Volume without the written approval of Council is unauthorised and restrictions in supply may be imposed by Council for the remainder of the relevant Billing Period;
 - 6.5 The Customer and Council will in collaboration assess the Council's Treated Stormwater system to determine when and if augmentation is required (modelling shows 1st augmentation in 2019 and then 2023) to meet the demands of the Customer. The Customer agrees to fund two separate augmentation works to meet the future demand of the Customer only. The Customer and Council will agree the future timing of each of the augmentation works. The Customer agrees to fund \$500,000 (in 2018 dollars, adjusted annually based on the movement of the Adelaide All Groups Consumer Price Index Annual CPI escalation) for each required augmentation works at Oakland Wetlands;
 - 6.6 the Customer will comply with all laws in force in South Australia in respect of the use of the Treated Stormwater, including but not limited to:
 - 6.6.1 complying with the conditions of any approval or consent given in respect of the use of the Pipeline System and the drawing of Treated Stormwater from the Connection Point; and
 - 6.6.2 any Legislation or requirement of any Statutory Authority dealing with the use of the Treated Stormwater by the Customer;
 - 6.7 without limiting any other provision of this Agreement, the Customer must ensure the following conditions are met:
 - 6.7.1 all above ground infrastructure on the Customer Premises is painted with the appropriate colour warning for the use of Treated Stormwater;
 - 6.7.2 identification signs are erected at entrances and at each corner of the Customer Premises painted in accordance with the relevant Guidelines and marked "Warning Treated Stormwater - Do Not Drink!";
 - 6.7.3 identification signs are erected near any holding tank, painted in accordance with the Guidelines and marked "Warning: Treated Stormwater: Do Not Drink: No Swimming!";
 - 6.7.4 hose fittings connected to the Treated Stormwater system are of a different colour to those on the potable water system so that the two are not interchangeable; and

- 6.8 it must not cause the creation of a cross connection with the potable water supply to the Customer Premises, and must ensure that no such cross connections are created through other plumbing activities; and
- 6.9 it must not use or allow the Treated Stormwater to be used for any of the following purposes:
 - 6.9.1 drinking, cooking or kitchen purposes;
 - 6.9.2 baths, showers or personal washing;
 - 6.9.3 clothes washing;
 - 6.9.4 swimming pools;
 - 6.9.5 washing, packaging or processing of food for sale or distribution; and
 - 6.9.6 pork production.

7. RENEWAL

7.1 Right of Renewal

- 7.1.1 If the Customer wishes to renew this Agreement, the Customer must serve a written notice on Council not less than six months before the Expiry Date stating its desire to renew this Agreement for the Renewal Term.
- 7.1.2 If such notice is given then Council will (subject to clause 7.2) be obliged to renew this Agreement for the Renewal Term on the same terms and conditions as are contained in this Agreement except for the exclusion of this clause 7 and as otherwise set out in this Agreement or required to accurately reflect any change in the customer entity.

7.2 No Renewal Entitlement

The Customer will not be entitled to a right of renewal pursuant to clause 7.1 if:

- 7.2.1 the Customer has been in persistent breach of this Agreement at any time before giving notice of the Customer's desire to exercise the right of renewal (**notice**);
- 7.2.2 the Customer is in breach of this Agreement at the time of giving the notice; or
- 7.2.3 the Customer is in breach of or commits any breach under this Agreement after giving the notice but before commencement of the Renewal Term.

7.3 Supply Rates

The Customer acknowledges and agrees that Council may re-set the Total Volume and the Supply Rates (as per Clause 4.5) applying for the Renewal Term in accordance with Council policy at the time by providing notice to that effect not less than 30 days prior to the commencement of the Renewal Term.

8. RIGHTS AND OBLIGATIONS OF COUNCIL

- 8.1 Council may enter the Customer Premises after giving the Customer reasonable notice (except in the case of emergency when no notice will be required):
- 8.1.1 for the purposes of meter reading, system maintenance and management, auditing of internal pipework and connections as may be required from time to time; and
 - 8.1.2 to do anything Council must or may do under this Agreement or must do under any Legislation or to satisfy the requirements of any Statutory Authority.
- 8.2 The Customer acknowledges and agrees that:
- 8.2.1 the Pipeline System has been created with the funding support of the Commonwealth and State Governments under various funding agreements with Council; and
 - 8.2.2 personnel from the relevant funding bodies (**Authorised Persons**) may have need to access the Customer Premises and inspect the works undertaken by Council,
- and the Customer will provide all such reasonable access and assistance requested by the Authorised Persons subject to:
- 8.2.3 the provision of reasonable prior notice by the Authorised Persons to the Customer (except where they believe there is an actual or apprehended breach of the law); and
 - 8.2.4 compliance with the Customer's reasonable security procedures.
- 8.3 Council will work collaboratively with the Customer to monitor the Total Volume during each Billing Period and will use its reasonable endeavours to:
- 8.3.1 notify the Customer if Council considers the Customer's consumption of Treated Stormwater is likely to exceed the Total Volume; and
 - 8.3.2 give due consideration to the Customer's requests for additional volumes of Treated Stormwater in excess of the Total Volume;
- provided nothing in this clause relieves the Customer from its responsibility to monitor and manage its own consumption of Treated Stormwater through the Connection Point and/or its obligation to request additional volumes of Treated Stormwater if required.
- 8.4 Council may wholly or partially suspend, interrupt or reduce the supply of Treated Stormwater to the Connection Point:
- 8.4.1 if the Customer breaches any provision of this Agreement and such breach remains unremedied for a period exceeding 21 days from written notification of the breach by Council (or such other longer period as Council may grant to the Customer in its absolute discretion);

- 8.4.2 for repair or routine maintenance of the Pipeline System;
- 8.4.3 if Council is required to do so by any Statutory Authority (including the Department of Health and the EPA) that has authority to impose such a requirement on Council;
- 8.4.4 due to circumstances of unusual drought, or any event or cause beyond the reasonable control of Council which precludes Council from supplying the Treated Stormwater under this Agreement; or
- 8.4.5 if in Council's reasonable opinion, maintenance of that supply would:
 - 8.4.5.1 expose Council or any other Statutory Authority to any risk of loss or damage;
 - 8.4.5.2 place Council in breach of a law in force in South Australia; or
 - 8.4.5.3 give rise to material risk of harm, loss or injury to any person or property;

provided that Council:

- 8.4.6 will provide reasonable notice to the Customer (except in cases of emergency when no notice is required) of the proposed suspension, interruption or reduction in the supply of Treated Stormwater; and
- 8.4.7 will, so far as practicable, undertake any maintenance pursuant to this clause at a time least likely to cause inconvenience to the Customer.

8.5 If any of the circumstances in clause 8.4 arise:

- 8.5.1 Council is not under any obligation to provide the Customer with an alternative source of supply of Treated Stormwater and Council is not liable to the Customer for any losses or costs incurred by the Customer arising from any interruption to the supply of Treated Stormwater under this Agreement; and
- 8.5.2 the Customer may, during the period of suspension, interruption or reduction temporarily connect to an alternative source of supply of mains water to supply the Customer Premises, provided always that:
 - 8.5.2.1 the connection to the alternative source of supply of mains water is in accordance with the terms and conditions of each party's respective Safety Reliability Maintenance and Technical Management Plan; and
 - 8.5.2.2 the Customer must immediately revert to the use of Treated Stormwater under this Agreement if and when Council resumes supply of Treated Stormwater to the Customer.

8.6 Council will:

- 8.6.1 ensure that the meter installed at the Connection Point is operated and maintained in accordance with applicable laws, industry guidelines and practices; and
- 8.6.2 upon request, provide the Customer with all records and charts (or copies thereof) relating to the measurement of the Treated Stormwater at the Connection Point for inspection.

8.7 Council will prioritise its Treated Stormwater supply to the preference of its own internal demand first then the Customer over its other customers.

9. DISPUTE RESOLUTION

9.1 General

- 9.1.1 A party must not commence arbitration or court proceedings (except for urgent equitable or injunctive relief) in respect of a dispute under this Agreement unless it first attempts to resolve the dispute by negotiation and mediation under this clause.
- 9.1.2 A party claiming that a dispute has arisen under this Agreement must give written notice to the other party specifying the nature and details of the dispute.
- 9.1.3 On receipt of that notice by the other party, the parties must negotiate in good faith to resolve the dispute.
- 9.1.4 If the parties are unable to resolve the dispute within 10 business days, they must promptly refer the dispute to their respective Chief Executive Officers.
- 9.1.5 Those persons must meet to resolve the dispute and must be authorised to resolve the dispute.

9.2 Mediation

- 9.2.1 If those persons described in clause 9.1.4 are unable to resolve the dispute within 10 business days of referral, either party may refer the dispute for mediation under the mediation rules of the Law Society of South Australia Inc to:
 - 9.2.1.1 a mediator agreed by the parties; or
 - 9.2.1.2 if the parties are unable to agree a mediator within five business days, a mediator nominated by the President of the Law Society or the President's nominee.
- 9.2.2 The role of a mediator is to assist in negotiating a resolution of the dispute. A mediator may not make a decision that is binding on a party unless that party has agreed in writing.
- 9.2.3 Any information or documents disclosed by a party under this clause:
 - 9.2.3.1 must be kept confidential; and

9.2.3.2 may not be used except to attempt to resolve the dispute.

9.2.4 Each party must bear its own mediation costs. The parties must bear equally the costs of any mediator.

9.3 Performance

If possible, each party must perform its obligations under this Agreement during negotiations and mediation proceedings.

10. LIABILITY LIMITATION AND INDEMNITIES

10.1 No Indirect Losses

Neither Council nor the Customer will be liable to the other for any loss of use, revenue or profit or for any special, indirect, incidental, consequential or exemplary damages of any kind, arising from any breach of an obligation under this Agreement, any negligence or duty owed by a party arising out of the respective obligations of the parties under this Agreement or any other cause of action arising out of this Agreement.

10.2 Indemnity

Subject to clause 10.1, the Customer (**Indemnifying Party**) must keep the other party indemnified from and against any costs, loss, expense or liability of any kind suffered or incurred by the other party in respect of any loss of life, personal injury or disability, loss or of damage to property or any other loss arising out of:

10.2.1 any negligence or wrongful act or omission by the Indemnifying Party in connection with or incidental to this Agreement;

10.2.2 any damage to any part of the other party's infrastructure (including, in the case of Council, the Pipeline System and the master valve) and land; or

10.2.3 any breach of this Agreement by the Customer,

except to the extent caused or contributed to by the other party's negligence or default.

11. GST

11.1 GST

11.1.1 In this clause:

11.1.1.1 **GST** means any tax on goods and/or services including any value added taxes, broad based consumption tax, or other similar tax introduced in Australia, including that tax imposed under GST Law;

11.1.1.2 **GST Law** means the *A New Tax System (Goods and Services Tax) Act 1999* and any other Act, Order, Ruling or Regulation which imposes or otherwise deals with the administration of imposition of GST in Australia; and

11.1.1.3 **Supply** and **Supplier** have the meanings given to them in GST Law.

11.1.2 Notwithstanding any other provision of this Agreement, if GST applies to any Supply made by either party under or in connection to this Agreement, the consideration (or payment) provided or to be provided for that Supply will, upon production by the Supplier of an appropriate tax invoice, be increased by an amount equal to the GST liability properly incurred by the party making Supply.

11.1.3 Each party warrants that at the time any Supply is made under this Agreement on which GST is imposed they are or will be registered under the GST Law. If the other party requests written evidence and registration, the first party will properly produce evidence satisfactory to the other party of such registration.

11.2 **Supply of Treated Stormwater**

11.2.1 It is the intention and understanding of the parties that the supply of Treated Stormwater under this Agreement will be GST-free under section 38-285(1) of the GST Law.

11.2.2 If Council determines that it is liable to pay GST on the supply of Treated Stormwater, the provisions of clause 11.1 shall apply.

12. **TERMINATION**

12.1 **Definitions**

For the purpose of this clause 12 an “**Event of Default**” occurs if:

- 12.1.1 either party breaches any of its obligations under this Agreement and/or their respective Safety Reliability Maintenance and Technical Management Plan; or
- 12.1.2 this Agreement becomes void or unenforceable as against a party in any material respect as a result of an act or omission by that party; or
- 12.1.3 any representation or warranty made or given by a party is proved to be false, misleading, deceptive, incomplete or inaccurate in any material respect when it is made.

12.2 **Default Notices**

If an Event of Default occurs, the non-defaulting party may, unless this Agreement expressly prevents it, give the defaulting party not less than 21 days’ notice in writing to make good the Event of Default (**Default Notice**).

12.3 **Termination for default**

If:

- 12.3.1 at the expiration of the period allowed in a Default Notice, the Event of Default has not been made good; or

12.3.2 the defaulting party commits repetitive Events of Default relating to the same or substantially the same breach (whether or not any Event of Default is rectified) so that its performance of its obligations under this Agreement is materially affected,

the defaulting party will be conclusively deemed to have committed a material breach of this Agreement and the non-defaulting party may then immediately terminate this Agreement by notice in writing to that effect.

12.4 **Sale of Pipeline System**

If Council wishes to sell the Pipeline System, it shall give the Customer the first right of refusal to purchase on reasonable market terms.

13. **INSURANCE**

13.1 During the Term:

13.1.1 the Customer must, at the Customer's expense, take out public liability insurance for a minimum of \$10 million; and

13.1.2 Council may request that the Customer increase the value of their Public Liability Cover at the following intervals:

13.1.2.1 At five yearly intervals from the Commencement date of this agreement,

13.1.2.2 from the date the Customer chooses to exercise its right of renewal under clause 7 of this agreement; and

13.1.2.3 five years from the date the Customer chooses to exercise its right of renewal under clause 7 of this agreement.

13.1.3 Should Council request that the Customer increase the value of the Public Liability cover, the Customer must give the Council's request reasonable consideration.

13.2 The Customer must:

13.2.1 ensure that the policy provides for the payment of the insured amount for any one event and not for the aggregate of claims under the policy;

13.2.2 on demand deliver to Council a copy of the policy of such insurance; and

13.2.3 on demand produce to the Council a copy of the certificate of currency of such insurance.

13.3 The Customer must not do anything which may cause the insurance policy to become ineffective.

13.4 If the Customer does not take out and maintain insurance in accordance with this clause, Council may (but is not obliged to) pay the premium for that insurance. The Customer must, on demand, reimburse Council for the premium payable on that insurance.

14. **FORCE MAJEURE**

14.1 **Effect**

The obligations of a party directly affected by Force Majeure and any corresponding entitlement of any other party will be suspended to the extent and for so long as the performance of the affected party's obligations are prevented or delayed by Force Majeure.

14.2 **Notification**

The affected party must notify the other party if Force Majeure is preventing it from complying with any of its obligations as soon as it becomes aware of Force Majeure.

14.3 **Obligation to Recommence Performance**

The affected party must:

- 14.3.1 use its best endeavours to work around or overcome the effect of Force Majeure;
- 14.3.2 keep the other party informed of the continuation and expected duration of Force Majeure and of measures taken to comply with this clause; and
- 14.3.3 recommence performance of its obligations as soon as possible without delay after Force Majeure has ceased to exist.

15. **MISCELLANEOUS**

15.1 **Governing Law**

This Agreement is governed by the law of South Australia.

15.2 **Further Assurances**

Each party must, at its own expense, do all that is reasonably necessary to give effect to this Agreement.

15.3 **Counterparts**

This Agreement may be executed in counterparts, each of which will be treated as an original, but which will constitute one and the same instrument.

15.4 **Amendments**

No amendment of, nor addition to, this Agreement is binding unless it is in writing and executed by the parties to this Agreement.

SIGNED as an agreement

Signed for **CITY OF MARION** by its
authorised delegate in the presence of:

.....
Signature of witness

.....
Signature of authorised delegate

.....
Name of witness (print)

.....
Name of authorised delegate (print)

.....
Position of authorised delegate

Signed for **ENWAVE TONSLEY PTY
LTD** by its authorised representative:

.....
Signature of Duly Authorised Officer

.....
Name of Duly Authorised Officer

Annexure A Supply Rates

Fees will be calculated using the tiered pricing structure outlined in the table below on the (annual) Billing Period Volumetric Usage

Annual Volume of water purchased by Enwave	First 60 ML	Above 60 ML and up to 120 ML	Above 120 ML and up to 180 ML	Above 180 ML
Supply Rates \$/kL				
Council prices shown in 2018 dollars Council Price will be adjusted annually based on the movement of the Adelaide All Groups Consumer Price Index Annual CPI escalation				

ML = mega litres (one million litres of water)

kL = kilo litres (one thousand litres of water)

The above pricing structure will be reviewed periodically in line with reviews under the ESCOSA process or other relevant SA government water policy initiatives. Should higher input costs for supply or higher sell price be allowed, then the Customer will enter good faith negotiations with the Council with a view to amend the Supply Rates.

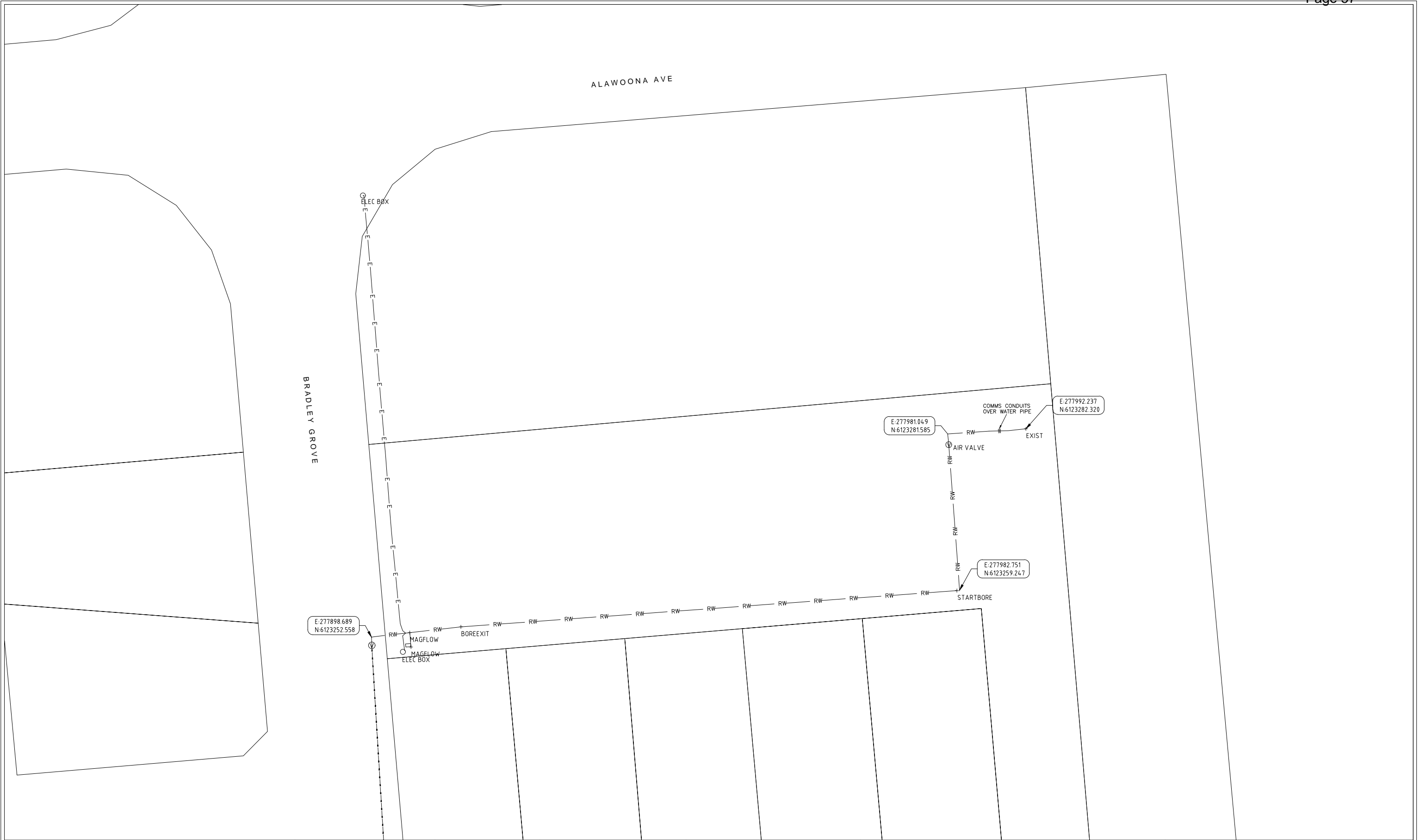
Annexure B Billing Period

Commencement Date:	Invoice Details by Scheme
01 July to 30 June	15 October (for the 1 July - 30 September quarter) Volumetric Usage
	15 January (for the 1 October – 31 December quarter) Volumetric Usage
	15 April (for the 1 January – 31 March quarter) Volumetric Usage
	15 July (for the 1 April – 30 June quarter) Volumetric Usage

Annexure C Total Volume

Total Volume: Up to a maximum volume of 250 ML pa with a peak instantaneous flow not to exceed 18 L/s

Annexure D Customer Premises



Notes:
Survey supplied to clients specific requirements.
Some information location as indicated by site supervisor.

Client :
ALANO WATER
4B Fisher street
Port Adelaide
SA 5015

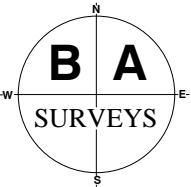


ORIGINAL DRAWING BY: BA
LATEST REVISION BY: -
DATA FILE INFORMATION:
-
CO-ORDINATE DATUM: MGA
HEIGHT DATUM: AHD

SCALE: **1:500** @ A3
BAS JOB No. J218
DATE OF ISSUE: 12.12.17
Sht 1 of 1 REV: - -
DRAWING No.
218-121217-001

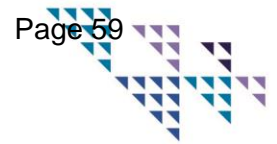
PROJECT: **ALAWOONA RESERVE
MITCHELL PARK**
DRAWING TITLE:
RECYCLE WATER MAIN AS CON

SURVEYED AND DRAWN BY
BA Surveys
12 Leah Street
Aberfoyle Park
SA 5159
Tel: 0400 591 061
Email : bas@basurveys.com.au



Annexure E Renewal Term

The Renewal Term for this Agreement is: 50 years from the Expiry Date.



RenewalSA
people partnerships progress

Adrian Skull
Chief Executive Officer
City of Marion
PO Box 21 Oaklands Park SA 5046

21 June 2018
Our Ref. A1198801

By email: Adrian.Skull@marion.sa.gov.au

Urban Renewal Authority
trading as Renewal SA.
Level 9 (West) Riverside Centre
North Terrace, Adelaide SA 5000
GPO Box 698, Adelaide SA 5001
DX: 56502 ABN: 86 832 349 553

T 08 8207 1300
F 08 8207 1301
E renewalsa.info@sa.gov.au
W www.renewalsa.sa.gov.au

RE: Tonsley District Energy Scheme

Dear Adrian,

On 21 May 2018, the Minister for Transport, Infrastructure and Local Government gave approval for Renewal SA to enter into a Development Agreement with Enwave Tonsley to establish a District Energy Scheme for the Tonsley Innovation District consisting of an electrical embedded network, rooftop solarvoltaics, smart metering, battery storage, electricity supply and recycled water for a 50 year term.

On 15 June 2018, Renewal SA executed the Development Agreement with Enwave Tonsley.

The attached briefing, provides further detail of the District Energy Scheme.

If you have any queries or wish to discuss further, please contact Tonsley Project Director, Vince Rigter via e-mail, Vincent.Rigter@sa.gov.au

Yours sincerely,

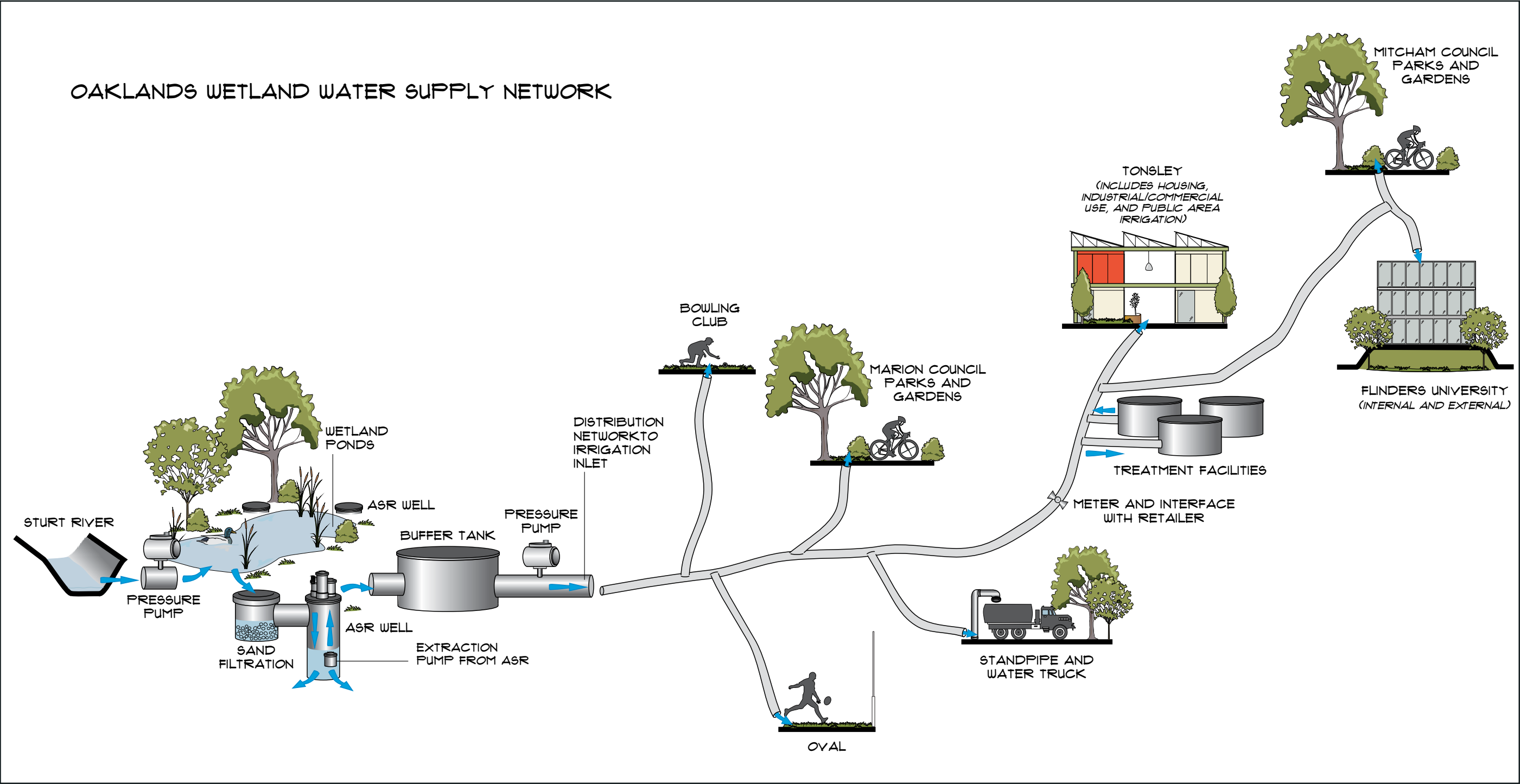
Matthew Waltho
Sustainability Manager, Tonsley

cc.
Vince Rigter, Tonsley Project Director, Renewal SA
Katy Ellens, Tonsley Development Manager, Renewal SA
Glynn Ricketts, Water Resources Coordinator, City of Marion

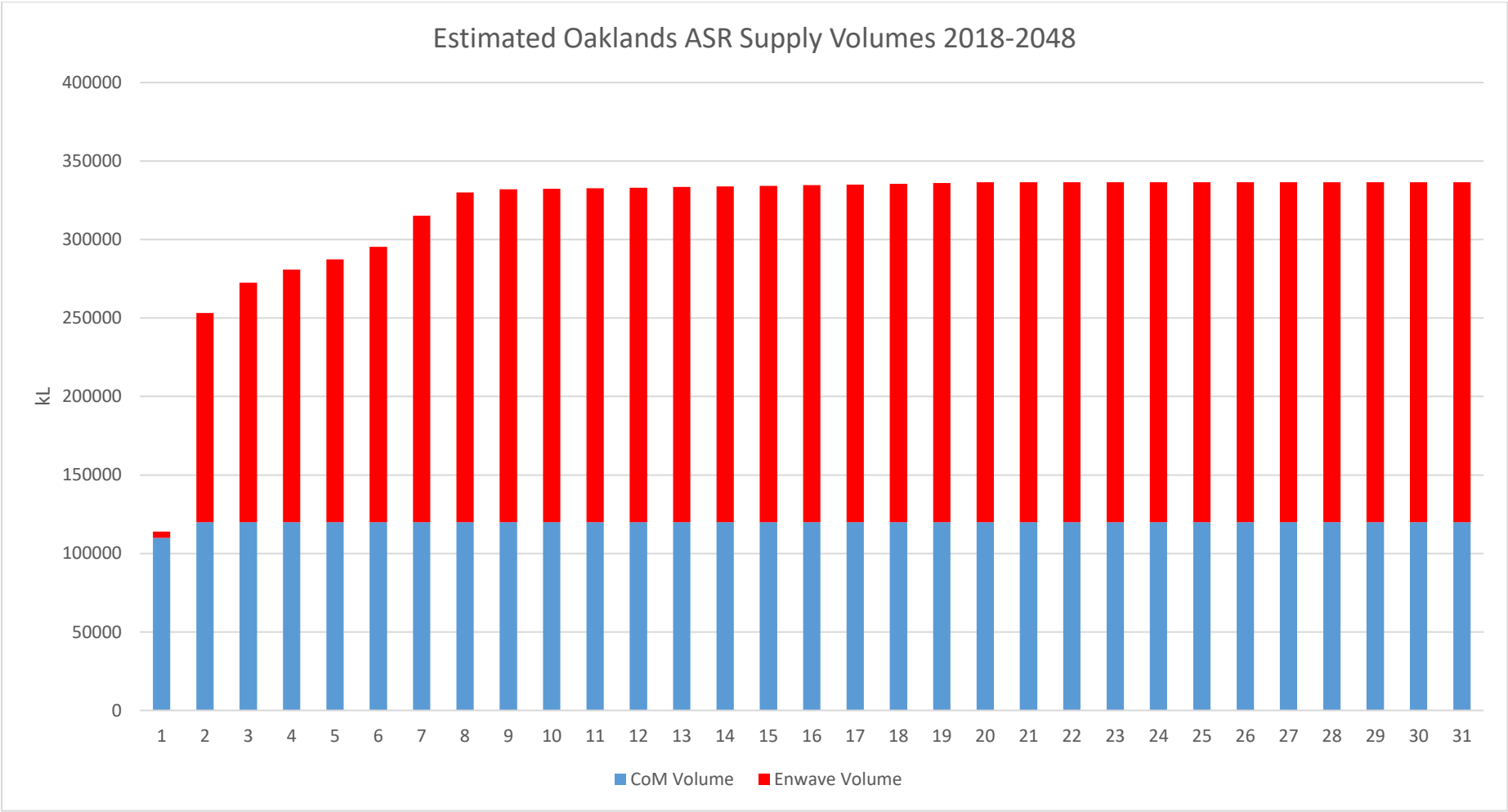
Att. Tonsley District Energy Scheme Briefing Paper



**Government of
South Australia**



Appendix 4 Estimated Demand Profile



Appendix 5

Hazard/Risk	Consequence rating	Mitigation	Residual Risk Profile
Drought/Low rainfall	Moderate	CoM does not guarantee volumes. Mains Water back-up and Environmental Permits not dependent upon injection volumes	Low
Poor Water Quality	Moderate	CoM only provides restricted use irrigation only water quality. Mains Water back-up and Environmental Permits not dependent upon injection volumes, although salt levels expected to increase if higher volumes are extracted over that injected	Low
Failure to comply with Environmental Permits and licence condition	High	Automatic on line monitoring linked to interlocks and failsafe electronic systems. Data logged by Scada. Auto alarm generated. Qualified and competent staff and contractors. Only use accredited laboratories for testing water quality.	Low
Existing pumps may not be able to meet demand	Moderate	Pump capacity is a modular and system is designed to “bolt on additional pumping capacity” Capex is planned in LTFP	Low
Construction cost of two wells exceeds \$1.0m:	Moderate.	Current costs informed budget with contingency. Water Business expected to have significant funds, from sales of water	Low

Inability to harvest water from flowing River	High	Additional harvest pump in stores for breakdowns. New harvest pit could be constructed when sand filter is required	Low
Power Failure	Moderate	Non critical supply. 8 hours storage capacity in Tonsley. Volumes not guaranteed, mains water back up supply	Low
Actual revenues are not sufficient to cover costs of capital expenditure in 2034, 2043 and 2048:	Moderate	Exposure is reduced here as revenues are linked to supply volumes. If expected supply volume timelines are not met then extra capital expenditure would also be delayed, reducing the likelihood of potential financial exposure.	Low

Cover Report - Tonsley Water Agreement

Originating Officer	Water Resources Coordinator - Glynn Ricketts
Corporate Manager	Manager Engineering and Field Services - Mathew Allen
General Manager	General Manager City Services - Tony Lines
Report Reference	GC180724F03

RECOMMENDATION

That:

1. Pursuant to Section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, CEO; Kate McKenzie, Acting General Manager Corporate Services; Abby Dickson, Manager City Development; Tony Lines, Manager City Services Sherie Walczak, Acting Manager Corporate Governance, Jaimie Thwiates, Unit Manager Governance and Records; Victoria Moritz, Governance Officer; Glynn Ricketts, Water Resource Coordinator, and Mathew Allen, Manager Engineering and Field Services be excluded from the meeting as the Council receives and considers information relating to the Tonsley Water Agreement, upon the basis that it 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 on the grounds that the report contains information of a commercial nature and would on balance, be contrary to the public interest.

CONFIDENTIAL - Tonsley Water Agreement**CONFIDENTIAL****Reason For Passing This Resolution:**

Local Government Act (SA) 1999 S 90 (2) 3(d) (i) and (ii) : commercial information of a confidential nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.

Youth Development Grants

Originating Officer	Youth Development Officer - Julie Higgins
Corporate Manager	Manager Community and Cultural Services - Liz Byrne
General Manager	General Manager City Services - Tony Lines
Report Reference	GC240718R03

REPORT OBJECTIVE

The Youth Development Grants provide funding to not-for-profit groups, community groups and voluntary associations to deliver exciting, well-managed, diverse and inclusive youth initiatives across the City of Marion.

EXECUTIVE SUMMARY

This report provides Council with a summary of the applications received in the 2018/19 Youth Development grant round and makes recommendations to Council for approval.

In this round, we received 22 applications requesting a total of \$344,199. Following assessment by the evaluation panel against the grant guidelines and criteria, 10 applications totalling \$120,000 are recommended.

Grants were encouraged but not limited to the following focus areas:

- Valuing Nature and Sustainability
- Special Events and School holiday programs
- Active, Vibrant and Innovative Communities
- Celebrating, Diversity and Inclusion
- Skill development and Leadership

Applicants could apply for grants in the following funding amounts:

Minor - \$0 - \$5,000

Medium - \$5,000 - \$9,999

Major - \$10,000 - \$40,000

RECOMMENDATION

That Council:

1. Approves the Youth Development Grant applications, totalling \$120,000 as outlined in Appendix 1.

Liveable: Assisting in creating vibrant and inclusive community hubs through creative arts and active and connected committees.

Engaged: Opportunities for young people to work together on projects, events and programs contributing to building strong and connected neighbourhoods.

Innovation: Providing opportunities for young people through innovative projects that promote new and progressive ideas.

Prosperous:	Young people will have access to education and skill development opportunities.
Connected:	Young people will be provided with a variety of options for social interactions.
Risk Management:	Grants above \$10,000 were required to submit a risk assessment with their application.
Timeline	The Youth Development Grants 2018/19 opened on 1 May and closed 4 June 2018. All projects must be delivered by 30 June 2019.
Current Budget Allocation	The Youth Development Grants and Partnership Program has an annual budget of \$193,500, with \$120,000 being available for grants and \$73,500 for external and internal youth partnerships.
Proposed Future Budget Allocation:	\$120,000 Youth Development Grants, \$73,500 for internal and external partnerships.

DISCUSSION

The Youth Development Grant and Partnership model is now in its third year of operation. The model has evolved each year following recommendations and feedback from Council, administration and the community.

The guidelines and eligibility criteria for the grants were reviewed on 28 February 2017 (GC280217R11). The current model reflects Council's resolution on 25 July 2017 (GC250717R12) to allocate \$120,000 for Youth Development Grants and \$73,000 for partnership opportunities internally across Council teams and business units and externally with youth organisations and services.

This approach allows for local organisations and services to identify projects that they feel meet a local need, utilising their experience, expertise and existing connections within the City of Marion. The Youth Development Grant and Partnership model has also attracted new youth organisations and services that have previously not operated within the City of Marion such Multicultural Youth South Australia (MYSA), AJZ productions - True North and One Culture Football Club resulting in greater opportunities and connections for young people living in the City of Marion.

The last two years has seen an increase of youth programs, projects and events across the City and has provided diverse opportunities for many young people. Various locations and sites have been brought to life with youth events, weekly programs and youth activities.

The 2018/19 Youth Development Grants opened on 1 May 2018 following a targeted marketing and promotions plan that launched in March. The grants were promoted through local schools, sporting clubs, youth and community networks, libraries and neighbourhood centres. An online and social media promotion featured a countdown to the opening date and banners, posters and flyers were distributed and put up around the City of Marion and beyond. An information session was held at the Administration Centre and potential applicants were able to book one-on-one sessions and meetings to discuss their ideas and applications.

Table 1 below lists the 10 organisations recommended by the panel to receive a Youth Development Grant for 2018/19.

	Organisation	Program	Amount
1	Australian Skateboarding Federation	Skate Titans Oaklands	\$4,000
2	Contemporary Arts in Communities	Youth Contemporary Arts and Creative Enterprise Activation Marion	\$22,000
3	Divine Orchestra Music Ministry Inc	Grow, Reach Out & Win (G.R.O.W.) Program	\$5,000
4	Kilparrin Teaching Assessment School and Services	Music Making for All	\$18,000
5	Lutheran Community Care	Marion Youth: Breaking Through	\$22,000
6	MarionLIFE Community Services Inc	MarionLIFE Youth Lunchtime Sessions	\$7,000
7	Red Cross	FoodREDI	\$10,000
8	The Butterfly Foundation	Body Esteem - whole community project	\$5,000
9	The STEMable Project Inc	Innovative Girls	\$5,000
10	True North - AJZ Productions	Drop Out	\$22,000
		Total	\$120,000

Attachment

#	Attachment	Type
1	CD Youth Development Grants 2018 Recommended - Appendix 1	PDF File
2	CD Youth Development Grants 2018 Not Recommended - Appendix 2	PDF File
3	CD Youth Development Grant Guidelines Final 2018 - Appendix 3	PDF File

**Youth Development Grants PANEL RECOMMENDATIONS
 2018/2019**

Panel members:

Tyson Brown – Unit Manager Cultural Facilities
 Kane Harrison – Recreational Development Officer
 Anne Gibbons – Environmental Sustainability Manager
 Breanna Maslen – Gap Year Team Member
 Julie Higgins – Youth Development Officer

Summary of Recommendations

Number of applications received	Number of grants recommended	Total Value of all grant applications	Value of grants recommended	Total volunteer hours for recommended projects	Total Value of volunteer time for recommended projects
22	10	\$344,199	\$120,000	4,520	\$124,074

	Organisation and Project Name	Summary of Recommended Applications	Organisation Background	Requested \$ Amount	Recommended \$ Amount
1	Australian Skateboard Federation - Skate Titans Oaklands	<p>The Australian Skateboarding Federation (ASF) would like to hold a state championship qualifier at Oaklands Skate Park as part of 8 stops across the state. This event will lead into the National competition.</p> <p>In the lead up to the event, there will be a series of workshops for 12 & under, 16 & under, open men's and women's. It is expected that around 35 people will compete in the event, with a further 100-200 spectators.</p> <p>Young people will be able to build on their existing skills and have the opportunity to compete in a state and possibly national competition. No entry fees will be charged to encourage participation.</p> <p>The ASF are contributing \$5,000 to the event and the grant will be used to market and promote the event, fund the live scoring system, fund accredited judges and officials and hire sound and infrastructure.</p>	<p>The Australian Skateboard Federation aims to develop; pathways for young people through existing skate park facilities, provide opportunities with the ASF as coaches, officials and judges and continue the development of young people and programs in each region.</p> <p>They are a national representative for skateboarding, recognised as a sporting club. Listed as an Australian Public Company and are a non for profit group.</p>	\$5,000	\$4,000

	Organisation and Project Name	Summary of Recommended Applications	Organisation Background	Requested \$ Amount	Recommended \$ Amount
2	<p>Contemporary Arts in Communities – Youth Contemporary Arts and Creative Enterprise Activation Marion.</p> <p>Auspiced by Open Spaces Contemporary Art OSCA</p>	<p>Contemporary Arts in Communities (CAiC) will engage young people in a variety of creative art workshops throughout the City of Marion. Young and established practicing artists and creative entrepreneurs will facilitate these sessions. Young people will be exposed to high quality and unique opportunities including creative enterprise, jewellery manufacturing, painting, drawing, film and photography. The project will also have a community engagement focus with artists appearing at key locations across the city encouraging young people and the public to contribute and participate in the interactive sessions. The weekly workshops will initially be held at Marion Cultural Centre. Young people will have the opportunity to exhibit their work at local galleries, markets and events. The grants will be used for facilitator costs, venue hire and associated materials.</p>	<p>CAiC is a collective of practicing professional artists focussed on creating affordable high-quality art opportunities that support and foster the development of contemporary art's and creative enterprise in communities.</p> <p>CAiC and many of the identified artists are highly experienced in working with young people through the arts with national and international exhibition experience. The group of artists have expertise in a diverse range of mediums, they have individual experience in working across multiple platforms that include the arts education sector, primary, secondary, tertiary education, Local Government, National Government organisations, arts administration, arts and disability organisations and creative enterprise start-ups.</p> <p>The above are Auspiced by Open Spaces Contemporary Art (OSCA) who are funded by State and Federal Governments.</p>	\$28,200	\$22,000

	Organisation and Project Name	Summary of Recommended Applications	Organisation Background	Requested \$ Amount	Recommended \$ Amount
3	Divine Orchestra Music Ministry INC - Grow, Reach Out & Win (G.R.O.W.)	<p>The Grow, Reach Out & Win (G.R.O.W.) project facilitated by the Divine Orchestra Music Ministry INC, will work with young people from all communities within the City of Marion, in a Music, Dance and Arts Mentoring and Coaching Program. The program aims to strengthen community bonds and improve young people's quality of life while creating cultural competence & awareness.</p> <p>The mentoring and coaching sessions will be held at various locations across the City including the Park Holme Hall, Corner Church and the Marion Cultural Centre. The project will have 3 performance outcomes where young people can show case their innovative and creative works. Young people will also be encouraged and given the opportunity to take on leadership roles in the lead up to the performances. The grant will contribute to the hire of venues, music equipment, workshop facilitators and advertising and promotional costs.</p>	<p>Divine Orchestra Music Ministry INC is a multicultural not-for-profit organisation working with vulnerable Australian young people from different cultural backgrounds through music and arts. Divine Orchestra Music Ministry INC bring youth from different cultures together to network through music, arts, dance & their innovative skills.</p> <p>This organisation has delivered similar projects in partnership with other councils and has had positive outcomes.</p>	\$9,000	\$5,000

	Organisation and Project Name	Summary of Recommended Applications	Organisation Background	Requested \$ Amount	Recommended \$ Amount
4	Kilparrin Teaching and Assessment School and Services	<p>A creative music project where students with multiple disabilities will collaborate with internationally acclaimed music facilitators, Paul Rissmann and Bindi McFarlane. They will lead a unique and bespoke creative music project at Kilparrin Teaching and Assessment School. Throughout the project period, students from Kilparrin, South Australia School for Vision Impaired (SASVI) and local high schools will create, learn and perform new music.</p> <p>Students from local mainstream secondary school/s will be key participants as collaborating composers and performers, providing support to Kilparrin and SASVI students. An ongoing relationship between students and schools will be developed, built on respect, understanding and inclusivity. The finale concert will be at Marion Cultural Centre and will showcase all students and be presented to local schools and the broader community. The project will be more broadly seeking to help create a community into the future that is respectful and inclusive of all of its citizens, where students with disabilities are included and made to feel valued members of the community. It is hoped this project will raise awareness and understanding of the capabilities, talents and strengths of students with disabilities and to celebrate their achievements and creativity.</p> <p>The grant funding will be used for the artist fees, the trainee music workshop facilitators as well as additional associated project costs including student travel, catering, marketing and promotions.</p>	<p>Kilparrin Teaching and Assessment School and Services is a special education school in the suburb of Park Holme. A school for students with multiple disabilities and sensory impairments and/or hearing and vision impairments. The students range from Kindergarten through to Year 13. The campus is shared with the South Australian School for the Vision Impaired (SASVI).</p> <p>The school values diversity and community engagement, seeking to connect students with the broader community and to provide inspiring and valuable life experiences and opportunities for young people with disabilities.</p> <p>Non for profit, well regarded school.</p>	\$20,500	\$18,000

	Organisation and Project Name	Summary of Recommended Applications	Organisation Background	Requested \$ Amount	Recommended \$ Amount
5	Lutheran Community Care (LCC) - Breaking Through	<p>Breaking Through is a personal and social development program for multicultural young people living in the City of Marion.</p> <p>The program aims to work with around 40 young people developing awareness and self-development in relation to employment and training readiness. Young people will work on personal skills and capabilities, access to digital technology, building strong local networks, bridging connections with preferred job sectors, potential work experience connections, language skills and addressing identified barriers to training and employment.</p> <p>During the program, young people will build local connections and networks and become role models for other young people in the newly arrived and multicultural community.</p> <p>The grant will be used to pay facilitators that will provide the individualised plans for each young person, ongoing support around employment and training needs as well as group sessions and networking opportunities with industry leaders across the City.</p> <p>The program will keep well-documented data that will contribute to a series of reviews resulting in a final evaluation report outlining the efficacy of the approach to supporting youth employment in the Council region.</p>	<p>Lutheran Care Lutheran Community Care (LCC) works with the vision of building strong caring communities and have grown to become a highly experienced community services provider.</p> <p>Lutheran Care have a strong connection in the City of Marion through the settlement program at Coominda Neighbourhood Centre and this program will continue to build on these connections.</p> <p>Non for profit, incorporated organisation.</p>	\$36,000	\$22,000

	Organisation and Project Name	Summary of Recommended Applications	Organisation Background	Requested \$ Amount	Recommended \$ Amount
6	MarionLIFE – MarionLIFE Youth Lunchtime Sessions	<p>MarionLIFE Youth Lunchtime Sessions is a mobile youth service that local schools, Flexible Learning Options (FLO) providers and local youth services can book in to travel to their desired location to provide activities including sports, board games, video games, craft, homework help, life skills workshops and free healthy food for young people aged 10-17 years in the City of Marion.</p> <p>The program aims to provide a safe and welcoming space for young people during their school day. The sessions will be an opportunity for young people to connect with others, find out about local services and how they can access support in their local community.</p> <p>The grant will be used to pay a trained Youth Worker to facilitate the sessions, coordinate the volunteer team and meet with school staff as well as marketing and promotions costs for the program.</p> <p>Both MarionLIFE Youth Friday Drop In Centre and Breakfast Clubs Project were funded by the City of Marion Youth Grants however has since become sustainable beyond City of Marion Grant Funding. This program will continue to be offered throughout 2018/19.</p>	<p>MarionLIFE Community Services Inc. is a not-for-profit community organisation that strives to provide meaningful, flexible and responsive care and support to individuals and families in need.</p> <p>MarionLIFE has developed strong connections with young people through their previous program and work collaboratively across the city with many organisations.</p> <p>Non for profit, incorporated service provider.</p>	\$9,000	\$7,000

	Organisation and Project Name	Summary of Recommended Applications	Organisation Background	Requested \$ Amount	Recommended \$ Amount
7	Red Cross - FoodREDi	<p>This project aims to provide a sustainable food literacy program for young people in the City of Marion. The FoodREDi project is a 6-week food literacy program and is delivered by volunteers to educate young people on healthy eating, budgeting, cooking and food choices. These sessions will be held at one of our community centres and the identified volunteers will be from within the City of Marion. There will be 4 x 6 weeks sessions held throughout the year.</p> <p>The grant would be used to train a minimum of 4 youth volunteers to deliver the FoodREDi program at a two-day train the trainer course, fund the resource packs that contains all the equipment, resources for the facilitation and mentoring costs to deliver the program and support the volunteers.</p>	<p>Australian Red Cross was established in 1914 and is part of the International Red Cross and Red Crescent Movement, the largest humanitarian organisation in the world. Red Cross is an independent organisation with no political, religious or cultural affiliation. Red Cross has the experience and expertise in delivering programs for vulnerable and at risk young people across Adelaide.</p> <p>Non for profit organisation.</p>	\$12,000	\$10,000
8	The Butterfly Foundation Body Esteem - Whole Community Project	<p>Sessions will be held throughout the community to raise awareness and reduce stigma relating to negative body image and eating disorders. Students, parents and professionals will receive developmentally and role appropriate sessions that will provide information and strategies that foster the development of a positive body image and healthy relationship with food and exercise.</p> <p>The Butterfly Foundation will connect with key local organisations, as these local partnerships are key to the success of the whole community programs. Information about the activities will be circulated to all relevant parties within the community such as schools, sporting organisations, health and youth organisations and parents. Sessions will be held at venues identified by the groups.</p>	<p>The Butterfly Foundation is Australia's largest not-for-profit organisation supporting Individuals and their carers with negative body Image and eating disorders.</p>	\$7,500	\$5,000

	Organisation and Project Name	Summary of Recommended Applications	Organisation Background	Requested \$ Amount	Recommended \$ Amount
9	The STEMable Project INC	<p>The STEMable Project will host an all-day event for around forty female students in Year 9 and 10 to inspire, engage and connect them to local STEM role models. Students will be drawn from schools in the City of Marion. The event will be held in a City of Marion venue.</p> <p>The STEMable Project believes connecting young people, school and industry will provide improved transitions between school, study and careers.</p>	The STEMABLE PROJECT INC. is an incorporated not-for profit organisation based in southern Adelaide that aims to increase young peoples interest and engagement in STEM (Science, Technology, Engineering and Maths) subjects at high school and increase female participation and achievement in STEM.	\$7,1500	\$5,000

Organisation and Project Name		Summary of Recommended Applications	Organisation Background	Requested \$ Amount	Recommended \$ Amount
10	True North - Youth Ensemble - Drop Out	<p>This project is the next step in the newly created Youth Ensemble - True North Marion, this group were the creators of 'A Sense of Home' funded through the 2017/18 grant round. This production will be called 'Drop Out' and will explore the isolation and stigma that young people feel when they are no longer part of a school. Drop Out will look at why young people are dropping out and being truant of school at an alarming and ever increasing rate.</p> <p>True North will hold weekly skill development workshops at the Marion Cultural Centre where young people will have the opportunity to write, compose, operate and create multimedia including drawings, visuals and compositions.</p> <p>There will be a key performance component of the project. The performances will be held at Marion Cultural Centre and will be open to all local schools and the City of Marion community. The Commissioner for Children and Young People has also committed \$4,000 to this project. The grant will be used to pay for the venue hire, facilitators cost for the workshops and production, filmmaking and technical costs.</p>	<p>True North Youth Theatre Ensemble is a not-for profit organisation that was established in 2014 and has grown to be one of the leading youth theatre organisations in Adelaide.</p> <p>True North have developed local connections since coming to the City of Marion last year and has the expertise and knowledge in working with young people through theatre and performance.</p>	\$28,012	\$22,000

**Youth Development Grants Not Recommended
2018/2019**

The following applications did not progress through the assessment process for the following reasons

1. Projects were not eligible
2. Projects did not meet the guidelines and criteria
3. The applications were under-developed
4. The applicants had no evidence of Youth Development benefit

	Organisation	Project Name	Project Detail	Requested Amount	Reason for not progressing
1.	Big Sunday and Lighthouse Youth project	Concrete Sessions	A fortnightly BMX and Skate workshop at the Oaklands Skate Park, including hot meals music and a mentoring program. This program has been running for the past 2years.	\$30,000	This project has been identified as a possible partnership opportunity, connecting with other local services and organisations to build on the current success and encourage sustainability past this funding source. The application lacked specific detail around the budget.
2.	Education and Health Association for Community of Kirama in Burundi of SA	Skill Development and Leadership	A swimming and education program for young people from CALD backgrounds.	\$9,999	Underdeveloped application that did not meet the guidelines and criteria
3.	Islamic Society of South Australia Inc	Life Skills	A basic life skills Program to help young become more independent ranging from resume writing, to how to change a tyre.	\$22,400	The project did not meet the guidelines and criteria. Many of the activities are currently offered at community centres. The application lacked specific detail around the budget.
4.	Marino Community Hall	Youth Organized Kids Toy Market	A youth led market for children to sell their preloved toys and books	\$1,100	This project has been identified as a partnership opportunity and the community development team will work with the group to strengthen this project.

	Organisation	Project Name	Project Detail	Requested Amount	Reason for not progressing
5.	Mrs Alice Bacon	Focus on You Value Yourself and Excel in Happiness	Interactive Emotional Health and Wellness workshops that focus on incorporating Emotional Intelligence into daily practice.	\$9,000	Underdeveloped project and no evidence of previously working with young people.
6.	Red Cross	Save-a-Mate	A program aimed at empowering individuals to make informed choices and have the skills and knowledge to be able to respond to an alcohol or other drug emergency.	\$15,000	This project was listed as 2 nd priority and the round was oversubscribed. Project also lacked consultation around a local need.
7.	Supreme Football	Soccer Skills & Tricks	Freestyle football workshops giving the young community an opportunity to test out their skills	\$5,000	The project did not meet the guidelines and criteria, The budget was for payment of salaries and standard equipment.
8.	The Corner Uniting Church	Blank Canvas	Blank Canvas is a youth group held at the church. This application was to purchase equipment.	\$479.00	The Project did not meet the guidelines and criteria. The grant was for the purchase of equipment for the general group.
9.	Trustees of Edmund Rice Education Australia	FAME Youth Development Grant	The project aims to support at risk young people to increase their engagement and connection to community and future technologies through the use of innovative assistive technologies and employment pathways at Tonsley Innovation District.	\$27,900	Under developed project that needs considerable more engagement with all stakeholders to ascertain the realistic ability for its implementation.

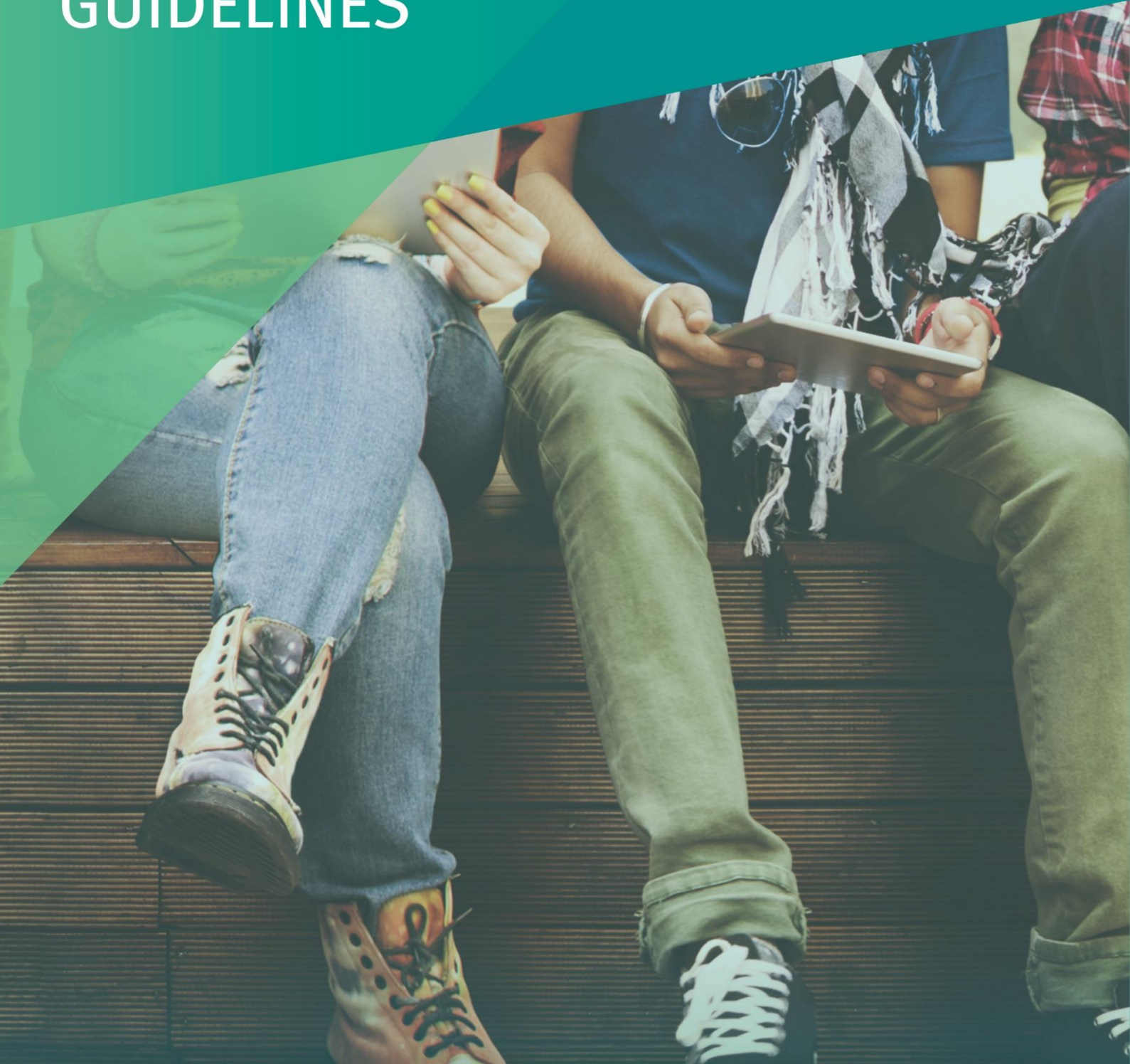
	Organisation	Project Name	Project Detail	Requested Amount	Reason for not progressing
10.	Uniting Church in Australia Hallett Cove	Youth BBQ	To build community through interaction with youth at community BBQs in Hallett Cove	\$2,000	This project has been identified as a partnership opportunity and the community development team will work with the group to strengthen this project.
11.	Wheelchair Sports Association of SA Inc	Everybody In-Basketball program	An all-inclusive 3 aside wheelchair basketball program designed to develop skills in playing, coaching, refereeing and administering	\$35,960	The project did not meet the guidelines and criteria. Budget not clear and not specific enough the majority of the grant was to purchase wheel chairs.
			TOTAL	\$224,199	

Feedback and support will be given to all unsuccessful applicants with alternative funding ideas and connections explored across the City of Marion. The projects listed above could, with further development and considerations be eligible for grant and partnership opportunities in the future.

YOUTH **DEVELOPMENT** **GRANTS** **GUIDELINES**

CITY OF

MARION



VOICE IT! CREATE IT! DO IT!

Introduction

The Youth Development Grants are designed to support not-for-profit groups, community groups and voluntary associations to deliver exciting, well-managed and relevant activities and programs whilst strengthening connections for young people in our community. Applications are invited from organisations with the expertise and local knowledge to provide opportunities and engagement for all young people across the City of Marion.

The City of Marion is committed to a diverse and inclusive community. Applications should reflect and celebrate this by ensuring projects, programs and activities are inclusive and accessible as possible for all groups, including people of various gender, age, sexuality, cultural backgrounds, religious beliefs and those living with disability.

Application process

Applications Open	Applications Close	Delivery Deadline	Acquittals Due
1 May 2018	4 June 2018	30 June 2019	See Terms and Conditions

Information session to be held at 6pm 7 May 2018 at Marion Council Chambers.

How to apply

The application is completed online by accessing the following link: <http://www.marion.sa.gov.au/youth-grants>

You are guaranteed confidentiality and security when lodging a grant application online. If you do not have access to the internet, please contact the Youth Development Team to discuss alternatives.

Support with your application

For project enquiries and support in making an application, contact the Youth Development Team. We encourage applicants to contact the team to discuss your idea or application and to attend the community information session.

Phone 08 7420 6461 or email council@marion.sa.gov.au (subject title "Youth Development Team").

Suggested Focus Areas

We encourage grants but not limited to the following areas;

- Valuing Nature and Sustainability
- Special Events and School Holiday Programs
- Active, Vibrant and Innovative Communities
- Celebrating Diversity and Inclusion
- Skill Development and Leadership

How much can we apply for?

Minor Grants \$0 - \$5,000

Medium Grants \$5,000 – 9,999

Major Grants \$10,000 – 40,000

** Please note these amounts are a guide please discuss with the Youth Development team if your project does not fit within these funding pools.*

Applicants may apply for more than one grant by submitting a separate application for each project, demonstrating any clear distinctions between the projects.

Grant Outcomes

The City of Marion is committed to supporting all young people. The Youth Development Grants will contribute to providing positive opportunities in a strong, connected and inclusive community.

Applications should demonstrate how they would support:

- Program and services are delivered to and for young people through organisations that have existing youth development expertise.
- Organisations to implement initiatives, which are beneficial to young people and the community in which they live, work, study or spend their leisure time.
- Initiatives that develop opportunities for youth participation and citizenship which promote the health and wellbeing of young people
- Establish and undertake innovative projects or activities that and are in line with the City of Marion Strategic Plan (insert link to strategic plan).

Who is eligible to apply?

Eligibility criteria is as follows:

- Any not-for-profit group, community group or voluntary association.
- Groups that are not incorporated are eligible, provided applications are made through a sponsoring body. The sponsoring body will need to provide its incorporation number and ABN.
- The project will occur in the City of Marion unless special approval has been agreed.
- Schools / educational institutions are eligible to apply, provided they can demonstrate that:
 - The project does not form part of the core business of the Department for Education and Child Development.
 - Alternative funding sources are not available from the Department for Education and Child Development for the project.
 - It is meeting an identified need that is not limited to the school environment. Preference will be given to projects that show clear evidence of a partnership with one or more organisation(s) in the implementation of the project and demonstrate how the project will have benefits to the wider youth population.

Due to the competitive nature of the program, all potential applicants are requested to attend the Youth Development Grants Information Session or to contact the Youth Development Officer to discuss their project and ensure it meets the requirements.

Applicants are strongly encouraged to refer to the City of Marion Strategic Plan prior to completing an application.

What makes a project ineligible?

The following will render an application ineligible:

- The project has commenced.
- Commercial or political activities
- Individual, private, political or commercial enterprise
- Ongoing operating costs of the organisation or costs not directly related to project delivery.
- Retrospective costs (any money spent before a grant is approved).
- Payment of salaries (facilitator/instructor fees will be accepted).
- Fundraising or sponsorship.
- Projects that duplicate an existing or similar project/service within the community.
- Interstate or overseas travel.
- Academic research or conference costs.

- Organisation that have an outstanding debt owing to council. *Please note that this does not apply to organisations that have a loan with council and are complying with the repayment terms.*

How are applications assessed?

The City of Marion reserves the right to provide funding at its sole discretion, however in order to assess applications the following process will be undertaken:

- Applications will be assessed against eligibility.
- Applications will be assessed in accordance with grant schedule and available funds.
- Applicants may be requested to provide supporting information and documentation.

Each application will be assessed against the following criteria:

- The impact and value the project will have for young people 12-25 years in the City of Marion.
- Demonstrate working collaboratively and/or in partnership with other organisations or services.
- The health and wellbeing of young people will be enhanced, with ongoing benefits for young people beyond completion of the project.
- Project has clearly stated aims and objectives.
- Evidence of youth engagement in the design, planning and delivery of the project.
- Organisations that contribute their own resources to the project including in-kind, and volunteering will be highly considered.
- Increasing volunteering opportunities
- Demonstrated links to the CoM strategic plan

The Medium and Major category will be further assessed against the following criteria:

- Innovation
- Strength of the budget
- Quotes submitted where relevant
- Risk management (regarding the delivery of the project), complete a risk assessment template for all applications over \$10,000.
- Identified key partners
- Background information on why the project is important and any relevant research and data to support the application

Financial reporting and project evaluation

Applicants will be required to submit a report and acquittal form online. This form is due one month after the completion of the project or by 30th June 2019, whichever is earlier. Evidence of expenditure of the grant must be provided – all receipts must be attached to the acquittal.

The acquittal statement verifies that the grant funding has been utilised in accordance with the project budget provided in the application form. Final acquittal of the grant requires a statement of income and expenditure for the project, which must be certified by an authorised signatory of the organisation.

The Evaluation Form provides valuable feedback to the City of Marion on how your project and community have benefited from the Youth Development Grants Program.

Terms and Conditions

1. Applications close at midday, 4 June 2018
2. Projects must be delivered by 30 June 2019
3. Acquittals must be completed and returned to the City of Marion no later than one month from the completion of project or by the 31 July 2019 whichever is sooner.
4. The funds provided must be used for the approved project as detailed in the grant application.
5. Applicants must demonstrate that any purchase of equipment or materials is used solely for the project.
6. Any changes to the project that would result in funding being expended other than as detailed in the application may not be undertaken without prior written approval by the City of Marion.
7. The City of Marion is to be given written or printed acknowledgement of the funding in all correspondence, media releases, invitations and any advertising or promotional material.
8. The City of Marion logo will be supplied and is to be applied to all advertising and promotional material including banners, posters, leaflets, etc.
9. The City of Marion will reserve the right to separately promote any funded project.
10. The City of Marion is to be given verbal acknowledgement of the funding in any speeches at events.
11. Applicants will be responsible for obtaining any relevant approvals including use of council land and road closures. View the following link: <https://www.marion.sa.gov.au/things-to-do/parks-and-playgrounds/events-in-parks> .
12. Projects must meet legal, child protection and insurance requirements set by State and Commonwealth legislation. For further information visit the website regarding Child related employment screening <http://www.dcsiscreening.sa.gov.au/>
13. Groups that are not incorporated are still eligible, provided applications are made through a sponsoring body.
14. The applicant / sponsoring body must provide their incorporation number and ABN. If the applicant / sponsoring body does not have an ABN the Statement by Supplier form must be completed, available on the City of Marion website.
15. Funds must be made payable to the applicant / sponsoring body. If successful, a cheque will be made to the nominated organisation in Section A of the application form or unless otherwise stated.
16. Any part of the grant funds that are not used must be repaid to the City of Marion unless prior written approval is obtained.
17. It is the responsibility of the applicant / sponsoring body to obtain all necessary insurances and the City of Marion will not be held liable for any matter arising out of this grant.
18. It is the responsibility of the applicant / sponsoring body to indemnify and keep indemnified the City of Marion, its employees and agents, against all actions, costs, claims, charges and expenses whatsoever which may be brought or made to claimed against them or any of them out of or in relation to the project.

Landlord Consent for Marion RSL to Install Playground - Motion to Amend

Originating Officer	Chief Executive Officer - Adrian Skull
Corporate Manager	Manager City Property - Carol Hampton
General Manager	Chief Executive Officer - Adrian Skull
Report Reference	GC180724R04

REPORT OBJECTIVE

For Council to consider amending the recommendation of a previous resolution (GC250717M03) which dealt with the landlord consent for Marion RSL to install and maintain a playground.

EXECUTIVE SUMMARY

The amendment is required to vary the Special Conditions to be incorporated into the Lease agreement with the Marion RSL (GC180724R05), reflecting an amendment to the maintenance requirements for the new playground.

RECOMMENDATION

That Council:

1. Amends Point 2 of the resolution of 25 July 2017 in relation to the item 'Landlord Consent for Marion RSL to Install Playground' (GC250717M03) that states:

That Administration in developing a new lease with the Marion RSL include the following requirements:

- That the Marion RSL undertake regular formal maintenance inspections including a weekly routine inspection, quarterly operational inspection and annual level 3 inspection as per Australian Standards.
- Council has the right to inspect the equipment at any time with actions arising being the responsibility of the RSL to carry out.
- Council reserves the right to conduct formal audits of the equipment as necessary.
- Council reserves the right to remove the equipment should it not be maintained in a safe condition that meets Australian standards.
- Marion RSL have a by-law ensuring that all children on the premises are appropriately supervised by a responsible adult.

to the following new resolution:

That Administration in developing a new lease with the Marion RSL notes that Council will be responsible for the maintenance and replacement of the playground equipment.

DISCUSSION

Pursuant to regulation 21 of the Local Government (Procedures at Meetings) Regulations 2013, the CEO may submit a report to the Council recommending the revocation or amendment of a resolution of Council passed since the last general election of the Council.

At the 25 July 2017 General Council Meeting (GC250717), Council passed the following resolution:

1.Grants landlords consent to the Marion RSL to install a playground at 31-39 Norfolk Road, Marion, Certificate of Title Volume 5220 Folio 315, subject to the following conditions being met:

- *Marion RSL obtaining the required funds to meet all project costs*
- *All relevant planning and building approvals are met including approval of the design in line with current Australian Standards*
- *Construction of the playground is undertaken by a suitably qualified person/s and in a manner demonstrating due diligence documentation (site works procedures, installation methods, environmental and work health safety requirements)*
- *That the playground after construction meets level 3 playground certification as per Australian Standards.*

2.That Administration in developing a new lease with the Marion RSL include the following requirements:

- *That the Marion RSL undertake regular formal maintenance inspections including a weekly routine inspection, quarterly operational inspection and annual level 3 inspection as per Australian Standards.*
- *Council has the right to inspect the equipment at any time with actions arising being the responsibility of the RSL to carry out.*
- *Council reserves the right to conduct formal audits of the equipment as necessary.*
- *Council reserves the right to remove the equipment should it not be maintained in a safe condition that meets Australian standards.*
- *Marion RSL have a by-law ensuring that all children on the premises are appropriately supervised by a responsible adult.*

3.Requires Administration to write to the Marion RSL outlining their responsibilities as a lessee in the planning, installation and maintenance of a playground as outlined in this report.

Point 2 of the original motion endorsed by Council reflects the higher risks associated with maintaining a second hand playground. As the Marion RSL was able to fund the installation of a new playground, there is reduced maintenance risk as the playground is covered under warranties and has a significantly greater asset life at the time of installation.

Should Council endorse the amended motion in relation to point 2, the proposed Council maintenance regime would be in line with our playgrounds located on Council owned leased premises such as Cove Sports and Community Club, Glandore Oval.

There will be an increase in operating and maintenance costs and funds will need to be allocated for renewal/depreciation, this will be covered within existing budgets.

At the General Council meeting on 24 July 2018 a report will be presented for Council to consider entering into a 21 year lease with the Marion RSL (GC180724R05). The special conditions in this lease currently reflect the conditions of the landlord consent endorsed in July 2017 (GC250717M03), should Council endorse the recommendations in this report the recommendation is that the lease will be amended.

RSL Marion Sub Branch Lease

Originating Officer	Property Leasing Officer - Chloe McDonald
Corporate Manager	Manager City Property - Carol Hampton
General Manager	General Manager City Development - Abby Dickson
Report Reference	GC180724R05

REPORT OBJECTIVE

The objective of this report is for Council to consider and endorse entering into a long-term lease with the RSL Marion Sub Branch (Marion RSL). At the General Council meeting in June (GC120618R03) Council was advised that the Marion RSL had agreed to negotiate a sub-lease agreement with the Vietnam Veterans' Federation (the Vets) following the construction of a new building and sheds.

EXECUTIVE SUMMARY

The Marion RSL are a long established and well managed facility that supports a number of returned and ex-service members and the general community.

The Marion RSL lease expired on the 30 June 2017. In line with Councils new Leasing and Licensing Policy, the Marion RSL was offered a lease term of 5 years commencing on the 1 July 2017.

However, the Marion RSL did not accept the offer and alternatively requested an extended lease term of 50 years. Under the Local Government Act 1999 a lease cannot exceed 42 years.

A 21 year lease was recommended as it would still provide a significant amount of time to allow the Marion RSL to apply for grants for future development of the premises and would be in line with other Council long term leases.

The Marion RSL advised that a 21 year lease term would be acceptable.

RECOMMENDATION

That Council:

1. Endorses entering into a 21 year lease with the Marion RSL according to the terms and conditions outlined in this report and subject to the outcomes of community consultation.

OR

1. Endorses entering into a 21 year lease with the Marion RSL according to the terms and conditions outlined in this report with the following amendments:
 - Council will be responsible for the maintenance and replacement of the playground equipment

and subject to the outcomes of community consultation.

2. Authorises the Manager City Property to finalise negotiations with the Marion RSL.
3. Notes should any submissions received during the consultation period request significant changes a further report will be brought back to Council for consideration.

GENERAL ANALYSIS

Liveable:	The Marion RSL is a well managed community facility which encourages active and healthy lifestyles and connects communities.
Engaged:	Council supports lease and licence holders to develop their club management capacity and foster an inclusive environment which encourages use of community facilities by the wider community.
Innovation:	Council's new Leasing and Licensing Policy provides a strong support and collaboration model for clubs and organisations to continue to innovate their operations and achieve good governance.
Legal / Legislative / Policy:	Under this lease it is the responsibility of the lessee to remain insured in relation to Public Liability Insurance and to indemnify the City of Marion against all damages, cost and expenses.

DISCUSSION

Background

In recent years, the Marion RSL building has had solar panels installed, the interior and exterior painted and an office established for the Marion RSL's Advocate.

The Marion RSL have recently installed a playground and have also sought landlord consent for: the construction of a new veranda at the building entrance; the construction of a paved armistice pathway from the Council footpath to the building; and a paved footpath from the memorial gates to (and around) the cenotaph.

Moving forward, the Marion RSL are planning to upgrade their kitchen and the grease arrester trap and are currently preparing a grant application to fund these upgrades.

The facility offers a home for a variety of community groups including children's ballet classes, a theatre group, a bridge group with attendance of 60-120 people, fitness groups, social bowls and the Vietnam Veteran monthly meetings.

In addition, planning is under way for the Marion RSL to hold the service for the Centenary of the Armistice for WW1 on Remembrance Day 2018. This will include the reunion for the Malay/Borneo Veterans with 100 people attending from across Australia.

The Marion RSL have agreed to negotiate a sub-lease agreement with the Vets, to enable the two parties to share the site. The Vets are being relocated from their current location on Addison Road, Warradale due to the Oaklands Road Crossing upgrade. All ongoing maintenance operational costs, such as utilities and minor repairs will be the responsibility of the Vets and will be addressed in accordance with Council policy and detailed during negotiations of the sub-lease agreement with the Marion RSL.

As indicated in a recent report to Council (GC120618R03), storm water and car parking is being investigated and a report will be brought to Council on 28 August 2018.

In July 2017, Council resolved to grant landlord consent for the Marion RSL to install a playground. This included the Marion RSL taking on responsibility to inspect and maintain the playground equipment and for this to be included in the lease as a Special Condition.

The playground has now been completed, while not as initially planned, new equipment was purchased instead of using second hand equipment. The outcome has been good, with a simple and usable play

space.

The conditions placed on Marion RSL were due to the initial proposal to install second hand equipment. However, the Marion RSL installed new play equipment which has removed the potential risks. There are other Council leased facilities that have Council owned play equipment. This equipment was installed by Council and is maintained by Council.

Should Council choose to take on the responsibility for the playground, as indicated in GC180724R04 an amendment to the previous resolution is required to vary the Special Conditions and this would be reflected within the lease agreement.

There would be an additional cost to Council for operation, maintenance, renewal and depreciation of the playground equipment and this would be funded through existing budgets.

Lease Terms and Conditions

As set out in Council's new Leasing and Licensing Policy, the term of agreement will not be greater than 5 years unless Council resolves to grant a longer term lease, consequently Council needs to consider this lease.

Where a lease or licence is to be granted greater than 5 years and is located on Community Land community consultation is required to be undertaken in line with the Local Government Act 1999.

The proposed Letter of Offer will be as follows:

Lessor: The Corporation of the City of Marion

Lessee: RSL Marion Sub Branch Incorporated

The Property: RSL Marion Sub Branch Inc at 31-39 Norfolk Road, Marion
Portion of the land contained within the Certificate of Title Volume 5220 Folio 315.

Type of Agreement: Lease

Term: Twenty One (21) years

Commencement Date: 1 September 2018

Expiry Date: 31 August 2039

Option to Renew: Nil

Rental: Based on market rent rate of \$110,125.00 less up to 93% subsidy the rental rate of \$7,708.75 p.a plus GST payable annually and in advance, subsidy reviewed annually. The subsidy discount is subject to the Marion RSL meeting all criteria (*Note this does not include the rental for the Vets, valuations will be provided once the development is completed*)

Rent Review: CPI Review - Each anniversary of the Commencement Date except where Rent is reviewed to Current Market Rent

Current Market Rent - On the anniversary of the Commencement Date in the years 2023, 2028, 2033 and 2037

Use of Property: Community and Recreational activities including a licensed bar

Times of Use: At all times and in accordance with the liquor licence

Gaming Machines: No additional gaming machine entitlements to be acquired

Maintenance: The maintenance responsibilities are set out in Building Responsibilities Schedule

Maintenance Fee: Nil

Utilities: The lessee is responsible to pay all utilities associated with the premises electricity, gas, water and telephone

Rates and Taxes: the lessee is responsible for all present and future rates, charges, levies, assessments, duty and charges of any Statutory Authority (but in this definition excluding Council in its separate capacity as a relevant statutory authority), department or authority having the power to raise or levy any such amounts in respect of the use, ownership or occupation of the Land or Premises and includes water and sewer charges, emergency services levy and, subject to the Act, land tax (on a single holding basis).

Insurance: The lessee to have the appropriate Public Liability (\$20,000,000 minimum) and Contents Insurance Cover and will need to produce copy of the certificate of currency.
Please note that it is the lessee's responsibility to ascertain whether Public Liability Insurance Cover of \$20,000,000 per claim is adequate for lessee's circumstances.

The Council will insure the building.

Indemnity: The lessee to indemnify the City of Marion against any claims, losses, suits or accidents etc that may arise out of the use of the property

Inspection: The City of Marion will have the right to inspect the premises at any time.

Special Conditions:

Playground Non-Council Installed

- Marion RSL to undertake regular formal maintenance inspections including a weekly routine inspection, quarterly operational inspection and annual level 3 inspection as per Australian Standards.
- Council has the right to inspect the equipment at any time with actions arising being the responsibility of the Marion RSL to carry out.
- Council will include the play equipment in its asset register and conduct formal audits of the equipment as necessary.
- Should there be any significant change to the playground standards or if the equipment condition is considered no longer acceptable, Marion RSL would be responsible to remove the equipment and make good the site at their cost.
- Marion RSL to be responsible for the cost of operational maintenance, including inspections and associated repairs of their asset, which is generally at a cost of 5% of the capital cost per annum.
- Marion RSL to be responsible for replacing or removing the playground equipment at the end of the asset life

At the General Council meeting on 24 July 2018 consideration will be given to Council taking on the responsibility for maintaining the playground equipment, should this be endorsed the above special conditions will be amended.

Consultation

As the Marion RSL is located on Community Land, consultation will need to be undertaken. Consultation will be through a notice in the local newspaper outlining proposed changes and inviting written submissions within a period stated in the notice, being at least 21 days. The relevant information will be made available for inspection at Council Offices, Libraries and on the Council web site during the period of notice. Should there be any submissions received requesting significant changes a further report will be brought back to Council for consideration, otherwise a lease will be entered into.

Sixth Avenue Re-naming

Originating Officer	Unit Manager Communications - Craig Clarke
Corporate Manager	Manager Customer Experience - Karen Cocks
General Manager	General Manager City Services - Tony Lines
Report Reference	GC180724R06

REPORT OBJECTIVE

The purpose of this report is to table the community's views on a proposal to change the name of Sixth Avenue Reserve, Ascot Park, to the Joan Herraman Reserve and to seek Council's approval for the re-naming to occur.

EXECUTIVE SUMMARY

Council is considering re-naming Sixth Avenue Reserve at Ascot Park to the Joan Herraman Reserve to honour the late community advocate's long-term service.

A survey of residents surrounding the reserve has found nearly 77 per cent support for the change of name.

Formal notifications will occur under the Local Government Act should Council choose to proceed with re-naming the reserve. A replacement sign would also be installed with the new name of the reserve.

RECOMMENDATION

That Council:

1. Acknowledges the community support for re-naming Sixth Avenue Reserve, Ascot Park, to the Joan Herraman Reserve in recognition of her long-term service to the community.
2. Changes the name of Sixth Avenue Reserve, Ascot Park, to Joan Herraman Reserve.
3. Undertakes all necessary steps under Section 219 of the Local Government Act to implement the name change.

Engaged	The community's views have been heard on any possible name change to their reserve.
Opportunities:	The resolution represents an opportunity to honour a deceased member of the community for their outstanding service during their lifetime.
Current Budget Allocation	<p>Signage costs include \$100 to redesign the imagery for the sign and \$500 to manufacture and install the new vinyl wrap to site. Funding will be through the 2018/19 reserve sign budget.</p> <p>There is only one naming sign at the reserve, near the entrance of Allison Street, Ascot Park. Should any other additional reserve signs or plaques be required, this would be at an additional cost.</p>

DISCUSSION

The late Joan Herraman OAM was a former Marion Councillor and advocate for parks and playground, in particular Sixth Avenue Reserve at Ascot Park. Council at its meeting on 8 May 2018 (GC080518M06) resolved that Council:

1. Bestows a Community Excellence Award on the late Joan Herraman in recognition of her extraordinary long-term service to the community.
2. Proposes the renaming of the Reserve known as Sixth Avenue Reserve Ascot Park to the Joan Herraman OAM Reserve in her honour.
3. Prior to any renaming, undertakes a community engagement to understand the community's views on a proposed name change and that a report be brought back to Council in July 2018.

Community survey results

Results of a community engagement found overwhelming support for re-naming Sixth Avenue Reserve, Ascot Park, in honour of the late Joan Herraman. Of the 135 people who responded to the survey between 4-29 June:

- 43.3 per cent strongly agreed with changing the name of the reserve.
- 33.6 per cent agreed.
- 10.5 per cent either disagreed or strongly disagreed.
- 12.7 per cent were neutral.

Based on the results of the survey, more than 76 per cent of surrounding residents supported the name change. Ascot Park Scouts, which are co-located at Sixth Avenue Reserve, have verbally advised Council that they were supportive of the name change.

Next steps

Under Section 219 of the Local Government Act – Powers to assign a name, or change the name, of a road or public place – Council is required to:

- 1.Immediately notify the Registrar-General, the Surveyor-General and the Valuer-General of the change of a name.
- 2.Place a public notice on Council's website, in the Government Gazette and a local newspaper to inform the community of the name change

Once this is completed, an informal on-site ceremony can occur to acknowledge the name change.

On-site signage

Should Council endorse the renaming of Sixth Avenue Reserve, the decision will require site works to replace the name.

This will require a new design to be created and the manufacture of a new vinyl wrap, which can be placed over the existing sign post. This would be designed, manufactured and installed through contracted services.

Attachment

#	Attachment	Type
1	Appendix 1 - Sixth Avenue Re-naming	MS Word File

Renaming Sixth Avenue Community Engagement Feedback outcomes June 2018



In May 2018, the City of Marion agreed to proceed to community engagement to rename Sixth Avenue Reserve, Ascot Park, in honour of community advocate the late Joan Herraman OAM.

Community engagement was undertaken between 4 June and 29 June 2018 and we provide the following responses.

Background on Joan Herraman OAM

The late Joan Herraman OAM was a former Marion Councillor and an advocate for parks and playgrounds. The Herramans moved to Ascot Park more than 50 years ago. The Sixth Avenue Reserve was a professional and passion project for Joan who was determined to provide picnic facilities, play equipment and some much-needed green space in Ascot Park.

She was instrumental in establishing the Open Space Reserve Fund by Council, which Marion Council uses today to buy open space. Joan was awarded the Medal of the Order of Australia for services to the community in 1994 and the Centenary Medal for services to the community as a Councillor for the City of Marion. She served on Marion Council for a total of 13 years.

Community Engagement process

An information sheet was developed with the proposal and a short survey seeking feedback on the level of support for proposed name change.

The information sheet was distributed via a letterbox drop to a 400mtr radius-advising people of intent to change name and seek level of support.

Included in the consultation was the Scouts Hall.

The engagement asked people to

1. Identify your level of support for changing the name of Sixth Avenue Reserve to the Joan Herraman Reserve
2. Are you aware of anything of historical, cultural or sporting significance that would impact the renaming of Sixth Avenue Reserve

A total of **135** people responded to our survey including **65** male respondents and **33** female (37 people skipped this question)

16 people indicated they use the reserve daily or weekly, **18** people monthly and **64** people not at all.

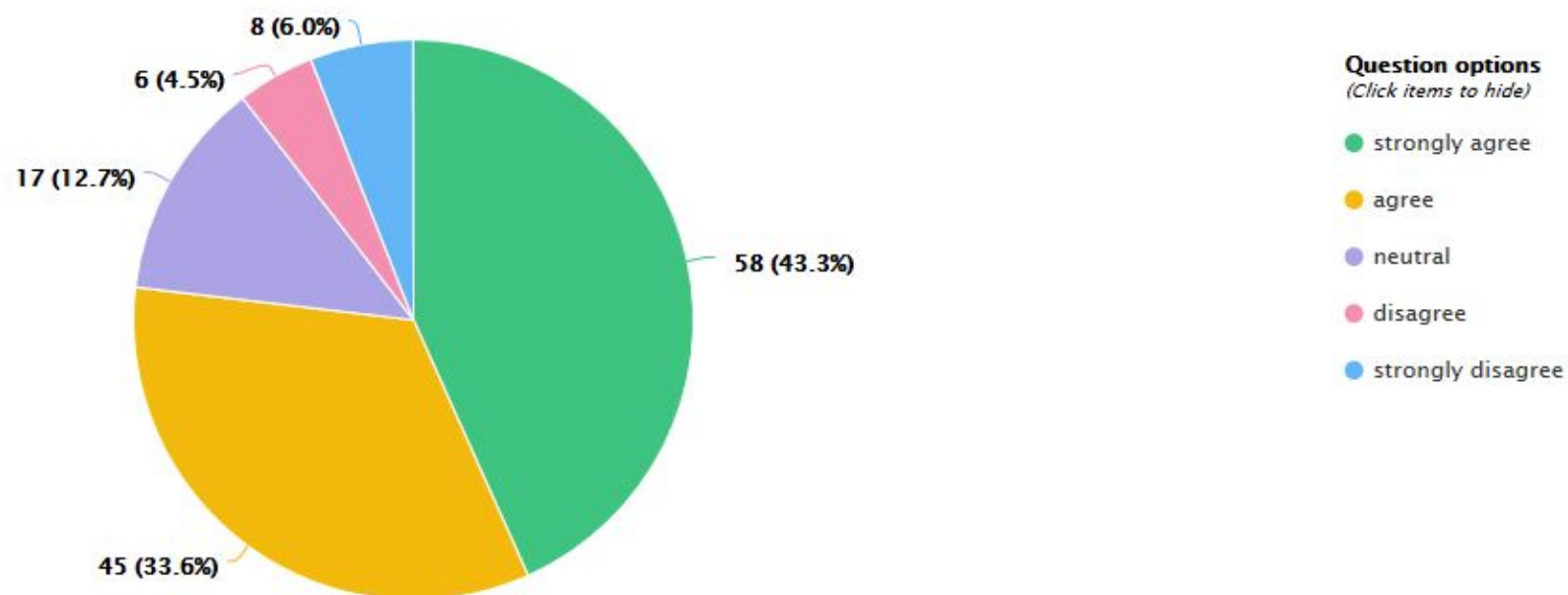
(37 people skipped this question)

Renaming Sixth Avenue Community Engagement Feedback outcomes June 2018



Community feedback statistics

Q1 What is your level of support for changing the name of Sixth Avenue Reserve to the Joan Herraman Reserve?



These responses indicate a total of **103** people (77%) of people either agree or strongly agree with name change. A further **17** people were neutral. **6** people disagreed with **8** person strongly disagreeing.

Renaming Sixth Avenue Community Engagement Feedback outcomes June 2018



General sentiment of comments IN SUPPORT of renaming

A full summary is provided as attachment 1

- *Great to recognise people in the local community and Sixth Avenue Reserve doesn't seem to be a special name*
- *It is great for council to give back to the community and especially someone who worked tirelessly for Marion Council community.*
- *A fantastic choice - having known Joan and her contribution to the local community a No1 choice.*
- *Good idea to name a reserve after a local person than just the road*
- *The name change will give it more significance and a name plaque would be appropriate*

Scout Hall feedback in support

No problem with this change. It's great and people should be recognised. If it's not that park it should be another park that is renamed. Since they've done up the page a huge amount of people attend. Years and years ago it used to be a dump site. Scout group management committee approached Council to make it a park about 24 years ago.

General sentiment of comments NOT IN SUPPORT of renaming

- *Is this really necessary? I think the Council should be running a tight ship, not engaging in promoting local personalities.*
- *I think that the Joan Heramann Reserve is a mouthful Sixth Avenue is fine.*
- *Would like it names after a WW1 or WW2 returned soldier from Ascot Pk/Edwardstown Area*
- *Why is only one person being nominated?*
- *The name Sixth Av reserve represents the location of the reserve better*

Renaming Sixth Avenue Community Engagement Feedback outcomes June 2018



Q2. Are you aware of anything of historical, cultural or sporting significance that would impact the renaming of Sixth Avenue Reserve?

- No
- *The park is very beautifully designed to cater to the needs of every age group. I appreciate the effort you put in. Congrats*
- *Council should not be spending money on this or that whim. Ratepayers expect value for money not endless upgrades and developments. I am for lower council rates. Read "Confessions of an economic Hitman" But councils, like governments do what they want anyway, so you should have saved money by not conducting this survey.*
- *Very beautiful reserve but not suitable for younger kids, not enough slides.*
- *Not aware of anything go with Joan H Reserve.*
- *The only person would have been councillor Ellis who worked hard to have the area made into a reserve*
- *We really appreciate the green space we used to use when our children were in scouts*
- *Why don't you replace fence so it is safe for children to play*
- *Cr George Ellis would be very appropriate. He was a sporting, historical and cultural personality.*
- *It was a girl guide hall for a number of years in the 60s*
- *Leave things as they be - do you understand council. You can't help yourselves remember one thing ratepayers and businesses pay your salary. Do what people say to you*
- *Made my life terrible and all the others just looked and walked away - may she rest in peace*
- *Too much car parking on the roads these days and making most of them one way. Too much subdivision not enough thought gone into parking,*
- *The Scout Hall*
- *I did attend dance nights (disco) in the hall in the 60s.*
- *There are community areas 6th so this change would bring people in to see the area.*
- *Not aware of any history*

Renaming Sixth Avenue Community Engagement Feedback outcomes June 2018



Unrelated comments surrounding fencing issues

- *Why was the fence not retained in Alison Street as children can be quick on their feet if someone's back is turned away as a lot of car park in the street at weekends*
- *Could you put more benches in with plaques with names so you can sit with a friend of the past? Also, you need to fence off Allison St so balls don't go flying across the road, children running onto roads. When someone is killed could council live with themselves!!! Listen to us people who use and live in Allison Street - also doggy bags.*
- *Fenced parks are huge attractions for Mums, not a deterrent – can we please have a fence erected on the other side of the reserve? Would be great for the safety of families and children using the park, who are clearly the target users of this park. Rumours are going through the community that Council is opposed to putting up another fence as it makes it less inviting, however, as a mother of 2 children I can confirm a fence does not deter me from entering a part in fact fencing is a safety feature.*
- *Would use more often if fully fenced. Unsafe for toddlers and animal can leave their mess in the playground other than that it is good. Fully fenced is essential for young families, especially those with more than one child. Please reconsider thank you.*

Response to fencing issues

Prior to the renewal, the playground was fully enclosed and was being increasingly used by dogs off leash. This was creating conflict between dogs and playground users within a very small area.

Further, as the playground is directly adjacent the Scout hall there was some confusion from within the community as to if the playground was located on private property owned by the Scouts. Removing the fence has assisted defining the space as a community space.

The new playground incorporates the following measures to address issues raised by the community during the design development process:

- the fence to the carpark was retained as a barrier
- the playground equipment was located in the southern part of the reserve, close to the fence, furthest away from Alison Avenue
- a vegetation buffer was placed adjacent to Allison Avenue to providing a defined boundary to the park
- the shelter and picnic setting located close to Alison Avenue allows parents to supervise their children in a position where they can prevent them leaving the playground

Renaming Sixth Avenue Community Engagement Feedback outcomes June 2018



Attachment 1

Full summary of comments relating to feedback IN SUPPORT of name change

- *Joan was an excellent councillor for our area. Great idea to rename.*
- *100% support*
- *Her tireless work and passion is enough reason*
- *If it is to be named she's probably the most appropriate*
- *I think it is a nice thing to do*
- *I think it is a wonderful idea to rename the reserve*
- *Any open reserve is a good thing to have for the community*
- *She lived across the road from the park. Didn't know what was going on as the Messenger newspaper was stopped to save money. That was smart, no news on what's going on.*
- *We did not know Joan but it certainly sounds like she is well deserving of this honour.*
- *We knew Joan and know she worked hard for the Council*
- *Terrific lady*
- *Joan always worked hard for Ward a great councillor and lived adjacent to the reserve*
- *Fabulous way to recognise the contribution*
- *Magnificent woman - she sounds amazing*
- *Just do it*
- *Anyone who fights for green space is worthy of recognition. We need all the green space we can get.*
- *Many years ago at a meeting Cr Herraman wanted the park sold for housing we are some of the oldest residence of Alison St - 66 years*
- *Thank you for the lovely playground my granddaughter just loves it - calls it Nanna's park because it's on my street.*
- *Great to recognise people in the local community. Sixth Av reserve doesn't seem a special name*
- *Nice to recognise Joan*
- *I think it is a great way to honour her in this way*
- *Happy to support the change of name*
- *As a neighbour of Joan's I think she would have liked the lawn area to be kept better than it is now*
- *Joan Herraman reserve - where is it you may ask? Sixth Avenue Reserve!*
- *I haven't seen this playground but my granddaughter love the playground at Edwardstown Oval - Very impressed with the design - Thank you.*
- *I respect Joan Herraman and agree with the renaming of Sixth Avenue reserve*
- *good plan and layout*
- *She sounds like she was one decent councillor who did things for ratepayers, good on her. Not like today's selfish money grabbing jerks*
- *great gesture*
- *Joan was the only one who saw the problem I had with late neighbours bees and flies*
- *It doesn't bother me but Sixth Av is a pretty boring name*
- *We are well aware how hard Joan worked for the above and the ward in general*
- *Sounds like she did a great job for the community*
- *Both Sixth Av and Joan Herraman are great names for the park but if it was linked well to Joan, then Yes*
- *Thank you for spending money on this beautiful park my grandchildren and I love it*

Renaming Sixth Avenue Community Engagement Feedback outcomes June 2018



- *I think it will be an appropriate name*
- *Great way to recognise a passionate and giving local resident/family*
- *Excellent choice*
- *A much better reason for name of reserve*
- *well deserved*
- *well deserved honour*
- *great idea*
- *Wonderful idea to honour her this way*
- *The new name has to be better than the other one*
- *sounds like a fitting tribute to a deserving person*
- *very good idea*
- *Great idea Joan was a hard working councillor*
- *Joan was a wonderful friend, neighbour and council rep for us all in the area*
- *A passionate lady*
- *Been a ratepayer for 60 years - great idea*
- *Good thinking. Joan lived opposite the reserve so it is very appropriate to top off the honour she deserves*
- *Great idea*

Renaming Sixth Avenue Community Engagement Feedback outcomes June 2018



Full summary of comments relating to feedback NOT IN SUPPORT of name change

- *The playground with the street name is easier to be identified.*
- *This person has been awarded far too many times for doing what she was meant to do. There are far more deserving people. What about Norman Sasche who was a survivor of the Changi prison WWII? He created a water purifier that saved many POW. What recognition does he get for example? This proposal is just bureaucrats promoting each other. Not impressed.*
- *Waste of my taxpayer money*
- *I have always known it as Sixth Av Reserve and would like it remain a Sixth Av Reserve.*
- *Leave it as it is - let it remain as Sixth Av*
- *We would prefer that the name stays at Sixth Av Reserve*
- *As long as the name not costing a fortune*
- *Disagree - should have a trendy name like 6th Avenue Reserve or APS reserve*
- *Too hard to remember the name and always call it the Sixth Avenue playground, maybe a plaque on a seat in her honour or a tree planting ceremony?*
- *The reserve should bear the name of someone who had strong links to the area*

Community Emergency Management Plan

Originating Officer	Acting Manager Corporate Governance - Sherie Walczak
Corporate Manager	Acting Manager Corporate Governance - Sherie Walczak
General Manager	Acting General Manager Corporate Services - Kate McKenzie
Report Reference	GC180424R07

REPORT OBJECTIVE

The objective of this report is to present the draft Community Emergency Management Plan (CEMP) to Council for endorsement.

EXECUTIVE SUMMARY

The CEMP is part of the City of Marion's Emergency Management documents and works in conjunction with the Business Continuity Plan and Workplace Emergency Management Plans. The CEMP provides the Council and community with guidance regarding how to prevent, prepare, respond and recover if and when an emergency occurs.

RECOMMENDATION

That Council;

1. Endorse the draft Community Emergency Management Plan.

GENERAL ANALYSIS

In 2016, changes to the Emergency Management Act 2004 resulted in a revised State Emergency Management Plan (SEMP). The Local Government Association (LGA) was extensively involved in the review, which resulted in:

- The role of local government defined in the SEMP.
- Local government recognition as a Functional Support Group (LGFSG) in its own right.
- The LGA will represent the LGFSG at the State Emergency Centre.
- The LGA sought National Disaster Resilience Program funding to develop a template CEMP for implementation across Councils.

Interpretation of the role of local government, as described in the Act and the SEMP, rests with individual councils in that they retain autonomy to determine the resources they allocate to emergency management subject to the emergency hazards within their local area, available funding and the overarching obligations of the *Local Government Act 1999*. Individual councils' approach would generally be documented and communicated through a CEMP. The interpretation of the Act and SEMP by other councils should be observed, as this may create expectations that exceed our resources and capability. To assist councils, the LGA released a template CEMP that councils can use in the development of their CEMP.

DISCUSSION

The LGA's template CEMP, based on the Prevention, Preparation, Response Recovery (PPRR) model, was utilised as the base for developing the City of Marion CEMP. The document was reviewed, formatted in alignment with City of Marion design guidelines, and circulated for consultation with input from key stakeholders, which included:

- | | |
|--------------------------------|-------------------------|
| - Civil Services / Engineering | - Finance |
| - Communications | - HR |
| - Community Wellbeing | - ICT |
| - Community Safety | - Open Space Operations |
| - Development Services | - Operational Support |
| - Environmental Sustainability | - Records |

The draft City of Marion CEMP was submitted to the Finance and Audit Committee at its meeting on 29 May 2018 (FAC290518R7.10) where they noted that it is a thorough document. They suggested that it would be good to promote the CEMP through social media or potentially via the rates notices mail out.

The draft City of Marion CEMP is a high level document created to provide assurance to Hazard Leaders, Control Agencies, Council and the community. It is complementary to the City of Marion Business Continuity Plan (BCP), which provides the practical details of our operational responses in the event of an emergency.

The following tasks are planned as next step aimed to aid the implementation of the CEMP;

- Development of a Training Needs Analysis for all roles with responsibilities outlined in the CEMP and BCP.
- Provision of training as outlined in the Training Needs Analysis.
- Promotion of the CEMP to the community.
- Facilitation of a collaborative exercise with representation from the Department of Human Services (State Recovery Office), State Emergency Service, SA Police, the Defence Force, the City of Marion and its three adjoining councils, City of Onkaparinga, City of Holdfast Bay and City of Mitcham.

Attachment

#	Attachment	Type
1	Appendix 1 - Community Emergency Management Plan	PDF File

APPENDIX A

COMMUNITY EMERGENCY MANAGEMENT PLAN



PREVENTION | PREPAREDNESS | RESPONSE | RECOVERY



Document Particulars

This Community Emergency Management Plan (the Plan) is part of a suite of emergency management documents implemented by the City of Marion and should be referenced in conjunction with the City of Marion's Business Continuity Plan and Workplace Emergency Management Plans.

Acknowledgement

The City of Marion acknowledges significant parts of this Plan have been based on the Council Emergency Management Plan template produced by the Local Government Association in conjunction with the Commonwealth Attorney General's Department, SA Fire & Emergency Services Commission, Local Government Research and Development Scheme, State Emergency Service, Primary Industries & Regions SA, City of Tea Tree Gully, The Barossa Council, City of Playford, City of Charles Sturt, Adelaide Hills Council, Berri Barmera Council, City of Onkaparinga and Clare & Gilbert Valleys Council.

Document Control:

Document Owner: Risk Management Unit
Version: 1.0
Endorsed by: Council
Endorsement Date: TBA

Review and Test Process

This Plan will be formally reviewed every 4 years (once per Council term). Informal interim reviews may be undertaken as required to incorporate changes to legislation, staffing or as a result of report findings following incidents and/or exercises.

Version	Date	Summary of changes	Revision approved by

Document Location

This Plan will be available on the City of Marion website and its intranet site as well as manual copies which will guide City of Marion's staff in the management of a community emergency event.

Manual Copy	Responsibility of
1 of 10	Chief Executive Officer
2 of 10	General Manager City Development
3 of 10	General Manager Corporate Services
4 of 10	General Manager City Services
5 of 10	Manager Corporate Governance
6 of 10	Unit Manager Risk
7 of 10	Unit Manager Community Health & Safety
8 of 10	Unit Manager Community Wellbeing
9 of 10	Unit Manager Operational Support
10 of 10	Unit Manager Libraries

Executive Summary

Emergency events can occur at any time with little warning, rapidly spread over designated boundaries and cause diverse and widespread impacts across affected communities.

The City of Marion can help to minimise these threats and contribute to the safety and wellbeing of its community by participating in local emergency management alongside neighbouring councils.

The State Emergency Management Plan (SEMP) articulates the roles and responsibilities that Local Government may play in the local emergency management planning and preparedness. These include ensuring all requisite local emergency management planning and preparedness measures are undertaken.

The City of Marion Community Emergency Management Plan (CEMP) forms part of Council's commitment to emergency management planning and ensures that Council has a coordinated and planned response to emergencies.

Emergency Management hazards outlined in the CEMP have been sourced from the Southern Adelaide Zone Emergency Management Plan (ZEMP) and have been risk assessed using the principles outlined in the City of Marion Risk Management Policy and Framework through consultation with identified key internal and external stakeholders. It considers these hazards across a scale of minor incidents to major emergencies including:

- Animal and Plant Disease
- Earthquake
- Escape of Hazardous Materials
- Extreme Weather
- Flood
- Human Disease
- Rural Fire
- Terrorism
- Urban Fire

This CEMP contains strategic information relevant to local government. It follows the structure of the SEM and contains information and actions relevant to Council across the spectrum of prevention, preparedness, response and recovery.

It closely aligns with Council's Business Continuity Plan (BCP) which is an operational document that contains processes templates and forms which can be used in the response phase of an emergency. A major component of the BCP is the development of Council's Incident Management Team (IMT) comprised of capable and trained employees who have the knowledge and capacity to make strategic decisions in the best interest of the community in the event of an emergency incident.

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Introduction

Purpose

The CEMP provides a mechanism for the management of risks associated with emergency management in the context of Council as a community leader and in satisfying functions of Local Government under the Local Government Act 1999 and other South Australian legislation pertinent to emergency management. The CEMP provides the strategic policy and procedural framework for emergency management to meet the community safety objectives of the Marion community.

The purpose of the CEMP is to establish Council's role in the event of an emergency that could occur within the boundaries of, or impacts upon, the City of Marion.

The objectives of CEMP are to:

- Establish the City of Marion's commitment to emergency management with an aim to provide assurance to the Community
- Fulfil the City of Marion's roles and responsibilities as defined in the State Emergency Management Plan (SEMP)
- Assist Council to better support their community by identifying risks, preparing and planning for these risks and improving the efficiency and effectiveness of response and recovery arrangements when incidents do occur
- Provide guidance to Council staff on their roles and responsibilities in emergency management
- Provide a framework for Council to operate when responding to incidents of different natures and scales
- Manage arrangements for the provision of Council resources to support the emergency services
- Enable a coordinated response to an emergency by supporting broader state emergency management arrangements

This plan follows the principles of emergency management known as prevention, preparedness, response and recovery (PPRR) and is structured to replicate the SEMP.

In the *Emergency Management Act 2004*, PPRR are defined as:

Prevention

In relation to an emergency, means measures taken to eliminate or reduce the incidence or severity of the emergency.

Preparedness

In relation to an emergency, preparedness means arrangements made to ensure that, should an emergency occur, the resources and services needed to cope with the effect of the emergency can be mobilised and deployed efficiently.

Response

Any measures taken in anticipation of, during or immediately after an emergency to ensure that the effect of the emergency is minimised and that affected individuals are given immediate relief and support.

Recovery

The conduct of any measures (such as human, economic and environmental measures) taken during or after an emergency, being measures necessary to assist the re-establishment of the normal (or new normal) pattern of life of individuals, families and communities affected by the emergency.

Council Profile

The City of Marion is one of the state's larger metropolitan councils covering an area of about 55 km sq. and is located 10 km south of Adelaide stretching from the Glenelg tramline in Glandore to the coastal suburb of Hallett Cove. The area is diverse in population and features a variety of housing, transport links and animals, which are outlined in Appendix A:

Relevant legislation

Under Australia's constitutional agreements, state and territory governments have responsibility for emergency management within their jurisdictions. South Australia has various legislation in place to fulfil this responsibility, these are outlined in Appendix B:

State Emergency Management Governance structures

The main committees and structures involved in the planning and response and recovery stages of emergency management are described below and further illustrated in Figure 1.

Strategic

Emergency Management Council (EMC)

EMC is a committee of Cabinet, chaired by the Premier.

State Emergency Management Committee (SEMC)

SEMC is a committee which oversees emergency Management planning in SA and is chaired by the Department of Premier and Cabinet. The SEMC is supported by four advisory groups: mitigation, response, recovery and public information and warnings.

State Recovery Committee

Oversees planning and capacity development and coordinates recovery operations across government as well as non-government organisations and local government. It is chaired by the Department of Communities and Social Inclusion and has both a strategic and operational role.

Hazard Leader

The agency which has the knowledge, expertise and resources to lead planning for the preparedness, response and recovery associated with specific hazards as outlined in Appendix C.

Operational

State Emergency Centre (SEC)

Operated and supported by the SA Police, the SEC brings together all relevant agencies and support staff to coordinate a state level response.

Control Agency

Takes charge of the emergency and provides leadership to all other agencies responding to an emergency. A Control Agency is allocated to each type of hazard.

Support Agency

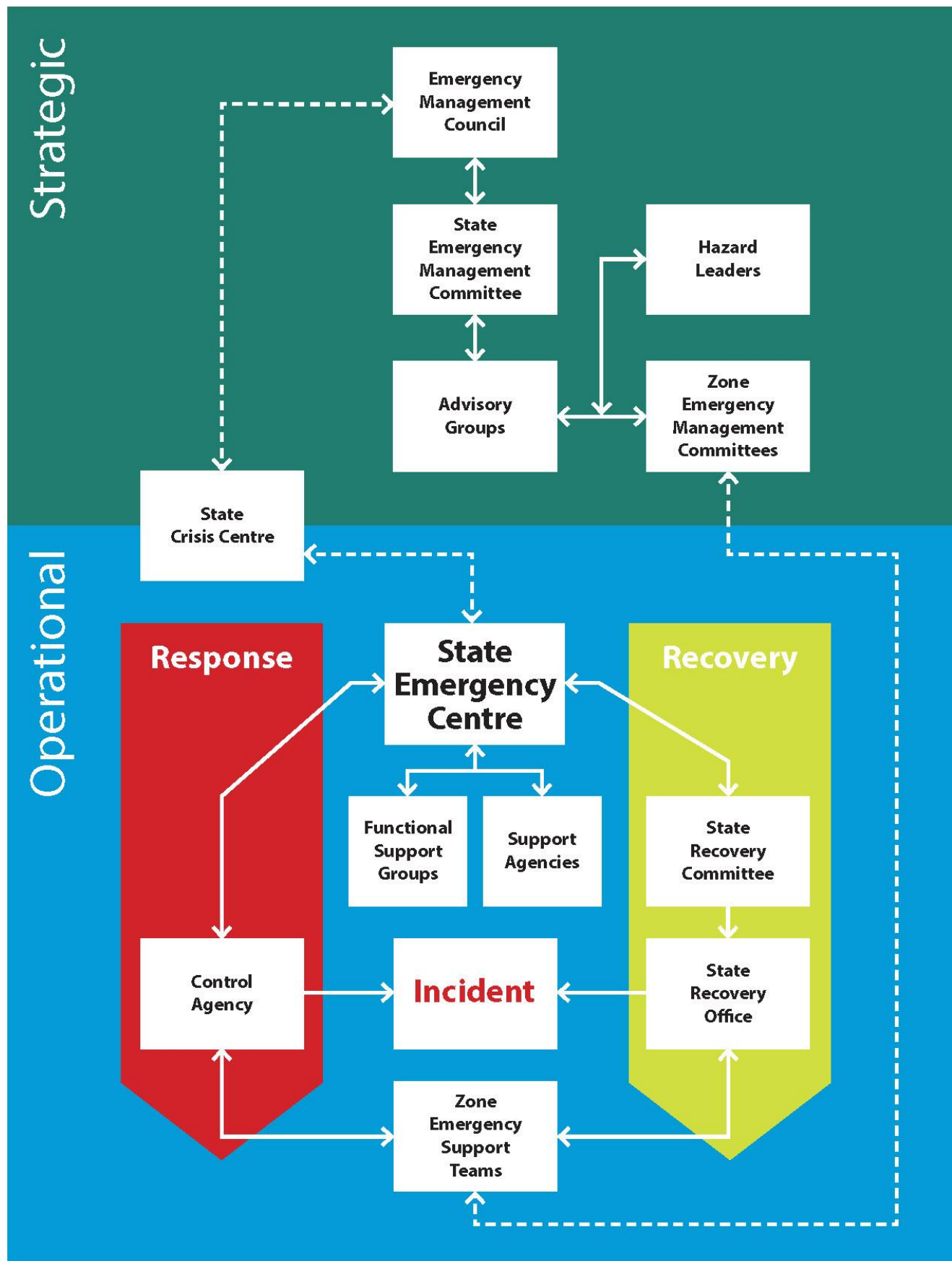
When a Control Agency is not the designated lead for a particular emergency, they are referred to as a Support Agency and provide support to the Control Agency.

Functional Support Groups (FSG)

A group of participating agencies (government and non-government) that perform a functional role to support response and recovery operations. Each FSG has a nominated lead agency.

The following Functional Support Groups operate from the State Emergency Centre:

- Ambulance and First Aid
- Defence
- Emergency Relief
- Engineering
- Government Radio Network
- Local Government
- Logistics
- Mapping Support
- Public information

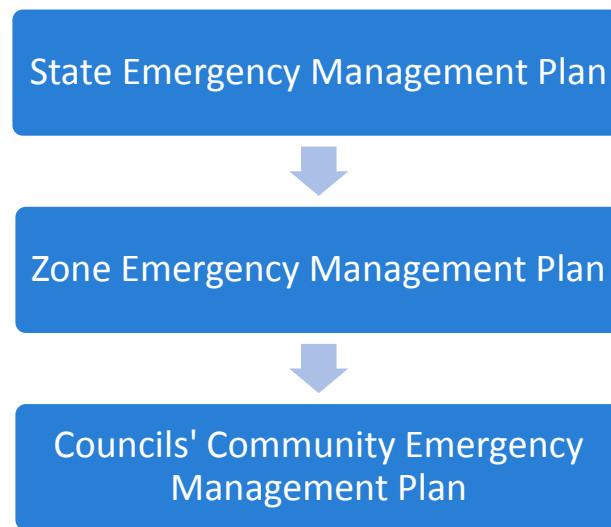
Figure 1. Emergency Management committees and structures in SA

Source: State Emergency Management Plan Part 2 - Arrangements

Emergency Management Plans

The hierarchy of key strategic emergency management plans in South Australia are illustrated in Figure 2 below:

Figure 2. Key Emergency Management Plans in SA



State Emergency Management Plan

The SEMP and supporting documents outline roles and responsibilities for emergency management at a state level across the spectrum of PPRR including:

- Outlining the responsibilities, authorities and the mechanisms to prevent, or if they occur manage, and recover from incidents and disasters within South Australia
- Identifying and documenting structures and committees to support emergency management
- Documenting the State Hazards and listing Hazard Leaders and Control Agencies specific to each hazard (refer Appendix C).

There is no provision within the LG Act which expressly mandates that councils must comply with the SEMP. However, the SEMP references section 7(d) of the LG Act with respect to councils giving due weight in their plans, policies and activities to the SEMP. The principles set out in section 8 of the LG Act are matters which a council must act to observe and uphold in the performance of its roles and functions. However, there is a degree of discretion available to a council in the application of this section.

Zone Emergency Management Plans

The Southern Adelaide Zone Emergency Management Plan focuses on the key hazards and emergency management arrangements within the Southern Adelaide Emergency Management Zone. These documents identify and prioritise the risks at the Zone level and the treatments available to mitigate these risks.

Council Emergency Management Plan

This document is the Community Emergency Management Plan for the City of Marion. The purpose of this Plan is to identify hazards in the council area and document the emergency management arrangements, including key roles and responsibilities of Council, across the PPRR spectrum.

Local government

Local Government Functional Support Group

The Local Government Functional Support Group (LGFSG) is established under the SEMP and is responsible for coordinating the response from local government during an emergency. The LGFSG provides trained personnel to attend the State Emergency Centre and operational centres including State Control Centres.

The LGFSG is led by the Local Government Association (LGA) with participation from Local Government Organisations. Local Government Organisation in this context refers to the LGA SA, the 68 councils, regional LGAs and the LGA Schemes.

Zone Emergency Management Committee

For the purpose of emergency management, South Australia is divided into 11 Emergency Management Zones based on the South Australian Government Regions. Each of these regions has a Zone Emergency Management Committee (ZEMC). The City of Marion is a member of the Southern Adelaide Zone Emergency Management Committee along with:

- City of Onkaparinga
- City of Mitcham
- City of Holdfast Bay

The ZEMC is a strategic committee responsible for risk management, planning and implementation of zone-level actions to build resilience and support state emergency management arrangements.

The ZEMC ensures emergency risk assessments, consistent with the National Emergency Risk Assessment Guidelines (NERAG) are conducted for priority risks, contributes to the development of risk treatment options, monitors implementation of risk treatments via Hazard Leaders and relevant treatment plans and develops a Zone Emergency Management Plan (ZEMP) and other plans.

Zone Emergency Support Team

A Zone Emergency Support Team (ZEST) operates within each Emergency Management Zone. The ZEST brings together agencies and support staff to support the resolution of an emergency by providing coordination of resources to support the Control Agency.

The ZEST is coordinated by the South Australian Police (SAPOL). Any agency can request the activation of the ZEST but the decision to activate rests with the Control Agency. The ZEST may operate from a pre-planned facility as identified in the ZEST Operations Manual, a Control Agency's Incident Management Team location or any other suitable location. Council participation in the ZEST during an incident will generally fall within the operations of the LGFSG.

Prevention

Prevention measures aim to prevent hazards from developing into emergencies, or to reduce the effects of emergencies and to increase the resilience of the community.

Standard council mitigation activities

Councils undertake many activities as part of normal service delivery to their communities. These often have the added benefit of risk mitigation. Some of these activities include:

- Land-use planning
- Public health measures, including immunisation
- Food safety, including proactively inspecting food businesses
- Bushfire Management Planning
- Land management
- Other environmental management such as dealing with stormwater pollution
- Tree management
- Road, traffic and parking management
- Stormwater infrastructure maintenance
- Vegetation management
- Building safety

Development Control/Planning

In assessing development applications for Development Plan consent, Council's planning department must consider the appropriateness of the use/built form with respect to the established Development Plan policies. In assessing development applications for Building Rules consent, Council's building department must consider the appropriateness of the use/built form against the National Construction Code and other established standards.

Responsible land use planning can reduce the likelihood of hazards impacting the community. Building standards can mitigate the loss of life as well as damage to and/or destruction of property and infrastructure. There is no guarantee that the design conditions will not be exceeded during the lifetime of the structure.

Bushfire Management and Prevention

Councils undertake inspections of private and council land pursuant to the *Fire and Emergency Services Act 2005*:

- To prevent or inhibit the outbreak of fire on the land
- To prevent or inhibit the spread of fire through the land
- To protect property on the land from fire
- To minimise the threat to human life from a fire on the land.

Bushfire Management Area Plans (BMAP) are produced by the Country Fire Service for the nine Bushfire Management Areas (BMA) in the state. The City of Marion is within the Adelaide and Mount Lofty Ranges area. The other areas are; Fleurieu; Flinders, Mid North and Yorke Peninsula; Kangaroo Island; Limestone Coast; Lower Eyre Peninsula; Murray Mallee; Outback and Upper Eyre Peninsula.

Councils have representation on the Adelaide and Mount Lofty Ranges Bushfire Management Committee and have input to the planning process. The BMAPs outline bushfire risks and identify strategies and actions to mitigate the risk of bushfire in the BMAs. These plans are accessible from the SA CFS website.

The City of Marion has a Fire Prevention Officer function which annually inspects all vacant land within the City of Marion to assess the extent of fire hazards and to take enforcement action to require owners to take action to prevent fire. The City of Marion has six Authorised Officers under the F&ES Act.

Flood Mitigation

As a result of increasing demands on Council to install more infrastructure to improve the amenity and environment and reduce the risk of flooding, it became essential to rationalise the expenditure and therefore prioritise the provision of drainage works. To achieve this prioritisation, a Priority Matrix for Drainage was developed and approved by Council on the 28 June 2011. [The Priority Matrix for Drainage is reviewed and updated annually.](#)

The Drainage Matrix is considered to be a high level planning tool that allows Council to plan and manage its Capital Drainage Infrastructure Program. At the time, it was developed to align with the City of Marion's Strategic Plan 2008–2020, the Business Excellence Framework and the Asset Management Plan.

Applying a multi-level process (involving factors within categories such as social/political, economic, environmental and technical issues/conditions), has ensured that over the last 5 years Council has installed drainage systems that meet community requirements and expectations, while prioritising and reducing the flood risk to private property.

Tree and Vegetation Management

Open Space Operations perform reactive and proactive tree management throughout the City. Tree issues raised by customer request are assessed by a qualified arborist and an industry accepted risk assessment is used to determine what actions are required to maintain the tree in best possible condition and representing an acceptable risk. Proactive tree management is carried out on all street trees over a three year cycle. A street tree pruning specification is followed to address all maintenance requirements of street trees.

A reserve tree risk audit is carried out to address tree risk in Council's 300 reserves throughout the city. A qualified arborist carries out a walkover assessment auditing trees that represent higher risk and a maintenance schedule to address this risk follows. This is an ongoing project that aims to control tree risk in reserves.

Preparedness

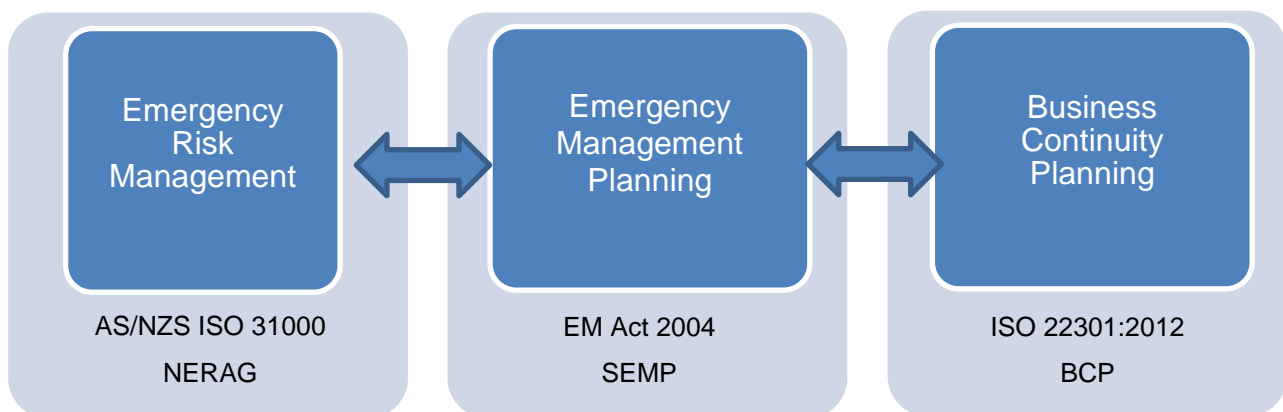
'Preparedness' are the arrangements made to ensure that, should an emergency occur, the resources and services needed to cope with the effect of the emergency can be mobilised and deployed efficiently.

The development of this Plan contributes to Council's emergency preparedness.

Planning and Risk Assessment

Council undertakes a variety of planning activities in order to manage risks and emergencies. These are categorised in three overlapping areas as outlined in Figure 3:

Figure 3. Key Emergency Management Plans in SA



These overlapping areas are further explored in detail below.

Emergency Risk Management

Emergency Risk Management (ERM) is a process that involves identifying and managing risks to the community from emergency events. Risk treatments can span across prevention and preparedness as well as response and recovery. Council is a key stakeholder in the ERM process because it is usually the first point of support for affected communities.

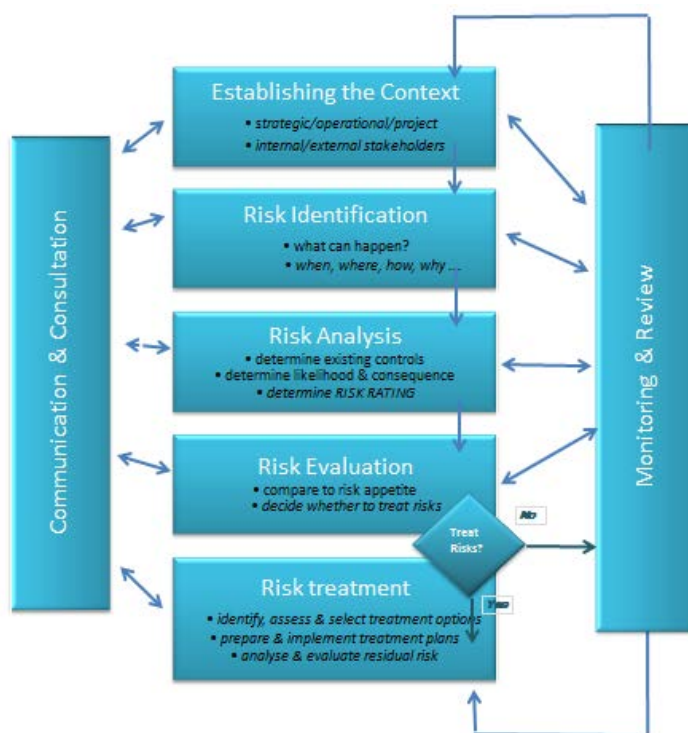
The ERM process spans the following activities of establishing the scope, risk identification, analysis, evaluation and risk treatment, shown in the below figure:

The CEMP has been developed with consideration of the following principles and methodology:

AS/NZS ISO 31000:2009 Risk Management Standard

The AS/NZS ISO 31000:2009 Risk Management Standard provides for risk management processes which involve the exploration of realistic scenarios relating to the hazard of interest and involves ongoing communication, consultation, monitoring and review.

The ERM process spans the following activities of establishing the scope, risk identification, analysis, evaluation and risk treatments as shown in Figure 4.

Figure 4. Key Emergency Management Plans in SA

National Emergency Risk Assessment Guidelines

The National Emergency Risk Assessment Guidelines (NERAG) provides a contextualised emergency risk assessment methodology consistent with the AS/NZS 13000:2009. This method has been developed for assessing emergency risks arising from any hazard and can be applied at local, regional, state/territory and national levels. NERAG focuses on the 'All-Hazards' approach.

South Australian Emergency Risk Management Guide

The South Australian Emergency Risk Management Guide provides a guide to assist councils to facilitate an All-Hazards risk management process consistent with NERAG to identify priority risks for their council area. It is based on both the NERAG and AS/NZS 13000:2009, providing the methodology for council-based risk assessments. Risk Assessments are an important part of the risk management process and inform the development of emergency risk management plans.

Risk Assessments

The Southern Adelaide Zone Emergency Management Committee has undertaken risk assessments using the NERAG methodology as part of the Zone Emergency Risk Management Program. This has provided information on priority risks to the Zone. Details of these risk assessments and the treatment options available to reduce the risk are provided in the Zone Emergency Management Plan (ZEMP) available on the Emergency Management page on City of Marion website.

Priority Hazards

During the above Risk Assessment process, the Southern Adelaide ZEMC considered the nine state hazards identified in the SEMP and identified four prioritised hazards for the zone, these being:

- Extreme Weather
- Flood
- Earthquake
- Rural Fire

City of Marion Resources

Insurance

The City of Marion is insured by the Local Government Association Mutual Liability Scheme and Local Government Association Asset Mutual Fund.

City of Marion's current insurance arrangements provide cover for council owned bridges, buildings, contents and site improvement including playgrounds and reserve improvements. Insurance does not cover road infrastructure or drainage infrastructure.

Support Systems

City of Marion has a number of supporting policies, plans, resources and processes that form part of its emergency management strategies:

- i-Responda
- Emergency Management Contact Officer
- Local Government Functional Support Group
- Community education
- Flood Mapping
- Workplace Emergency Management Plans
- Business Continuity Plan
- Heat Relief Action Plan

i-Responda

The i-Responda program has been developed by the LGA to assist councils in the planning and implementation of their response to emergency events. The key principle behind the program is *Ordinary Operations in Extraordinary Situations*. This is designed to ensure that Council staff can participate safely in emergency management and that risks to Council and City of Marion staff are appropriately managed. This program integrates with Council's existing risk management and work, health and safety (WHS) systems.

The i-Responda program can be used across all types of emergencies. Training for specific hazards has also been developed as part of this program, e.g. bushfire safety, working on the fire ground and flood and storm awareness modules. This training together with the Joint Operating Guidelines (JOG's), developed by the LGFSG, support Council staff in staying safe when providing support to emergency services during local incidents as well as those further afield.

The City of Marion has implemented the i-Responda program to ensure the CEO, Local Government Functional Support Group Representative, Emergency Management Contact Officer, Council Commander, managers and workers are equipped with information and tools that will enable a confident response to requests for Council to provide support in emergencies.

Council is committed to the support Emergency Management requirements requested through the Local Government Functional Support Group and pre-identified relevant staff and equipment that may be made available upon request.

Council recognises the importance of ensuring that its workers are only involved in types of emergency work that is appropriate to their level of skill and training. Appropriate staff, pre-approved to provide support outlined within the CEMP, are identified on the i-Responda Personnel Register. Required training will be identified, provided and recorded in Council's training database.

Council equipment, identified on the i-Responda Equipment Register, is pre-approved to be provided for support outlined within the CEMP. These will be provisioned through a request from the LGFSG to the Council Commander.

Emergency Management Contact Officer

Council has nominated a primary point of contact for emergency management outside of an emergency, the Emergency Management Contact Officer (EMCO). This role is the Unit Manager Risk,

as this role is non-operational and will ensure consistent communication on non-urgent emergency management matters. Should the Unit Manager Risk be absent, this role will be covered by the Risk Coordinator.

Local Government Functional Support Group

Council has nominated two LGFSG Representatives to demonstrate its commitment to Emergency Management within the City of Marion boundaries, across the Southern Adelaide Zone and throughout all local government areas of South Australia. The Manager Corporate Governance and the Unit Manager Risk have been nominated to the LGFSG.

This LGFSG provide a database to record the contact details and information about resources for ease of contact and coordination of resource sharing across council boundaries during an incident. The EMCO is responsible for updating this information quarterly, in line with ZEMC meetings.

Community Education

Council recognises the importance of ensuring the community is aware of ways of mitigating the adverse effects of emergency events. Council's website provides the community with general information regarding emergency management and provides links to the websites of relevant hazard leaders and control agencies.

City of Marion, through its neighbourhood centres and libraries, provides both community engagement and community education programs. Where relevant and when funding is available, these courses and programs aim to build community resilience, through skill development, knowledge and confidence in community members to better support them during times of emergency and recovery.

In addition, the City of Marion Administration Building on Sturt Road carries a range of educational brochures and leaflets providing key community safety information relative to community emergency events including extreme heat, storm or flood.

Flood Mapping

Flood mapping has been undertaken for the Hallett Cove creeks catchment and the catchment west of the Sturt River. The flood mapping data is available on Council's GIS system and Council website.

Workplace Emergency Management Plans

Council's Workplace Emergency Management Plans provide an emergency control framework and incident response guide with the intention of preventing injury to workers, visitors and immediate neighbours, including damage to premises for localised (site-contained) emergency situations.

Business Continuity Plan

Council's Business Continuity Plan (BCP) is a whole of business approach to ensure critical strategic, operational and project functions can be maintained and/or restored as a result of an event resulting in disruption to business. The purpose of this Plan is to build organisational capabilities, through decisive and responsible actions and support the continued achievements of critical business objectives in the face of uncertainty or disruption. The plan acts as a guide for the organisation to respond, recover, resume and restore functions in a clear and transparent manner, to a pre-defined level of operation following a business interruption event, as a result, minimising any adverse consequences for usual business operations.

(Council invested in a diesel run generator at the Administration Building which ensures continuity of Council's critical systems and services for an extended period of time during a power outage). This generator will not power the whole building.

Heat Relief Action Plan

Council's Heat Relief Action Plan (HRAP) provides a preparatory framework and incident response guide. Its primary aim is to mitigate the effects of heat related stress to Council staff, volunteers, contractors and the broader community including its more vulnerable residents.

Emergency Management Planning

Command, Control and Coordination

The concepts of command, control and coordination are crucial to the understanding of emergency management. These are explained below:

- **Command** is the internal direction of resources in an agency to undertake tasks. Council resources and staff will be retained by the employing Council in an incident. Command operates vertically within an organisation.
- **Control** operates horizontally across agencies or organisations. The Control Agency is the agency who provides leadership to other agencies in the response phase of an incident. Control Agencies for emergencies in South Australia are determined by the nature of the emergency and identified in legislation and/or the SEMP (refer Appendix C).
- **Coordination** of response is the bringing together of organisations and other resources to support emergency management response. This role includes declaring a major incident or emergency and ensuring that if a declaration is made under the Act that the Emergency Management Council and the State Emergency Management Committee are provided with adequate information to undertake their roles and functions. Within South Australia, coordination for the incident is the responsibility of SAPOL.

Incident Management Systems

Incident management systems provide a common system for all responding agencies and personnel, enabling seamless integration of activities and resources for the effective and safe resolution of any emergency with the most common system being the Australasian Inter-Agency Incident Management System (AIIMS).

The principles of AIIMS are:

- **Flexibility** – the structure is adaptable dependant on the nature of the emergency
- **Management by objective** – a process of management where the Incident Controller in collaboration determines the desired outcomes
- **Functional management** – applied during emergencies at all levels this concept relates to grouping of similar responsibilities, tasks or resources
- **Unity of command** – there is one set of common objectives for everyone involved in response
- **Span of control** – relates to the number of tasks, groups or individuals that can be successfully managed by one individual

Councils should proactively manage local incidents and escalate to State agencies when it is apparent that a significant commitment of resources may be required to manage the incident.

Incident Classifications

Councils are often the first agencies to respond to a local incident and can often manage this type of incident without additional assistance. Other agencies will become involved if the incident escalates and becomes a broader emergency. The City of Marion has adopted the incident levels outlined in Figure 5 to describe the severity of an incident and the impact on its resources.

Figure 5. Incident Levels

INCIDENT LEVEL	DESCRIPTION & EXAMPLE
Incident Level 1	Council able to resolve incident within existing resources in a business as usual capacity Eg: low level flooding, mild storm damage, short period of extreme heat
Incident Level 2	The incident is more complex in size, resource or risk and Council is required to assign additional resources above business as usual Eg: widespread flooding, significant storm damage, prolonged localised power outage
Incident Level 3	The incident is unable to be managed using existing Council resources and external support is required: Eg: Statewide emergency, earthquake, terror attack, public health epidemic

It should be noted that in a large and complex incident where a multi-agency response is required, the City of Marion will need to adapt to changes in command and control structures and be aware of its role in state level structures including the LGFSG and the ZEST. These roles are documented in the LGFSG Plan and ZEST Operations Manual.

Incident Management Team

The Council has established an Incident Management Team (IMT) to manage emergency situations. The IMT is a flexible structure, with the number of staff and areas of expertise dependent on the scale and nature of the emergency.

The IMT is comprised of capable and trained employees who have extensive business, operational and corporate knowledge and have the capacity to make strategic decisions in the best interest of the community in the event of an emergency incident.

The IMT structure and responsibility statements for the identified functions within the IMT are outlined in the Business Continuity Plan.

Emergency Management Training

IMT staff

City of Marion staff attending the IMT, as outlined in the BCP, are provided training in emergency management principles, this CEMP, the BCP and will participate in regular CEMP/BCP exercises and/or simulations.

LGFSG Local Government Representative and Council Commander

These roles have specific training requirements which are identified by the LGFSG in the LGFSG Operations Manual. These roles will require knowledge of AIIMS, i-Responda, relevant EM legislation and responsibilities and capabilities of Local Government.

- **Local Government Liaison Officer;** responsible for the liaison and coordination of Local Government at an IMT, ZEST or a State Emergency/Command Centre (SEC/SCC) level. The City of Marion has appointed two officers to provide cover for this role; the IMT Coordinator and the IMT Council/Organisational Governance.
- **Local Government IMT Commander;** an operational role that is the primary point of contact for all emergency related matters. Councils doesn't employ a specific person for this role, but has nominated a person of sufficient authority, knowledge and experience from within existing staff. The City of Marion has appointed the IMT Member Operations to cover this role.

Response staff

City of Marion Operational staff who are identified to support the Emergency Management requirements of control agencies (CES/SES/SAPOL) requested through the Local Government Functional Support Group will be identified on the i-Responda Personnel Register which is provided as an appendix to the Business Continuity Plan. These staff will be required to undertake training in emergency management principles and the i-Responda framework with their training recorded in the organisation's training database.

Exercising

Benefits of testing the CEMP include:

- Determining its effectiveness of the plan
- Bringing together all the relevant stakeholders to promote knowledge of and confidence in the plan
- Providing an opportunity for testing stakeholder integration, operational procedures and skills in simulated emergency conditions
- Improving the plan in accordance with outcomes identified in post-exercise review

The plan should be exercised, annually in alignment with BCP exercises, which may include:

- Desktop exercises that include orientation, agency presentations and discussing responses to a hypothetical event
- Functional exercises which take place in an operational environment where participants are required to perform the functions of their emergency management role
- Field exercises involve the deployment of personnel to a simulated incident or emergency and can often follow a series of discussions or functional exercises

The exercise may be conducted and reviewed by a staff member or by an independent facilitator and/or panel of appropriately qualified people. The review will include a debrief process and recommendations for improving the plan.

Animal Emergency Management

Types of animals relevant to the City of Marion are outlined in the 'Council Profile' and typically include domestic pets including dogs, cats, birds with the addition of horses and minimal livestock such as sheep and goats on some properties.

The City of Marion has authorised Dog and Cat Management Officers who will assist the community to ensure the welfare of their animals, help prevent animals from becoming a health and safety hazard to the wider community and may dispose of deceased animals.

The City of Marion will promote that animal owners include their animals in their personal emergency plans and refer them to the Managing Animals in Emergencies SA Framework produced by Primary Industries and Regions SA (PIRSA) available at pirsa.sa.gov.au

Response

Response operations are any measures taken in anticipation of, during or immediately after an emergency to ensure that the effect of an emergency is minimised and that affected individuals are given immediate relief and support.

The City of Marion's Business Continuity Plan provides more detail on specific actions to be undertaken by the IMT in response to an emergency.

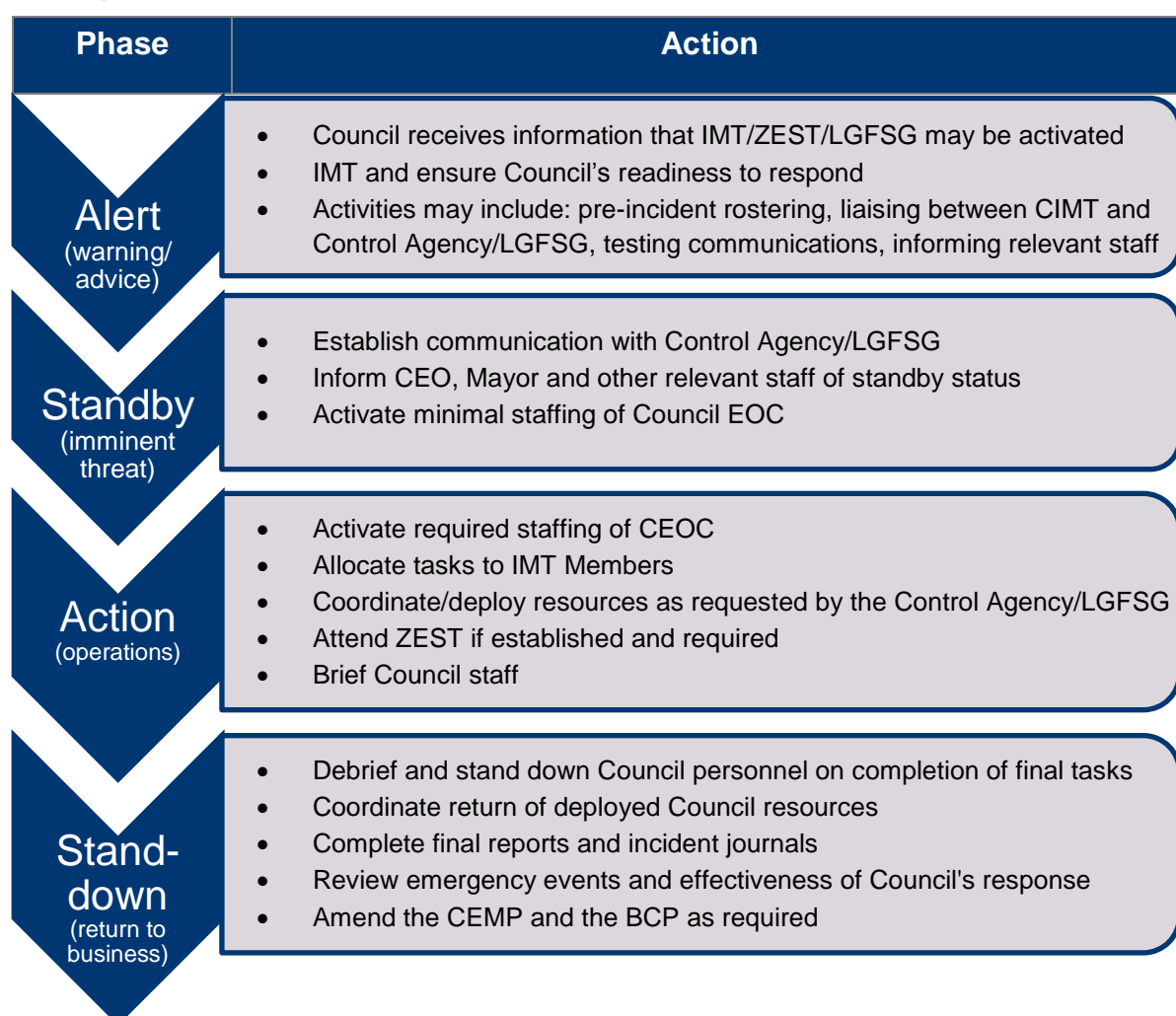
Incident Management Team activation

The IMT may be activated when the organisation has:

- Received advice from a Control Agency or the LGFSG that an emergency has or is about to occur
- Become aware of an incident within their jurisdiction that has the potential to become an emergency
- Been notified that an emergency in an adjoining area is likely to impact on the City of Marion
- Been requested to attend a ZEST activation

The process of activation of the Council IMT is outlined in Figure 6.

Figure 6. Response Phase Actions for IMT



City of Marion Emergency Operations Centre

The City of Marion may activate an 'Emergency Operations Centre' (EOC) to coordinate resources for response and recovery operations in an emergency. The resourcing and activation of this centre is the responsibility of the IMT Coordinator. Given the variable nature of emergency events, the following sites have been identified and prioritised as follows:

1. Governance Area, Level 1, Administration Building, 245 Sturt Road, STURT, 5047; or
2. Council Chambers, Ground Floor, Administration Building, 245 Sturt Road, STURT, 5047; or
3. City Services Depot, 935 Marion Road, MITCHELL PARK, 5046.

If these sites are unavailable or unsuitable for use, an alternative will be nominated by the IMT Leader.

The BCP contains specific operational information including template documents relevant to the establishment and operation of the EOC including the following:

Operational Functions

The main operational functions of the EOC may include, but are not limited to:

- Liaise with Control Agencies and other external agencies
- Coordinate and deploy resources to assist response and recovery
- Coordinate the provision of additional resources required to support operations
- Collect, process, interpret and distribute information and intelligence
- Provide communications facilities
- Carry out any other directions issued by the IMT

Staffing and Security

The EOC will be staffed by City of Marion staff with appropriate skills and training. Rostering of all personnel for duty in the EOC will be determined by the relevant IMT member, in accordance with appropriate work health and safety conditions. A roster template is available in the Council Emergency Operations Centre Manual.

The EOC will be a secure area with access restricted to staff with valid identification.

Record Keeping

City of Marion recognises the importance of maintaining appropriate records during an emergency event. Good record keeping practices are critical for:

- | | |
|--|--|
| • Substantiating decisions and actions | • Litigation and Court matters |
| • Cost recovery and reimbursement | • Coronial inquiries |
| • Insurance purposes | • Risk management |
| • Subsequent investigations | • Reviewing the performance of this plan |

All decisions made and actions taken during an emergency will be recorded in an incident log to ensure consistency and accuracy of the information. The incident log will remain active until the conclusion of the incident as determined by the IMT Leader. An incident log template is available in the BCP

Records related to emergency events will be managed in accordance with the City of Marion's Records and Information Management Policy which aligns with the General Disposal Schedule 20 (Local Government Records) and General Disposal Schedule 33 (Across-Government Emergency Management) and provides document retention provisions for government emergency management.

Administration and Finance

Financial Management

The cost to the organisation of providing emergency-related support is generally unbudgeted, as the timing, nature, scale and duration of such requirements are unpredictable.

The Control Agency will generally meet its own costs associated with responding to an emergency. If Council provides personnel, plant and/or equipment in response to an emergency, it may incur costs relating to:

- Staff (the scale and nature of the emergency will determine the number and type required)
- Plant and equipment
- Materials
- Repair of materials or sites used for emergency management purposes
- Disposal of rubbish and debris

Council may seek cost re-imbursement from the Control Agency post-event, discussions will occur direct with the Control Agency to determine the level of cost recovery being sought by Council. For this reason, it is very important that any expenditure in response to an emergency is separately recorded and allocated a separate budget line at the commencement of an incident. This will allow for the cost of this support to be readily identified and reimbursed as appropriate.

The IMT Member Operations is responsible for the provision of Council's limited supply of personnel, plant and/or equipment and materials. Wherever possible, normal council purchasing procedures are to be used for the acquisition and supply of goods and services.

The IMT Member Operations and IMT Member People are responsible for ensuring staff involved in the emergency operations are appropriately supported with breaks, catering and other requirements.

All Council Staff will be paid in accordance with Council policies and the relevant Enterprise Agreements, Awards and legislation.

Protocol around Sharing of Resources

Resources may be requested at any time during the response and recovery phases of an emergency and requests may come from a number of sources including:

- the Control Agency
- an impacted council
- the LGFSG
- members of the community, including community groups

The City of Marion is committed to provision of assistance, where possible, outside its boundaries in response to an emergency. All requests should be recorded using the template in the Business Continuity Plan.

Requests for assistance should be directed to the City of Marion Commander (IMT Member Operations).

When supporting another council or the Control Agency in an incident it is important to remember that:

- The City of Marion is supported by the LGA Mutual Liability Scheme, Workers Compensation Scheme and Asset Mutual Fund
- i-Responda principles of “*Ordinary Operations in Extraordinary Situations*” must remain in place

The provision of resources is based on the Ask, Assess, Arrange, Act principles.

- **Ask** – make sure you understand what is being requested
- **Assess** – understand the job and associated risks
- **Arrange** – internal and external operational details
- **Act** – mobilise resources

Communications

Internal communications

Communications within the IMT are crucial to ensure that all IMT members are aware of the current situation, actions being undertaken and objectives to achieve to resolve the emergency. During an emergency, communications within the IMT will include:

- Regular briefings
- Handover documents
- Situation reports

Templates for a number of these communication documents are provided in the BCP.

City of Marion staff not involved in the IMT may be involved with the situation via meetings, face-to-face briefings, email or other media as deemed appropriate by the IMT Member Communications.

Council Members

The IMT Council/Organisational Governance will be responsible for briefing the Mayor and Councillors to keep them informed regarding the emergency event including Council's role and responsibilities in response to the incident. The IMT Member Communications will provide support to the Mayor as the Council spokesperson.

Inter-agency Communications

Local Government Functional Support Group

The LGSFG is active and in standby mode at all times.

If the City of Marion becomes aware of information or warnings relating to any emergency within their jurisdiction, the Council Commander will contact the LGFSG State Duty Officer (SDO) by phoning 8120 1720. This number is available 24 hours per day, seven days a week.

When contacted, the SDO will determine the LGFSG Mode of Operation for the incident as based on the incident levels identified in the Local Government Functional Support Group Plan.

The SDO and City of Marion Commander will communicate throughout the incident to coordinate resources and share information.

ZEST and Control Agency

When a ZEST is activated, communication between City of Marion and the Control Agency will be through the LGFSG nominated LG Liaison Officer at the ZEST and the Commander at the relevant council.

Community Communications

Community Information

The provision of information to the public regarding an emergency is the responsibility of the Control Agency as identified in the SEMP- Annex C Public Information and Warnings.

The organisation recognises that their role is to strengthen and support these messages by timely sharing through existing channels and ensuring that relevant information is shared internally.

Any information released by the City of Marion will be in conjunction with key stakeholders and must be approved by the IMT and managed in accordance with Council's media policies/procedures to ensure accuracy and consistency. The City of Marion will only issue media statements that relate to the impact on their organisation. It will not comment on matters that fall within the jurisdiction of other agencies.

Public Warnings

The core principle of public information and warning is to ensure public safety as the highest priority, with the provision of public warnings the primary responsibility of the Control Agency. All agencies, including councils, can assist in amplifying the messages distributed from the Control Agency through their communication channels

The City of Marion is likely to receive numerous enquiries from members of the public during an emergency about current status and impacts. It is important that customer service staff receive recent updates from communications staff in the IMT so that they are able to communicate messages to the public clearly and effectively.

The EM Splash page may be used on the home page of Council's website to provide the community with direct links to Hazard Leader and Control Agency information on relief and recovery.

The City of Marion may also use social media posts at times to publish links to public warnings as issued by the Hazard Leaders and Control Agencies. Scripts may be useful for customer service staff to provide information to the public when responding to telephone calls. These scripts should include details of where to access additional information and any necessary public safety messages.

Emergency Relief Centres

An emergency relief centre is a temporary facility established to provide immediate support and essential needs to persons affected by an emergency. Housing SA is the agency responsible for establishing and managing emergency relief centres. Other organisations/agencies such as Red Cross, Salvation Army, churches, service clubs (e.g. Rotary, Lions), along with the City of Marion may be involved in the provision of community services at emergency relief centres. Services may include grants for temporary accommodation, counselling, personal support and financial assistance.

The organisation may be requested to provide facilities for the establishment of emergency relief centres. Facilities will need to be considered fit for purpose as identified by the recovery lead agency. In these circumstances, the City of Marion would not be responsible for the management of the emergency relief centre but may assist the Control Agency with staffing if they are able.

A number of suitable relief centres have been identified and this information provided to Housing SA. Housing SA, who in conjunction with the Control Agency, will determine the most suitable sites to establish relief centres.

Animal Relief

The City of Marion supports the use of its venues, when in use as nominated relief centres, for the assembly of people with animals during an emergency event, where appropriate, for domestic animals under the control of their owner.

Lost or wandering animals reported to the City of Marion will be collected by our Dog and Cat Management Officers and delivered to the owner if identified and located. If unable, and more appropriate given the emergency incident, it will be delivered to the Royal Society for the Prevention of Cruelty to Animals (RSPCA) shelter at Lonsdale, or alternate provider if required.

Disposal of deceased animals is the responsibility of the animal owner and the City of Marion provides a service where, if a deceased animal is found in a public place and the owner can be identified, the owner is contacted. However if the owner cannot be identified, the deceased animal is transported and held so the owner can later claim the animal. Unclaimed deceased animals are respectfully disposed of through an external provider experienced in dealing with animals.

The City of Marion will also (subject to availability of resources) support emergency-affected livestock owners who are overwhelmed or unable to manage disposal of large numbers of deceased livestock by assisting them with their request for services to PIRSA. All animal relief issues arising from an emergency that require management beyond the ability of the animal owner or Council will be referred to PIRSA.

Post Incident Debrief

As soon as practicable after an emergency operation, the IMT will coordinate the operational debrief/s with representatives from each involved City of Marion work area and any other external agency involved as the IMT considers appropriate. Sample questions for this debrief are included in the BCP.

Post Incident Evaluation

After significant events, it may be appropriate for the City of Marion to participate in a formal debrief or multiagency debrief. This should occur within a reasonable timeframe of the emergency event, optimally no more than a month later. The Post Incident Evaluation may follow a more structured process will involve the production of a written report. Recommendations arising from this review may result in a review of the CEMP, the BCP and any other relevant documentation.

Recovery

General

Recovery is the conduct of any measures (such as human, economic and environmental measures) taken during or after an emergency, being measures necessary to assist in the re-establishment of the typical pattern of life of individuals, families and communities affected by the emergency. An emergency is generally not considered over until the community has been recovered to the new situation.

There is no clear delineation between response and recovery operations with every recovery operation having different characteristics and timelines. Some phases which may be observed include:

- **Transition** – the period between response and recovery
(some immediate recovery measures are undertaken during this phase)
- **Initial** – focused on meeting immediate needs of individuals and restoring essential services
- **Short-term** – assist communities dealing with the aftermath of the emergency
- **Long-term** – restoring of the community to the 'new normal'

Recovery Management

Local government has an important role in community recovery due to its local level services and functions.

The four components of recovery as recognised in the State Recovery Plan are:

- **Social** – people, families and communities
- **Economic** – businesses, tourism, local economies and agriculture
- **Natural** – land management, air quality, natural heritage, culture, history and ecological conservation
- **Built environment** – public and commercial buildings, transport infrastructure, gas, electricity and fuels, water and wastewater infrastructure and essential services and other infrastructure

Recovery is a whole-of-government activity and involves cooperation with other agencies, community service organisations and the private sector to assist the community to achieve a proper and effective level of functioning following an emergency.

Recovery can be a traumatic time for the community and the City of Marion may be the first point of contact for many community members. In order to minimise this trauma, information (written and oral) needs to be available to staff to convey to the community. Information needs to be factual, timely and distributed through a range of communication channels to ensure accessibility.

As soon as the need for coordinated recovery is identified, it must be planned. The State Recovery Office provides management and administrative support to the assigned recovery leaders and coordinates the formal recovery process. Councils may have a role in this process as needed through the LGFSG, or independently. The City of Marion or LGFSG may liaise with the recovery lead agency to determine any special arrangements and immediate recovery requirements.

State Recovery Committee

The State Recovery Committee is chaired by the Department of Communities and Social Inclusion. It oversees recovery planning as well as coordinating recovery operations across government and non-government organisations.

Local Recovery Committee

To ensure recovery activities are locally driven and reflective of local needs, a Local Recovery Committee (LRC) may be established as soon as practicable following an emergency. The LRC will be supported by the State Recovery Committee and State Recovery Office and would include a range of local and state agencies. Council are a vital member of this group and will be expected to attend meetings and provide support to the LRC.

Depending on the scale of the event, public community meetings may also be held to provide and gather information on a range of issues.

Recovery Centres

A recovery centre may be established by the State Recovery Office to coordinate recovery following an emergency event. Recovery centres provide a 'one-stop-shop' for people affected by an emergency to seek support and assistance from recovery agencies.

Natural Disaster Relief and Recovery Arrangements (NDRRA)

In recognition of the significant cost of natural disasters, the Australian Government established the NDRRA to alleviate the financial burden on the states and to facilitate the early provision of assistance to disaster affected communities. Through the NDRRA, the Australian Government provides financial assistance directly to the states to assist them with costs associated with certain disaster relief and recovery assistance measures.

Local Government Disaster Recovery Assistance (LGDRRA)

The South Australian Government disaster assistance arrangements provide a mechanism to assist councils with managing the costs associated with disaster recovery following a natural disaster. An act of relief or recovery that is carried out by a council to alleviate damage arising as a direct result of a natural disaster may be eligible for financial assistance.

Disaster Recovery Guide for Councils

The LGA has developed a Disaster Recovery Guide for Councils. This guide is designed to help councils understand their role and contribution to recovery, consider recovery arrangements and build capability of their organisation, communities and recovery partners.

City of Marion Recovery Arrangement

In alignment with the LGA Disaster Recover Guide for Councils, the City of Marion has adopted the following recovery arrangements:

Council Staff

Identified staff have been trained to respond during emergency events however, involvement in emergency and recovery response can still have a significant impact on those who respond. Council staff can be impacted financially, physically and emotionally during an emergency event and it is important that their recovery is considered and planned for.

The City of Marion may support the recovery of impacted staff through the provision of:

- Leave from work or flexibility around working arrangements and hours;
- Employee Wellbeing Program (EAP); and
- Additional counselling services, where required.

Volunteer Management

Council recognises the vital role that volunteers can play in an emergency such as providing access to community resources and local knowledge and providing a link in the information chain between Council, emergency services agencies and the community.

Council also recognises the importance of effectively managing volunteers in order to ensure a coordinated and uniform approach. Poor management of volunteers can add confusion and create unnecessary work for agencies. Volunteers in emergencies are managed by Volunteering SA & NT.

The types of volunteers commonly involved following emergency events are:

- **Formal response volunteers** – mainly the CFS, SES and Red Cross. Volunteers of these agencies are well-organised and trained.
- **Council volunteers** – volunteers that are registered with Council and contribute to the provision of services to the community on an ongoing basis in a wide range of areas (e.g. library services, transport, aged care, community centres).
- **Specialist volunteers** – volunteers that are affiliated to and registered by specialist public and private organisations (e.g. Lions, Rotary, BlazeAid etc).
- **Spontaneous volunteers** – people who are not affiliated to or registered with any organisation but are motivated to assist in times of trouble, in particular following emergency events. Spontaneous volunteers can register with Volunteering SA & NT at their website: <https://www.volunteeringsa-nt.org.au>

Council has a number of registered volunteers who contribute to the delivery of services in the local community using their local knowledge, and a range of skills and abilities. These skills may be directly relevant or transferable to volunteer tasks commonly needed during the recovery phase.

Council maintains a database of its registered volunteers, which will allow volunteer staff to be appropriately matched to recovery tasks depending on their skills, knowledge and other relevant qualifications. Council volunteers will be managed in accordance with the Council's Volunteer Management Policy and associated procedures.

Donated Goods and Fundraising

The *National Guidelines for the Management of Donated Goods (Australian Government)* enables all levels of government, corporate and non-corporate sectors, communities and individuals to more effectively address the needs of people affected by disasters.

While it is important to manage the desire of many community groups and organisations to undertake donation drives, donated goods can cause major logistical problems. This includes managing large inflows of items which can create issues around the storage and disposal of unwanted or non-useful products. Unless very specific goods are required to assist in recovery, the public will always be encouraged to donate money in preference to goods, as this allows agencies, or the affected individuals and families, to purchase what is needed and support the local economy to return to business as usual.

The State Emergency Relief Fund Committee administers the fund established under the EM Act. The Red Cross is usually the front-line management agency for fundraising efforts and it is commonly accepted that diverting fundraising efforts through one avenue provides for the best outcomes for the community.

Food Safety in the Community

The City of Marion has authorised Environmental Health Officers who will assist the community by liaising with and inspecting food businesses within the City of Marion boundaries to ensure that food is kept in safe and appropriate conditions to prevent the risk of food poisoning to members of the community.

Disaster Waste Management

During an emergency event there is often a large amount of waste produced which needs to be managed post-incident. This can include damaged building materials, personal property, garden materials, vehicles, soil, effluent and chemicals.

Council will endeavour to respond through its hard waste management program or use of external contractors.

A Disaster Waste Management Capability Plan and supporting Guidelines are due to be released in 2018 and will provide agreed State arrangements, including identifying roles and responsibilities, around waste generated in a disaster.

Appendices

Appendix A: Council Profile

Description

The City of Marion is one of the state's larger metropolitan councils covering an area of about 55 km sq. and is located 10 km south of Adelaide stretching from the Glenelg tramline in Glandore to the coastal suburb of Hallett Cove.

The area features a diversity of housing, topography and cultures and has a significant industrial sector. Marion is home to the Living Kaurna Cultural Centre, the Marion Cultural Centre, Cove Civic Centre, Tonsley Innovation District and Westfield Marion Shopping Centre. It is bounded by the City of Holdfast Bay and the Gulf of St Vincent to the west, to the north by the City of West Torrens and to the east the cities of Unley, Mitcham and Onkaparinga which also bounds to the Council's southern border.

Historically, the Kaurna people of the Adelaide Plains have gathered along the Sturt River at Warriparinga which means 'windy place by the river'. The Living Kaurna Cultural Centre was built on this spot to ensure that the culture and the Dreaming Story of the land is preserved and passed on from generation to generation.

Council Map



Population

The population of the City of Marion is approximately 88,000 residents and is showing healthy growth, due in part to overseas migration which welcomes newcomers from countries such as the United Kingdom, India, China, the Philippines, the eastern countries of Africa and many others. The southern communities of Hallett Cove, Trott Park and Sheidow Park continue to experience significant growth, including a new shopping centre redevelopment and connector road supported by Council as part of its Marion South Plan. Other initiatives include redevelopment opportunities at Tonsley together with the upgrade of South Road and Oaklands Crossing.

Whilst no critical infrastructure is located within the City of Marion boundaries, significant levels of low-medium density housing has, and continues to occur adjacent the Tonsley Innovation District, Marion Shopping Centre and Oaklands Crossing. The Seaford and Tonsley rail lines have also been electrified.

The demographic of the City of Marion population has more people aged over 75 years than the metropolitan Adelaide average, approximately 1 percent of residents are indigenous and almost a quarter of residents born overseas with more than half of those from non-English speaking backgrounds.

Housing and Transport Links

Housing stock is made up predominantly of detached three-bedroom homes and transport consists of the Seaford and Tonsley rail corridors, the Glenelg tramway and five major north-south and four east-west arterial roads with bus routes throughout.

As part of the 30 Year Plan for Greater Adelaide, and in accordance with Council's Development Plan, it is anticipated the City of Marion will continue to experience high levels of low-medium density in-fill development, due in part to ageing housing stock located on large parcels of land. This is likely to include:

- Housing growth along key transport routes including the Seaford and Tonsley train lines, arterial roads surrounding the Marion Shopping Centre and in selected areas adjacent the Glenelg tram line;
- A variety of housing forms and sizes, up to 4 stories in height, to cater for the wide variety of households and demographics.

Vulnerable groups

Community Care Services within the City of Marion are jointly funded by the Commonwealth and State Governments, allowing provision of a subsidised service to eligible clients who require someone to stand beside them, advocate on their behalf or need minimal support to manage activities of independent living and are not receiving a similar service from any other provider. Services are designed to support vulnerable people in all aspects of their life through social connections, positive ageing, lifelong learning and activities around the home e.g. cleaning, basic home maintenance, modification, gardening, social support and transport options.

Climate Change

Climate change is emerging as a vital issue for our community, with recent scientific research showing that societies and ecosystems are highly vulnerable to even modest levels of climate change.

South Australia's temperatures are increasing and rainfall is decreasing. For the Adelaide and Mount Lofty Ranges region this means a general warming and drying trend. This means that we can expect more frequent and intense heatwaves, and increasing number of days of extreme fire danger, an increased intensity of rainfall, and more extreme storm events.

Our approach to climate change is to partner with our community in response to the risks and opportunities posed and to enable climate change resilience into the future with the implementation of two closely related strategies:

Abatement/Mitigation – to focus on reducing the amount of greenhouse gases we emit into the atmosphere via active measures such as improving energy efficiency, using renewable and low emission technologies, and offsetting emissions to help avoid future impacts of climate change beyond what is already projected; and

Adaptation – to address the climate change already projected to occur by increasing, as far as possible, our capacity to cope with the impacts of climate change, including variability and extreme events.

Topography

The City of Marion is predominantly residential across the Adelaide Plains whilst also including a significant industrial sector. It has seven kilometres of beautiful, rugged coastline, hundreds of hectares of open space and bushland which lie side by side with modern suburban development.

Important areas of large open space are located across the city including Edwardstown Oval, Morphettville Sports and Community Club, Morphettville Racecourse, Mitchell Park Sports Club, Marion Sporting Complex, Hallett Cove Sports Club, Marion Golf Club, Glenthorne Farm, the Marino and Hallett Cove Conservation Parks and the O'Halloran Hill Recreation Park.

Animals

A large number of households within the City of Marion have domestic animals, the most common of which are dogs and cats, birds and other domestic pets. The City of Marion has an Animal Management Plan to provide a sustainable and strategic approach to the management of dogs and cats within the context of creating a safe public environment and enhancing the amenity and environment of the City of Marion while considering the importance of pet ownership.

The area does not contain farmland with large quantities of livestock, however the Morphettville Racecourse and Trott Park Pony club is located within the City of Marion and there are a number of commercial and domestic horse stables located nearby.

State-owned conservation parks to the south of the city (Hallett Cove & Marino Conservation Parks, Glenthorne Farm and O'Halloran Hill Recreation Park) along with Hallett Headland and Glenthorne farm also provide habitat for native fauna populations.

Appendix B: Relevant Emergency Management Legislation

Emergency Management Act 2004

The *Emergency Management Act 2004* (EM Act) outlines the strategies and systems for the management of emergencies in South Australia. This Act includes the guiding principles that emergency management arrangements are based on:

- an All-Hazards approach addressing the spectrum of PPRR
- reflect the collective responsibility of all sectors of the community
- recognise that effective arrangements require a coordinated approach from all sectors of the community

The Act establishes the State Emergency Management Committee and requires the State Emergency Management Plan (SEMP) to be prepared and be kept under review. It also identifies key roles and responsibilities in an emergency including those of the Control Agency and Coordinating Agency.

Fire and Emergency Services Act 2005

The *Fire and Emergency Services Act 2005* (F&ES Act) establishes the structure, powers and duties of the South Australian Fire and Emergency Services Commission, the SA Metropolitan Fire Service (MFS), SA State Emergency Service (SES) and the SA Country Fire Service (CFS).

The Act further establishes the State Bushfire Coordination Committee (SBCC) and prescribes functions including: providing advice to the Minister on bushfire risk and management, preparation and review of the State Bushfire Management Plan.

Under the F&ES Act, the state is divided into Bushfire Management Areas with the establishment of a Bushfire Management Committee for each area. Each Committee is required to undertake a variety of functions including advising the SBCC of bushfire prevention in its area, preparation of a Bushfire Management Area Plan (BMAP) and convene local or regional forums to discuss issues relating to bushfire.

Some sixty councils are located within “country areas and urban bushfire risk areas” which requires that each of these councils must appoint at least one Fire Prevention Officer for its area.

Local Government Act 1999

Section 7 of the *Local Government Act 1999* (LG Act) outlines a range of functions for councils including:

- To provide for the welfare, wellbeing and interests of individuals and groups within its community;
- To take measures to protect its area from natural and other hazards and to mitigate from the effects of such hazards; and
- To provide infrastructure for its community and for development within its area (including infrastructure that helps to protect any part of the local or broader community from any hazard or other event, or that assists in the management of any area).

Section 8 of the Act states that a council must, “give due weight, in all its plans, policies and activities to regional, state and national objectives and strategies concerning the economic, social, physical and environmental development and management of the community.” This includes considering the objectives and strategies of the SEMP.

Section 298 of the LG Act advises of a councils’ power to act in an emergency specifically related to flooding, “if flooding in the area of a council has occurred or is imminent and the council is of the opinion that a situation of emergency has arisen in which there is danger to life or property, it may order that action be taken as it thinks fit to avert or reduce the danger.”

Appendix C: Hazard Leaders and Control Agencies

Hazard	Hazard Leader (prevention & preparedness)	Phone
Animal & Plant disease	Primary Industries & Regions SA	
Earthquake	Dept for Planning, Transport & Infrastructure	
Extreme Weather	SA State Emergency Service	
Flood	Dept of Environment, Water & Natural Resources	
Hazardous materials	Safe Work SA	
Human disease	SA Health	
Rural fire	SA Country Fire Service	
Terrorism	SA Police	
Urban fire	SA Metropolitan Fire Service	

Emergency Incident	Control Agency (response)	Phone
Aircraft accident	SA Police (SAPOL)	
Animal, plant & marine disease	Primary Industries and Regions SA	
Bomb threat	SA Police	
Earthquake	SA Police	
Extreme weather	SA State Emergency Service (SES)	
Fire - Country	SA Country Fire Service (CFS)	
Fire - Urban	SA Metropolitan Fire Service (MFS)	
Flood	SES	
Food/drinking water contamination	SA Health	
Fuel, gas & electricity shortages	Department of State Development	
Hazardous materials emergencies	CFS or MFS	
Human disease and/or epidemic	SA Health	
Information & communication (ICT) failure	Department of Premier and Cabinet	
Marine transport accidents	SA Police	
Marine pollution	Department of Planning, Transport and Infrastructure	
Rail accident	SA Police	
Riverbank collapse	SA Police	
Road/transport accident	SA Police	
Search & rescue – land & sea	SA Police	
Search & rescue - structure	SA Police	
Siege/Hostage	SA Police	
Terrorist incident	SA Police	

Appendix D: Relevant Emergency Management documents

Name	Version/Edition	Date
Strategies		
National Strategy for Disaster Resilience	first	2011
Legislation		
<i>Emergency Management Act 2004</i>		2004
<i>Fire and Emergency Services Act 2005</i>		2005
<i>Local Government Act 1999</i>		1999
Plans		
State Strategic Plan		
State Emergency Management Plan	second	2016
Zone Emergency Management Plans	various	various
Business Continuity Plans	various	various
State Bushfire Management Plan		
Bushfire Management Area Plans	various	
Functional Support Group Plans		
Public Information Functional Support Group Plan	various	
Local Government Functional Support Group Plan	draft	2017
Hazard Plans	various	
Response Plans		
Community Emergency Management Plans		
Red Cross Rediplan		
Zone Recovery Plans		
Risk Assessment Guidelines		
Emergency Risk Management Applications Guide – Manual 5 – Emergency Management Australia, Commonwealth of Australia		
South Australian Emergency Risk Management Guide	first	2017
Australian Emergency Management Handbook Series - Handbook 10 - National Emergency Risk Assessment Guidelines	second	2014
Australian Emergency Management Handbook Series - Handbook 11 - National Emergency Risk Assessment Guidelines: practice guide		
AS/NZS 31000:2009		
Guides/Guidelines/Frameworks		
Disaster Recovery Guide for Councils	first	2017
Disaster Waste Management Guide	In progress	2017
Managing Animals in Emergencies Framework	first	2017
Local Government Emergency Management Framework		2017
i-Responda guidelines		
LGFSG Joint Operating Guidelines (sandbags, bushfire)		
Manuals (including operations manuals)		
State Control Centre Operations Manual		
State Emergency Centre Operations Manual		
Zone Emergency Support Team Operations Manual	first	2017
The Australasian Inter-Service Incident Management System	4 th edition	2013
Local Government Functional Support Group Operations Manual	Being drafted	
Zone Emergency Management Committee Induction Manual	2 nd edition	2017



PREVENTION | PREPAREDNESS | RESPONSE | RECOVERY

Local Government Association Annual General Meeting 2018

Originating Officer	Governance Officer - Victoria Moritz
Corporate Manager	Acting Manager Corporate Governance - Sherie Walczak
General Manager	Acting General Manager Corporate Services - Kate McKenzie
Report Reference	GC180724R08

REPORT OBJECTIVE

The purpose of this report is to consider Notice of Motions for forwarding to the Local Government Association (LGA) for consideration at the Local Government Ordinary General Meeting 2018 and to nominate a Voting Delegate.

EXECUTIVE SUMMARY

Elected Members were asked to forward proposed motions to Administration by Thursday 12 July 2018 for further consideration at the 24 July General Council Meeting. The LGA General Meeting will be held on Friday 26 October 2018 at the Adelaide Entertainment Centre.

RECOMMENDATION

That:

1. Council notes the report "Local Government Association Annual General Meeting 2018"
2. The nominated Council Voting Delegate for this meeting is XXX and that the Proxy Delegate for this meeting is XXX
3. Council submits the following Notices of Motion to the Local Government Association by Friday 14 September 2018 for consideration at the 2018 Local Government Association Annual General Meeting:
 - 3.1. XXX
4. On submitting Notices of Motion to the Local Government Association, the Chief Executive Officer be authorised to amend the wording (without changing the meaning or purpose of the motion) if required.

DISCUSSION

The LGA have released a call for Motions for the LGA Annual General Meeting 2018 and for Councils to advise of new, or confirm existing voting delegates for the meeting. In preparation for the meeting, the LGA have advised Councils of the following information:

Motions

Pursuant to Clause 25 of the current LGA Constitution "*Any ordinary member may give the LGA notice of a motion it proposes to move at a General Meeting.*"

The LGA must receive all Notices of Motion from Councils no later than 42 days prior to the meeting being Friday 14 September 2018.

Motions must be on the required form attached as **Appendix 1** setting out:

- Subject / Title of the Issues
- Background / Intended Purpose
- Reference to the LGA Strategic PPlan 2016-2020

Councils are encouraged to seek assistance and advice from the LGA on the development of proposed motions prior to submission. This can include advice on endorsed policy positions, current projects, resource implications and any other relevant factors in support of a motion. Late motions on urgent matters may be submitted, however, councils are reminded that Clause 25.5 of the LGA Constitution provides for absolute discretion of the LGA President to determine that a late Notice of Motion may be dealt with at the next Annual General Meeting.

If a potential motion is received within the timeframes, it is suggested that upon resolving to submit the motion to the LGA, the Chief Executive Officer be authorised to amend the wording (without changing the meaning or purpose of the motion) if required.

At the General Council Meeting on 22 May 2018 Council resolved to submit the following Notice of Motion to the LGA Annual General Meeting:

1. Marion Council at the LGA Annual General Meeting ask the following:

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

This motion will be prepared on the appropriate template and forwarded to the LGA by the due date of 14 September 2014.

In response to a request for suggested motions from the Elected Members, no new motions have been identified by Elected Members for consideration at the 2018 LGA Annual General Meeting.

Voting Delegate

At the City of Marion, historically the Mayor has been the Voting Delegate and the Deputy Mayor has been the proxy unless they have been unable to attend the meeting. Pursuant to Rule 36 of the LGA Constitution only persons who are Council Members are eligible to be a Voting Delegate, therefore all Elected Members are eligible to be the Voting Delegate or Proxy.

The current Voting Delegate is the Mayor and the Proxy is Deputy Mayor. Unless contrary advice is provided to the LGA, the above-nominated remains the same. Councils may appoint new voting delegates by notifying the LGA by Friday 12 October 2018.

In Summary

- Notices of Motion are due to the LGA by Friday 14 September 2018
- Change in Voting Delegates are due to the LGA by Friday 12 October 2018

Attachment

#	Attachment	Type
1	Appendix 1 - LGA AGM Notice of Motion Form	PDF File

Council Notice of Motion - 2018 LGA Annual General Meeting

The purpose of this form is to notify the LGA of a motion a council proposes to move at the LGA Annual General Meeting to be held on Friday 26 October 2018.

Council Name	
Subject of the motion	
Proposed motion of council	<p>That the Annual General Meeting requests the LGA to:</p> <p>1. x</p> <p>2. x</p> <p>3. x</p> <p><u>or use this wording when seeking legislative change</u></p> <p>That the Annual General Meeting requests the LGA to investigate whether there is sufficient evidence across Local Government to ...</p>
Background / intended purpose of proposed motion	
Council Contact Officer submitting form and date submitted	<p>Name:</p> <p>Date:</p>
Council Meeting Minute Reference and date of meeting	
Council has referred draft motion to or considered by relevant Regional LGA	Yes / No
Supported by relevant Regional LGA	<p>Yes / No</p> <p>Region:</p> <p>Minute Reference:</p>
LGA Strategic Plan Reference	<u>(please click here to view the plan and identify the Key Initiative and Strategy reference)</u>

Please return word version of completed form to lgasa@lga.sa.gov.au
by COB Friday 14 September 2018

Local Government Finance Authority - Annual General Meeting 2018

Originating Officer	Governance Officer - Victoria Moritz
Corporate Manager	Acting Manager Corporate Governance - Sherie Walczak
General Manager	Acting General Manager Corporate Services - Kate McKenzie
Report Reference	GC180724R09

REPORT OBJECTIVE

To determine Council's interest in;

- nominating a representative to the Local Government Finance Authority (LGFA) Annual General Meeting to be held on Friday 26 October 2018.
- nominating Elected Members for available positions on the Local Government Finance Authority Board (LGFAB) for consideration by the LGFA and Local Government Association (LGA).
- submitting motions on notice for consideration at the LGFA Annual General Meeting.

EXECUTIVE SUMMARY

The LGFA have written to Council advising that the LGFA Annual General Meeting will be held on Friday 26 October 2018, in the Adelaide Entertainment Centre, 98 Port Road, Hindmarsh SA 5007. This meeting will again coincide with the Annual General Meeting of the LGA. In preparation for this meeting, the LGFA have requested that Council provide the name of its chosen representative to attend the meeting, along with any motions on notice to be included in the agenda by Friday 17 August 2018.

The LGFA also advise that nominations are called to fill the two positions provided by Section 7(1)a) of the *Local Government Finance Authority of South Australia Act 1983*, (the Act) and must be lodged no later than 17 August 2018.

RECOMMENDATION

That Council:

1. Notes the report "*Local Government Finance Authority - Annual General Meeting 2018*".
2. Appoints XXX as the Council Representative to attend the Local Government Finance Authority Annual General Meeting to be held on 26 October 2018.
3. Nominates XXX to the Local Government Finance Authority for membership on the Local Government Finance Authority Board.
4. Determines whether it wishes to submit a motion for consideration at the local Government Finance Authority Annual General Meeting to be held on 26 October 2018.

DISCUSSION

Appointment of Council Representative

Section 15(1) of the Local Government Finance Authority of South Australia Act 1983, provides that:-

"Every Council is entitled to appoint a person to represent it at a general meeting of the Authority."

As the meeting will be held on the same day as the LGA Annual General Meeting, it is suggested that the same person be appointed to represent the Council at these meetings.

The "Appointment of Council Representative" form circulated by the LGFA is provided at **Appendix 1** for information. the form indicates it needs to be returned to the LGFA by no later than Friday 17 August 2018.

Nominations for Members of the Board

Section 7(1)(a) of the Act provides:-

"(a) two are persons elected in accordance with the rules of the Authority;"

and to Section 8 (1) which provides:-

"8. (1) subject to this section, a representative member of the Board holds office for a term of two years commencing on the first day of January in the year next succeeding the year in which he or she was elected or appointed."

If more that two persons are nominated, an election for two representative members will be determined by postal ballot. The successful candidates will be declared elected at the Annual General Meeting.

The LGFA has called for nominations to fill the two positions provided for by Section 7(1)(a) currently held by Ms Annette Martin (City of Charles Sturt) and by Cr John Frogley (Councillor City of Norwood Payneham & St Peters).

Nominations must be lodged at the LGFA office no later than 17 August 2018. A nomination form is provided at **Appendix 2** for information together with a 'resume form' that may be submitted with the nomination for circulation to all Councils with the Agenda and Ballot Paper (if a ballot is required).

Notices of Motion

The rules of the LGFA in relation to the Annual General Meeting require that a Notice of Motion specifying a resolution which is to be proposed at the meeting be given to the Chief Executive Officer (of the LGFA) not less than forty two days prior to the meeting. To comply with these timeframes, the LGFA have requested that the appropriate documentation be completed and forwarded to the LGFA prior to Friday 17 August 2018.

Councils have been requested to lodge any Notices of Motion in the following manner:-

- a) Notice of Motion
- b) Reason
- c) Suggested Action

A "Notice of Motion" form circulated by the LGFA is provided in **Appendix 3** for information.

Council Members were asked to forward any potential motions to Administration by 5pm Thursday 12 July. There has been no motions identified for consideration at the 2018 LGFA Annual General Meeting.

As a member of the LGFA, participation in the governance of the organisation can be achieved via attendance at the Annual General meeting and the submission of a nomination for election to the Board or motion(s) for consideration at the meeting if desired.

Attachment

#	Attachment	Type
1	Appendix 1 - Appointment of Council Representative	PDF File
2	Appendix 2 - Nomination Form	PDF File
3	Appendix 3 - Notice of Motion Form	PDF File

APPOINTMENT OF COUNCIL REPRESENTATIVE**LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA****2018 ANNUAL GENERAL MEETING**

I advise that Mayor / Chairperson / Councillor / Officer / or any other person
is appointed Council Representative to the Local Government Finance Authority of South Australia.

Council Name	
Council Delegate (Full Name)	Mayor / Chairperson / Councillor / Officer
Delegate Home Address	
Name of Chief Executive Officer	
Signature of Chief Executive Officer	

Please return completed Appointment of Council Representative Form to admin@lgfa.com.au
by CLOSING DATE: **Friday 17 August 2018**

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

NOMINATION FORM

PURSUANT to a Resolution duly passed

The
(Name of Council)

hereby nominate
(Full Name)

of

being a Member or Officer of a Council for election to the Board of the Local Government Finance Authority of South Australia as provided by Section 7(1)(a) of the Local Government Finance Authority Act 1983.

Date this day of 2018

.....
(Signature of Chief Executive Officer)

and I the person nominated hereby agree to accept such nomination

.....
(Signature of Candidate)

Please return completed Nomination Form to admin@lgfa.com.au
by CLOSING DATE: **Friday 17 August 2018**

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

RÉSUMÉ FORM

Name	
Address	
Telephone	
Email	
Age (Optional)	
Occupation	
Current Employer	
Qualifications	
Current Position in Local Government: Mayor / Chairman / Councillor / Other	
Name of Council	
Period in Local Government	
Other Committees / Bodies of Local Government Involvement: Past Present	

Please return completed Resume Form to admin@lgfa.com.au by CLOSING DATE: **Friday 17 August 2018**

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

NOTICE OF MOTION

2018 ANNUAL GENERAL MEETING

NAME OF COUNCIL:

NOTICE OF MOTION:
.....

REASON:
.....
.....
.....
.....

SUGGESTED ACTION:
.....
.....
.....
.....

Please return completed Notice of Motion Form to admin@lgfa.com.au
by CLOSING DATE: **Friday 17 August 2018**

(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

Local Government (Boundary Adjustment) Amendment Act 2017 (SA) supporting Guidelines

Originating Officer	Quality Governance Coordinator - Deborah Horton
Corporate Manager	Acting Manager Corporate Governance - Sherie Walczak
General Manager	Acting General Manager Corporate Services - Kate McKenzie
Report Reference	GC180724R10

REPORT OBJECTIVE

The objective of this report is threefold;

1. To advise of legislative changes that will take effect 1 January 2019, thereby changing the processes for future council boundary adjustment proposals.
2. To seek Council's feedback regarding the proposed guidelines that have been promulgated by the Local Government Grants Commission supporting the legislative changes.
3. To ascertain whether the City of Marion will consider submitting a proposal for boundary reform in early 2019 in accordance with the new legislation.

Items two and three above require responses either to the Local Government Association by 25 July or to the Local Government Grants Commission by 3 August.

EXECUTIVE SUMMARY

The Local Government (Boundary Adjustment) Amendment Act 2017 (the Act) comes into effect 1 January 2019. It will significantly change the processes by which boundary reforms can be made. For example, boundary adjustments can be made by the Minister, Councils, members of the public and Parliament.

The Local Government Grants Commission (the Commission) becomes the independent body that will receive, access and progress council boundary change proposals. As such, the Commission is seeking feedback on draft guidelines (Appendix 2 - 10) and is seeking to gauge which councils may be interested in pursuing boundary adjustments as of 1 January 2019.

The City of Marion has previously identified parcels of land that border the City of Holdfast Bay that may be subject to the oversight of the Act.

RECOMMENDATION

That Council;

1. Notes this report.
2. Submits Appendix 1 to the Local Government Grants Commission by the 3 August 2018, with the following amendments;
 -
3. Advises the Local Government Grants Commission by the 3 August 2018, that the City of Marion will/ will not submit a proposal for boundary reform to the Grants Commission in accordance with the new legislative provisions.

OR

That Council;

1. Notes this report.
2. Submits Appendix 1 to the Local Government Association by the 25 July 2018, with the following amendments;
 -
3. Advises the Local Government Association by the 25 July 2018, that the City of Marion will/ will not submit a proposal for boundary reform to the Grants Commission in accordance with the new legislative provisions.

BACKGROUND

In the late 1990's, Local Government boundary changes were facilitated via the "*Boundary Adjustment Facilitation Panel*" whereby a state reduction from 118 councils to 68 councils was undertaken. Since this time, there have been few significant boundary changes to councils in South Australia. In 2014, the *Boundary Adjustment Facilitation Panel* was abolished as a result of a review of Government Boards and Committee's. At the time, the then Minister for Local Government made a commitment to review the provisions of the *Local Government Act 1999* relating to Council boundary changes. The *Local Government (Boundary Adjustment) Amendment Act 2017* (SA) is the result of this commitment.

DISCUSSION

The *Local Government (Boundary Adjustment) Amendment Act 2017* (SA) (the Boundary Adjustment Act) was assented to by Parliament on 22 August 2017 and will have effect 1 January 2019, changing how councils undertake boundary amendments in accordance with the *Local Government Act 1999* (SA) (the Act).

KEY ELEMENTS OF THE BOUNDARY ADJUSTMENT ACT

The key elements of the Boundary Adjustment Act include;

- Establishing the Local Government Grants Commission (the Commission) as an independent body to;
 - undertake initial assessment of proposals.
 - oversee investigations of proposals.
 - make recommendations to the Minister.
 - undertake independent analysis of general proposals or significant boundary changes including amalgamations or structural reform - by one or more investigators with the relevant expertise for each proposal.
 - have powers that require information to be produced to the commission when an investigation is taking place - criminal sanctions apply if not complied with.
 - have powers that seek to recover 'reasonable costs' incurred in relation to an investigation referred to and undertaken by the Commission.
- aligning South Australia with other States to allow the Minister to initiate a boundary adjustment proposal.
- simplified processes for minor boundary adjustments to correct historical anomalies.
- allowing for border initiation processes allowing proposals to be initiated by eligible electors (minimum 10%) of a council or councils.

KEY ISSUES OF THE BOUNDARY ADJUSTMENT ACT

The key issues include;

- The Minister remains the ultimate decision maker regarding whether a proposal to the Commission proceeds.
- There is no limit to the amount of an area that could be sought to be gained as a boundary adjustment within a proposal.
- The Act confers powers on the Commission for one or more investigators to be assigned to

undertake a review of the proposal and allows for cost recovery from a Council in relation to a proposal whilst any proposal submitted by the Parliament or the Minister is not subject to the same considerations in terms of cost or cost recovery.

- The Act confers powers on the Commission for an investigator to request a council to provide documents, issue summons to require attendance and to call for submissions or representations whilst investigating a proposal. A failure to do so is a criminal offence with a maximum fine of \$10,000.
- the Act does not preclude the requirement of Councils to comply with Section 12 of the *Local Government Act 1999* (SA) for representation reviews.

PROPOSED SUBMISSION (Appendix 1)

Provided in Appendix one is a draft summary of the Commission's guidelines with a column provided for the City of Marion comment.

GUIDELINES (Appendix 2 to 10)

The actual guidelines promulgated by the Commission are included for reference in Appendix 2 to 10. They detail how the Commission receives, access and progress council boundary changes.

BOUNDARY ADJUSTMENT - General Discussion

Given that the legislation now broadens the submission of proposals for boundary adjustments to council's direct to the Minister, or 'eligible electors', Council is made aware that during the Bill's second reading in Parliament on 15 February 2017, the Member for Bright identified various sites within the suburbs of Marino, Kingston Park and Seacliff Park as sites that should be transferred from City of Marion to City of Holdfast Bay including;

- Seacliff Park - Arthur Street
The southern side of Arthur Street is in the City of Marion and the northern side in the City of Holdfast Bay. On the western side of Ocean Boulevard, (which Arthur Street intersects) in Seacliff Park is a sub-division known as Oceana is located wholly within the City of Marion.
- Brownfield Industrial land colloquially known as Cement Hill, Lorenzin or Monier Site located within Marino and Seacliff Park.

Council recommendation 26 June 2018

On the 26 June 2018 (GC260618R12), Council unanimously approved the Mayor to write to the City of Holdfast Bay seeking their support for a boundary realignment that would enable the whole Seacliff Park Development Site to be in the City of Marion. At the time of writing this report, a detailed response from the City of Holdfast Bay was not available.

The Local Government Grants Commission (and the Local Government Association of SA) are seeking to gauge which councils may submit proposals for boundary alignments when the Act comes into effect on 1 January 2019 for the requisite resources to be made available.

Attachment

#	Attachment	Type
1	Appendix 1 - Local Government Boundary Adjustment Guidelines Draft Submission	PDF File
2	Appendix 2 - LGGC_Guideline_1_-_General_Information	PDF File
3	Appendix 3 - LGGC_Guideline_2_-_Administrative_Proposals	PDF File
4	Appendix 4 - LGGC_Guideline_3_-_General_Proposals_-_Submitting_a_Proposal_to_the_Commission	PDF File
5	Appendix 5 - LGGC_Guideline_4_-_General_Proposals_-_Investigations	PDF File
6	Appendix 6	PDF File
7	Appendix 7 - LGGC_Guideline_6_-_Public_Initiated_Submissions	PDF File
8	Appendix 8 - LGGC_Guideline_7_-_Public_Initiated_Submissions_-_Alteration_to_Composition_or_Representative_Structure_of_a_Council	PDF File
9	Appendix 9 - LGGC_Guideline_8_-_Costs	PDF File
10	Appendix 10 - LGGC_Guideline_9_-_Engagement_and_Consultation	PDF File

Local Government Grant Commission Guidelines	City of Marion comments
Guideline 1 – General information	<ul style="list-style-type: none"> Consider inserting a clause that the Commission will consult with the affected Council to assist with the provision of any documentation that may be relevant for the Commission to make when determining if an application is vexatious, frivolous, trivial or not in the public interest.
Guideline 2 – Administrative Proposals Guideline	<ul style="list-style-type: none"> Where the Commission will advise the initiator of the proposal's process, it is suggested that the Commission simultaneously advises the affected council.
Guideline 3 – Submitting a Proposal to the Commission	<ul style="list-style-type: none"> The guideline is unclear in relation to 'agreement' for a proposal submitted by a single council. Providing evidence to the Commission of appropriate consultation may not be available if a proposal has not previously been undertaken, therefore it is suggested that 'where applicable' be included.
Guideline 4 – Investigation of General Proposals Initiated by Councils	<ul style="list-style-type: none"> Where the Commission <u>must</u> appoint investigators when a general proposal is referred to them by the Minister or either House of Parliament, the Commission consider the views of the initiating and affected council regarding the amount of investigators the Commission wishes to assign. Consideration be given to consistent practices where the Commission seeks to appoint investigators where a general proposal is referred to them by eligible electors or councils.
Guideline 5 – Appointment of Investigators for General Proposals	<ul style="list-style-type: none"> See comments re: Guideline 4 above. The guidelines are silent in relation to the provision of powers to the Commission regarding summons, producing documents. Refer: <i>Local Government (Boundary Adjustment) Amendment Act 2017</i> (SA) s32A(1).
Guideline 6 – Proposals initiated by members of the Public	<ul style="list-style-type: none"> Guideline 6 determines that the Commission must notify 'any council affected' however, this notification is deemed to be 'following completion of an inquiry'. It is encouraged for the guidelines to be strengthened to ensure that the affected council is notified directly by the Commission for <i>any</i> proposal – whether it be an administrative or general proposal before an inquiry is undertaken by the Commission.
Guideline 7 – Public initiated Proposals for changes in a council's composition or Representative structure	<ul style="list-style-type: none"> Should a boundary adjustment be approved by the Commission, consideration should be given to the Commission acknowledging/articulating within the guidelines whether such will trigger a council's requirement under the <i>Local Government Act 1999</i> (SA) s12 for a representation review. Noting a two-year reprieve for councils that have undertaken a representation review in accordance with the <i>Local Government Act 1999</i> (SA). The Commission encourages but does not mandate public initiated proposals to advise the council for which they are seeking changes to the council's composition or structure.

Local Government Grant Commission Guidelines	City of Marion comments
<p>Guideline 8 – Costs for General Proposals Initiated by a Council or councils.</p>	<ul style="list-style-type: none"> • Whilst the Act and supporting guidelines provide for cost recovery to the Commission from a council in relation to a proposal, any proposal submitted by the Parliament or the Minister is not subject to the same considerations in terms of costs. • Clarification regarding ‘reasonable’ costs are encouraged within the guidelines. • Whilst council supports the guideline’s commitment to advising councils of the estimated costs of an investigation into a proposal that a council may be required to contribute to, prior to an investigation by the commission, further clarification and promulgation to councils regarding the following is encouraged; <ul style="list-style-type: none"> • Will an affected or initiating council have input regarding the amount of investigators the Commission wishes to assign to a particular investigation? • Will an affected council/s be subject to cost recovery for a Minister or Parliament initiated proposal? • Clarity regarding the prose; “The Commission will advise of expected costs and it will then be up to the council to determine whether to proceed with the proposal.” Will this result in a proposal not proceeding further upon the basis of a council not agreeing with the expected costs?
<p>Guideline 9 – Engagement and Consultation</p>	<ul style="list-style-type: none"> • Clarity regarding ‘reasonable amount of consultation’ is encouraged within “Administrative proposals”. Please refer to comments regarding Guideline: 8, 6, 4 and 2.

Local Government Grant Commission Guidelines	City of Marion comments
<p>Additional comments from the City of Marion</p>	<ul style="list-style-type: none"> • The City of Marion would support guidelines that address suggested timeframes for which boundary adjustments (general or administrative) should be investigated and completed by the Commission. • The Act and supporting guidelines do not currently identify limits to the area that could be sought pertaining to a boundary adjustment within a proposal. • The City of Marion will encourage guidelines that articulate the powers of the Commissioner (that ultimately could upon an inquiry <i>only</i> may expose councils and persons to criminal sanctions) when seeking to utilise these powers, requires that criminal sanctions would be regarded and utilised only at the absolute last resort. Refer to Guideline 5 above. • The City of Marion wishes the Commission to have consideration to identifying and promulgating to councils, criteria/on for when a boundary adjustment will be imminent compared to when the performance of a function(s)/delivery of services or regional activities between two or more councils will suffice in reference to <i>Local Government (Boundary Adjustment) Amendment Act 2017</i> (SA) s26(xii). • There are no guidelines created regarding Parliament or Minister initiated proposals. • The guidelines do not adequately address the practicalities of the Minister for Local Government being the ultimate arbiter of the progress or otherwise of a proposal in accordance with <i>Local Government (Boundary Adjustment) Amendment Act 2017</i> (SA) s30(6) and this interaction with the Commission.

Council Boundary Change Proposals

General Information

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#). A flowchart providing an overview of the process is included in Attachment 1.

Role of the Boundaries Commission

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of reform proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

What is a 'boundary change proposal'?

Boundary change proposals are proposals that change the area of a council. This could mean a proposal to—

- (a) constitute a council; or
- (b) amalgamate two or more councils; or
- (c) abolish a council and incorporate its area into the areas of two or more councils; or
- (d) alter the boundaries of a council area.

The Commission can also consider proposals for changing the composition or representative structure of a council, that is, the number of elected members and wards that comprise a council.

Who can submit a boundary change proposal?

Proposals may be referred to the Commission—

- o by resolution of either House of Parliament;
- o by the Minister;
- o by a council or councils; or
- o by the prescribed percentage or number of eligible electors.

Proposals must set out in general terms the nature of the proposal and comply with any requirements of the proposal guidelines.

How can a member of the public make a submission to the Commission?

Members of the public can submit a proposal to the Commission to consider boundary alterations, changes in the composition of a council or its representative structure, or the inclusion of unincorporated land into a council. Members of the public, cannot, however, initiate a council amalgamation or the creation of a new council.

The Act provides that a public initiated submission may be referred to the Commission by a prescribed percentage or number of eligible electors. An elector is a person, body corporate or group of persons enrolled on the voters roll for a council.

In the case of a proposal to alter the boundaries of two or more councils, eligible electors are electors in the area proposed to be moved or in the council that would receive the area.

Further information on the process for public initiated submissions is contained within Guideline 6.

What happens following a submission to the Commission?

The Commission will assess the proposal in accordance with the requirements of the Act and proposal guidelines. The Commission may refuse to inquire into a proposal if it is considered to be vexatious, frivolous or trivial; or if it is not considered to be in the public interest; or if it is the same or substantially similar to a proposal already inquired into; or if there is some other good reason to refuse to enquire into a proposal.

For example, dissatisfaction with the services provided by a council, or with particular elected members, is not sufficient reason for members of the public to make a submission to the Commission. These are issues that should be decided between councils and their ratepayers.

The Act gives the Commission flexibility to deal with proposals to ensure that the most effective inquiry into an identified issue is undertaken. For example, the Commission may deal with similar or competing proposals that are referred to it.

If the Commission determines to inquire into a proposal, there are separate processes for administrative proposals and general proposals.

Administrative proposals are those that are made to correct historical anomalies in council boundaries, to allow for development that is approved elsewhere, or for other, largely administrative reasons. The process for conducting an inquiry into these proposals is therefore streamlined. Section 30 of the Act sets out the requirements for administrative proposals. Further information is contained within Guideline 2.

The Act also provides for more significant proposals to be considered. Section 31 of the Act sets out the requirements for **general proposals** and provides for an independent analysis of significant boundary change or amalgamation proposals (general proposals), with expertise relevant to each proposal. Further information on general proposals is contained within Guidelines 3 and 4.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the Principles contained within section 26 of the Act. The Commission is obliged to take these principles into consideration when making recommendations about boundary changes.

The Principles outline factors that must be taken into account when considering what form a council should take. They cover issues such as the ability of a council to fulfil its functions from the resource base available to it, and the reflection of a 'community of interest' in the area and structure of a council. The principles are included in Attachment 2 of this Guideline. Attachment 3 contains a more detailed discussion about the principles.

Section 32A of the Act sets out the powers of the Commission or an investigator when conducting an inquiry.

At the conclusion of an inquiry, the Commission must prepare and publish on a website a report that includes the Commission's recommendations and provide a copy of the report to the Minister.

What is the Minister's role in boundary change proposals?

Following receipt of a report from the Commission, the Minister may then determine whether a proposal recommended by the Commission should proceed. While the Minister can propose changes to the Commission's reports or recommendations relating to general proposals, the Commission is not bound to comply with the Minister's views.

Further Information

Guideline 2: Administrative Proposals

Guideline 3: Submitting a General Proposal to the Commission

Guideline 4: Investigation of General Proposals Initiated by Councils

Guideline 5: Appointment of Investigators for General Proposals

Guideline 6: Proposals Initiated by Members of the Public

Guideline 7: Proposals initiated by Members of the Public for Changes in a Council's Composition or Representative Structure

Guideline 8: Costs for General Proposals Initiated by Councils

Guideline 9: Engagement and Consultation Guideline

Contact Details:

Boundaries Commission

GPO Box 2329 Adelaide SA 5001

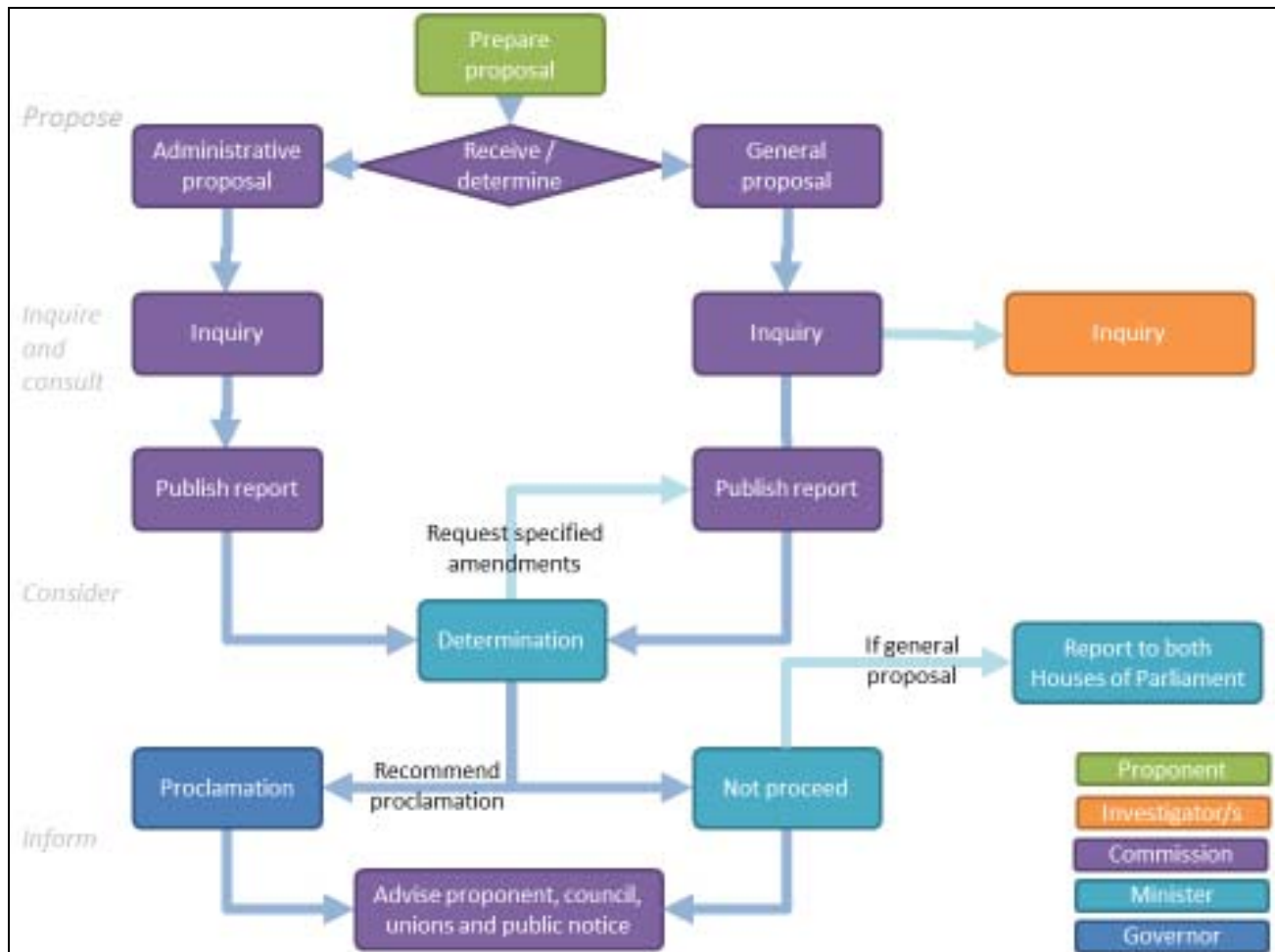
Phone: (08) 7109 7145

Email: boundaries.commission@sa.gov.au (proposed)

Website: http://www.dpti.sa.gov.au/local_govt/boundary_changes

ATTACHMENT 1

Flowchart—Boundary change proposals



ATTACHMENT 2

26—Principles

(1) The Commission should have regard to—

- The objects of the Act
- The roles, functions and objectives of councils under this Act; and
- The following principles:
 - The resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
 - Proposed changes should, wherever practicable, benefit ratepayers;
 - A council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
 - A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
 - A council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
 - A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes
 - A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations
 - A council area should incorporate or promote an accessible centre (or centres) for local administration and services
 - The importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters
 - Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term)
 - A scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change
- The extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.
- The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

ATTACHMENT 3

The principles guide the Commission in balancing various council and community interests. While general in nature, they address a range of considerations, including communities of interest, effective governance, operational capacity, delivery of services, effective planning and development, accessibility, and adequate and fair representation. Consideration will also be given to regional activities that may offer a viable and appropriate alternative to boundary change.

The principles emphasise the importance of ensuring that boundary changes enhance the capacity of local government within the area to continue to deliver results to local communities in a more strategic and effective way.

Below are some questions you may wish to consider when formulating a proposal—

- How will the proposal align resources to where they are most needed and provide value to ratepayers?
- How will the proposal increase the council's ability to improve operational capacity and financial sustainability?
- What impact will the proposal have on the resource base of affected councils?
- How will the proposal enhance the capacity of the council to deliver better services to the community?
- How does the proposal support communities of interest?
 - o Similar interests are important for groups that have been represented together because of their close geography or social and economic interests. Factors contributing to a sense of community included shared interests and shared use of community facilities.
 - o Is there a sense of belonging or stronger community connection with the area which can be clearly defined?
 - o Identify common interests that would be likely to benefit from the proposal, such as economic, social, heritage, cultural and recreational.
 - o Consider the functional relationships and whether the proposal meets the community's needs, for example, use of services, road and transport links, shopping etc.
- How will the proposal improve representation?
- Has consideration been given to delivering services on a regional basis as an alternative to boundary change?

Council Boundary Change Proposals

Administrative Proposals

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

This Guideline has been issued by the Commission to provide information on administrative proposals, including the steps that need to be taken to prepare a submission, and how a submission is considered and progressed by the Commission.

What is an administrative proposal?

Section 30 of the Act includes a simplified pathway for consideration of boundary change proposals that are minor administrative matters, including—

- to facilitate a development that has been granted an authorisation under the *Planning, Development and Infrastructure Act 2016*;
- to correct an anomaly that is, in the opinion of the Commission, generally recognised e.g. where the boundary intercepts one or more privately owned properties;
- where the common boundary of two or more councils requires adjustment following the physical realignment of a common road;
- a proposal to incorporate vacant unincorporated land into a council area; or
- any other matter prescribed in regulation.

With regard to the first matter, the Commission has no involvement in planning legislation processes. Development applications and authorisations are separate matters under the relevant planning legislation. In order for a proposal to be treated as an administrative proposal, it would need to be referred to the Commission following the conclusion of the development approval process.

Who can submit an administrative proposal?

Proposals may be referred to the Commission—

- by resolution of either House of Parliament; or
- by the Minister; or
- by a council or councils; or
- by the prescribed percentage or number of eligible electors.

An **elector** is a person, body corporate or group of persons enrolled on the voters roll for a council (this means people who can vote in a council election because they live or own property in that council).

Eligible electors are defined in section 27(1) of the Act, however, in general terms, they are—

- In the case of a proposal to move an area of one council to another council: electors either in the area proposed to be moved or in the council that would receive the area.
- In the case of a proposal to move an area of the State not within a council area to a council area: an elector who would, if the proposal were to proceed, be an elector within the newly incorporated area.

Further information on the process for public initiated submissions is contained within Guideline 6.

How to prepare a submission to the Commission

Proposals must set out in general terms the nature of the proposal and comply with the requirements of the proposal guidelines.

The following matters must be included in a submission:

1. *An outline of the submission*

Provide a brief explanation of the submission

2. *A map*

Include a suitable map, showing the area in question.

3. *Grounds for making the submission*

A submission must set out in detail the grounds on which the submission is made and the issues that you think should be considered in an assessment of the change to boundaries.

4. *Any other relevant information*

This could include details on consultation undertaken on the proposal, or links to related processes (such as a development assessment process).

What happens following a submission to the Commission?

The Commission will assess the proposal and determine whether it meets the requirements of the Act and guidelines.

The Commission may refuse to inquire into a proposal if the Commission considers that—

- The proposal is vexatious, frivolous or trivial; or
- If it is not in the public interest to inquire into the proposal; or
- The proposal is the same as or substantially similar to a proposal that has already been inquired into; or
- There is some other good reason to refuse to inquire into a proposal.

If the Commission determines to inquire into an administrative proposal, the Commission will conduct an inquiry as the Commission thinks fit, provided that a reasonable amount of consultation is conducted in accordance with any guidelines published by the Commission.

Due to the nature of administrative proposals and their likely impact on a relatively small number of ratepayers, the consultation requirements are not as detailed as those for more significant (general) proposals. The level of consultation undertaken by the Commission will

depend on the nature of the proposal, the number and location of affected properties, and whether there has been previous consultation. The Commission will advise the initiator of the proposal of the process to be undertaken.

For example, if there is a very minor proposal, the Commission may decide not to consult with the community. This may involve proposals involving small numbers of ratepayers or where they have been consulted in other ways, or even referred the proposal themselves. Guideline 9 sets out the engagement and consultation requirements for boundary change proposals.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the Principles contained within section 26 of the Act (Attachment 1). The Commission is obliged to take these principles into consideration when making recommendations about boundary changes.

After conducting an inquiry into an administrative proposal, the Commission must consult with the Minister (including on any recommendations that the Commission proposes to make in relation to the proposal).

The Commission will then prepare and publish a report on the inquiry that includes the Commission's recommendations and provide a report to the Minister. If the Commission determines to recommend an administrative proposal, the proposal may involve such variations as the Commission thinks fit.

The Minister will then determine whether the proposal should proceed or not. If the Minister determines that the proposal proceed, it will be forwarded to the Governor with a recommendation that a proclamation be made. If the Minister determines that a proposal not proceed, the Minister must prepare a report for both Houses of Parliament.

Following completion of an inquiry, the Commission must give public notice of the Minister's determination. The Commission must also notify the person or body who referred the proposal to the Commission, any council affected by the proposal, and any registered industrial association that represents the interests of employees of councils.

Contact Details:

Boundaries Commission

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ATTACHMENT 1**26—Principles**

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- The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

Council Boundary Change Proposals

Submitting a General Proposal to the Commission

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

This Guideline has been issued by the Commission to provide information on general proposals, including the steps that need to be taken to prepare a submission. This Guideline specifies the requirements for council initiated proposals. Guideline 6 details the process for submissions initiated by members of the public who are eligible electors as defined in section 27(1) of the Act.

What is a general proposal?

A general proposal is a proposal that is not defined as an 'administrative proposal' within section 30(7) of the *Local Government Act 1999* (for example, general proposals may include a significant boundary change or amalgamation). Further information on administrative proposals is contained within Guideline 2.

Who can submit a general proposal?

Proposals may be referred to the Commission—

- by resolution of either House of Parliament;
- by the Minister;
- by a council or councils; or
- by the prescribed percentage or number of eligible electors.

Members of the public can submit a proposal to the Commission to consider boundary alterations, changes in the composition of a council or its representative structure, or the inclusion of unincorporated land into a council. Members of the public, cannot, however, initiate a council amalgamation or the creation of a new council. Further information on the process for public initiated submissions is contained within Guideline 6.

How to prepare a submission to the Commission

Proposals must set out in general terms the nature of the proposal and comply with the requirements of the proposal guidelines.

A single council, or councils in agreement with each other, may submit a boundary change proposal to the Commission.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the principles contained within section 26 of the Act (Attachment 1). Attachment 2 contains a more detailed discussion about the principles.

Prior to submitting a proposal to the Commission, councils should consider the principles contained in Attachment 1 and described in Attachment 2 and determine whether a submission for boundary change is the best way to proceed. Councils are encouraged to contact the Commission at this point to discuss the process.

The Commission requests councils to make a general proposal in two stages to enable the Commission to provide early feedback on a potential proposal. This will assist councils to determine at the outset whether a proposal is likely to proceed prior to undertaking extensive work on a potential proposal.

Stage 1 – Initial Consideration of a Potential Proposal

Write to the Commission outlining the nature of the potential proposal and the reasons why the council(s) consider boundary change as the best option, with reference to the section 26 principles.

At this point, the Commission will consider the correspondence and provide advice to the council(s), including whether a general proposal can be referred for consideration, if more work is recommended to be undertaken or further information is sought by the Commission.

Councils should note that advice from the Commission that a general proposal can be submitted does not guarantee that the proposal will be formally accepted.

Stage 2 – Referral of a General Proposal to the Commission

Prepare a submission to the Commission that sets out in detail the grounds on which the proposal is made and the issues that should be considered in an assessment of the change to boundaries. The Commission requires the matters listed below to be included in your proposal, noting that the Commission expects a proposal to cover these matters as far as the initiating council can be reasonably aware of them.

Given that the Commission is obliged to take the section 26 principles into consideration when making recommendations about boundary changes, initiating council(s) are required to detail how their proposal fits with these principles when referring a proposal.

Description of the proposal

- Provide a detailed description of the proposal
- Clearly identify all councils involved

Section 26 principles

- Describe the proposal with reference to the principles set out in section 26 of the Act and contained and described in Attachment 1 and 2.
- Prior to accepting a proposal, the Commission may request information from other affected councils in relation to their view of how the proposal will address the principles.

Community of interest

- Discuss various components (cultural, heritage, shopping, community services, road and other transport links, sporting, etc.) of the social fabric of the area which is the subject of the proposal. Identify common interests that would be likely to benefit from the proposal.

- Identify any individual large community or business assets, or significant geographical features in the area of the proposal that you consider affect the community of interest.

Consultation with the community and key agencies

- Provide evidence that appropriate consultation has taken place with the community.
- Where appropriate, provide numbers of letters received supporting and opposing the proposal, details of public meetings held to discuss the proposal, and estimates of numbers attending. Provide copies of news articles, letters to the editor and public notices in newspapers.
- Identify concerns that were raised during consultation, the degree of support shown for and against them, and how they were addressed by all affected councils.

Advantages and Disadvantages

- Provide a balanced representation of the advantages and disadvantages of the proposal.
- Identify stakeholder groups, providing details of the interests and identity of each. Discuss impacts of the proposal on each group.
- Record any significant opposition known to the applicant council or councils and the basis of this.

Calendar of events

- List in sequence dates of key council decisions, announcements, notices, public and other meetings, actions by stakeholder groups, press articles etc.

Any other relevant information

- Information the council considers relevant for matters the Commission must consider under section 31(3)(b).

Administrative matters

- Maps should be supplied which depict in sufficient detail the area the subject of, and surrounding area of the proposal (where relevant).
- Name and contact details of the officer(s) of the proponent council(s) to whom the Commission should direct its questions and correspondence.

This information will enable the Commission to make a decision whether to accept the referral. If accepted, the Commission will request further information as part of its investigation of the proposal. Further details are contained within Guideline 4.

What happens following a submission to the Commission?

The Commission will assess the proposal in accordance with the guidelines and determine whether to inquire into the proposal or refuse to inquire into the proposal.

The Commission may refuse to inquire into a proposal if the Commission considers that—

- The proposal is vexatious, frivolous or trivial; or
- If it is not in the public interest to inquire into the proposal; or

- The proposal is the same as or substantially similar to a proposal that has already been inquired into; or
- There is some other good reason to refuse to inquire into a proposal.

The Act gives the Commission flexibility to deal with proposals to ensure that the most effective inquiry into an identified issue is undertaken. For example, the Commission may deal with similar or competing proposals that are referred to it.

If the Commission determines to inquire into a general proposal, section 31 of the Act sets out the process for these inquiries. Guideline 4 provides information on inquiries into general proposals, including how a submission is progressed by the Commission.

Contact Details:

Boundaries Commission

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 - A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
 - A council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
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ATTACHMENT 2

The principles guide the Commission in balancing various council and community interests. While general in nature, they address a range of considerations, including communities of interest, effective governance, operational capacity, delivery of services, effective planning and development, accessibility, and adequate and fair representation. Consideration will also be given to regional activities that may offer a viable and appropriate alternative to boundary change.

The principles emphasise the importance of ensuring that boundary changes enhance the capacity of local government within the area to continue to deliver results to local communities in a more strategic and effective way.

Below are some questions you may wish to consider when formulating a proposal:

- How will the proposal align resources to where they are most needed and provide value to ratepayers?
- How will the proposal increase the council's ability to improve operational capacity and financial sustainability?
- What impact will the proposal have on the resource base of affected councils?
- How will the proposal enhance the capacity of the council to deliver better services to the community?
- How does the proposal support communities of interest?
 - o Similar interests are important for groups that have been represented together because of their close geography or social and economic interests. Factors contributing to a sense of community included shared interests and shared use of community facilities.
 - o Is there a sense of belonging or stronger community connection with the area which can be clearly defined?
 - o Identify common interests that would be likely to benefit from the proposal, such as economic, social, heritage, cultural and recreational.
 - o Consider the functional relationships and whether the proposal meets the community's needs, for example, use of services, road and transport links, shopping etc.
- How will the proposal improve representation?
- Has consideration been given to delivering services on a regional basis as an alternative to boundary change?

Council Boundary Change Proposals

Investigation of General Proposals Initiated by Councils

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

This Guideline has been issued by the Commission to provide information on the investigation of general proposals, including how a submission is considered and progressed by the Commission. This Guideline specifies the requirements for council initiated proposals. Guideline 6 details the process for submissions initiated by members of the public who are eligible electors.

Section 31 of the Act sets out the process for inquiries into general proposals. The Act provides for an independent analysis of major proposals by one or more investigators consisting of expertise that is determined to be necessary for each proposal.

The Commission can appoint one or more investigators to undertake a detailed inquiry into the proposal. However, the Commission must appoint investigators when a general proposal is referred to them by either the Minister or by resolution of either House of Parliament. Further information on the appointment of investigators is contained within Guideline 5.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the Principles contained within section 26 of the Act (Attachment 1). The Commission is obliged to take these principles into consideration when making recommendations on boundary changes.

In addition to these principles, an inquiry must consider the matters in section 31(3)(b)—

- The financial implications and impact on resources that the proposal is likely to have on any council affected by the general proposal; and
- The extent of support for the general proposal and boundary reform in the area within the community affected by the general proposal; and
- The extent of support for the general proposal of any council affected by the general proposal; and
- The impact of the various rights and interests of any council employees affected by the general proposal; and
- Any other principles prescribed by regulations.

Other matters an inquiry may consider include—

- Division of assets and liabilities – including land and buildings, plant and equipment, cash, investments, interests in and business activities, debtors, debt, overdraft, staff entitlements;

- Impact of any significant contracts;
- Ability of communities to access council services and relevant communication issues between councils and communities;
- Assessment of any significant differences in rating policies of the councils involved, the impacts on ratepayers and how these are to be addressed in both the short and longer term;
- Potential conflicts that may arise from existing patterns of land use if the proposal was implemented, for example, predominantly residential areas being aligned with intensive agricultural lands.
- Assessment of any significant differences in fees and charges of the councils involved;
- Material impact of legal orders and proceedings;
- Assessment of any significant differences in service levels provided by the councils involved; and
- Implications for council employees, including any proposed transfer of staff and conditions of employment.

Provision of Information

Section 32A of the Act provides powers for the Commission or an investigator to obtain information in connection with an inquiry. The Commission or its investigators may seek relevant information from affected councils to inform consideration of the above matters, including—

Statistical and social data

- Number of residents affected.
- Number of properties affected, separated into residential, primary production, commercial and industrial and compare these to the total number of properties in the area of the council(s).
- Social profile of the community – for example, age distribution, ethnicity, income levels, employment patterns.
- Social and economic history of the area.

Financial information

- Details of rate and grant revenues that will be affected by the proposal.
- Identify real property and other significant council assets affected by the proposal.

Council representation arrangements

- Explain how the proposal will impact on ward quotas (if any) and the representation available to residents, owners and occupiers of property.
- Give details of interim representation arrangements that are proposed in the short term, or as a transitional measure, and their suggested duration.
- Outline the arrangements proposed in relation to any changes to office holders or elected members. If proclamations will be required, the matters to be covered should be set out clearly.

As part of its assessment of a general proposal the Commission is required to consult widely with councils and the public. Guideline 9 details how the Commission and its investigators will undertake engagement and consultation on boundary change proposals. The Commission will design an engagement plan for each general proposal.

Finalisation of an Inquiry

At the conclusion of an inquiry, the Commission must prepare and publish on a website a report that includes the Commission's recommendations and provide a report to the Minister. If the Commission determines to recommend a general proposal, the proposal may involve such variations as the Commission thinks fit.

The Commission may include in a report recommendations relating to the delivery of services on a regional basis by councils as an alternative to boundary change, or any other recommendation the Commission considers appropriate.

The Minister may send the report back to the Commission for reconsideration in accordance with any suggestions by the Minister. However, if this does occur, the Commission must then publish an amended report and provide a copy of the amended report to the Minister. The Minister may then determine whether a proposal recommended by the Commission should proceed.

If the Minister determines that the proposal proceed, it will be forwarded to the Governor with a recommendation that a proclamation be made.

The Minister may, in the case of a general proposal referred to the Commission by a council that the Commission has recommended in the report not proceed—at the request of 1 or more councils, consult with the relevant councils about the matter. After consultation, if the Minister determines that it is appropriate to make a recommendation to the Governor in the circumstances of the particular case, forward the general proposal to the Governor with a recommendation that a proclamation be made.

If the Minister determines that a proposal not proceed, the Minister must prepare a report for both Houses of Parliament.

Following completion of an inquiry, the Commission must give public notice of the Minister's determination. The Commission must also notify the person or body who referred the proposal to the Commission, any council affected by the proposal, and any registered industrial association that represents the interests of employees of councils.

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Council Boundary Change Proposals

Appointment of Investigators for General Proposals

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of reform proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

The Act provides for an independent analysis of major proposals by one or more investigators consisting of expertise that is determined to be necessary for each proposal. This Guideline has been issued by the Commission to provide information on the appointment of investigators for general proposals.

When will the Commission appoint investigators?

The Commission can appoint one or more investigators to undertake a detailed inquiry into a general proposal. However, the Commission must appoint investigators when a general proposal is referred to them by either the Minister or by resolution of either House of Parliament.

The Act provides appropriate flexibility in appointing investigators—more significant proposals will require a number of investigators, whereas relatively straightforward proposals may be completed ‘in house’ (for council initiated proposals), or may only require a single investigator.

How will the Commission appoint investigators?

The Commission must seek to ensure, as far as is reasonably practicable that the qualifications, knowledge expertise and experience of a particular investigator are relevant to each inquiry.

The Commission must also consult with affected councils when appointing the investigator(s).

To assist with this process, the Commission will maintain a register of potential investigators that will work within a defined fee structure.

What powers will investigators have?

Section 32A of the Act sets out the powers of the Commission or an investigator when conducting an inquiry. These powers enable information to be obtained that is determined to be relevant to an inquiry.

The Commission or an investigator conducting an inquiry may—

- a) by summons signed by the Commission or investigator (as the case requires), require a person's attendance; and

- b) require a person to answer, orally or in writing, questions to the best of his or her knowledge, information and belief; and
- c) require a person to verify an answer under paragraph (b) by declaration; and
- d) require a council or person to produce any relevant documents or other records; and
- e) retain documents or other records produced under paragraph (d) for reasonable periods and make copies of them or their contents; and
- f) call for or receive submissions or representations.

Will the investigators be independent?

An investigator appointed to conduct an inquiry must comply with any directions or requirements of the Commission relating to the inquiry, and, at the conclusion of the inquiry, provide a report on the inquiry to the Commission

The Act ensures that investigators appointed by the Commission are not subject to Ministerial direction in relation to an inquiry or a recommendation or report.

Contact Details:

Boundaries Commission
GPO Box 2329 Adelaide SA 5001
Phone: (08) 7109 7145
Email: boundaries.commission@sa.gov.au (proposed)
Website: http://www.dpti.sa.gov.au/local_govt/boundary_changes

Council Boundary Change Proposals

Proposals Initiated by Members of the Public

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of reform proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

This Guideline has been issued by the Commission to assist members of the public wishing to prepare a public initiated proposal to alter the external boundary of a council.

Public initiated proposals are submitted to the Commission by members of the public for consideration of council boundary alterations, changes in ward or representation structures, or the inclusion of land not within a council area into a council. Members of the public cannot initiate a council amalgamation or the creation of a new council.

It's important to note at the outset that dissatisfaction with the services provided by a council is not sufficient reason to make a proposal to the Commission. For example, you may be unhappy with the rates that your council imposes. This is not a reason for changing council area but is something that you should discuss and resolve with your council.

This Guideline explains the steps that need to be taken to prepare a proposal to alter the external boundary of a council, and how a proposal is considered and progressed by the Commission. Information on the process for alterations to the composition or representative structure of a council is contained within Guideline 7.

Public initiated proposals requesting consideration of changes to external council boundaries cannot be made until two years after other significant boundary changes to that area. If you are not certain whether this would preclude a proposal you are considering, contact the Boundaries Commission to discuss this.

Who can make a public initiated proposal?

A public initiated proposal may be referred to the Commission by a prescribed percentage or number of eligible electors. The prescribed percentage is 10 percent. For proposals affecting less than 10 electors, the prescribed number is 1.

An **elector** is a person, body corporate or group of persons enrolled on the voters roll for a council - this means people who can vote in a council election because they live or own property in that council.

Eligible electors are defined in section 27(1) of the Act, however, in general terms, they are—

- in the case of a proposal to move an area of one council to another council; electors in the area proposed to be moved or in the council that would receive the area; or,

- in the case of a proposal to move an area of the State not within a council area to a council area: an elector who would, if the proposal were to proceed, be an elector within the newly incorporated council area.

The following steps set out the process that must be followed by eligible electors and the Commission in regards to a public initiated proposal. You are encouraged to follow this step by step guide if you are considering making a proposal to the Commission.

Stage 1 – Initial Consideration of a Potential Proposal

1. Determine whether a proposal is the best way to proceed.

This is the first step in the process. Discuss your concerns with as many people as possible within your community to determine whether there is sufficient support for a proposal to proceed.

You are encouraged to contact your council to discuss the reasons why you feel making a proposal is necessary. As previously stated, making a proposal for boundary change to the Commission is not an avenue to express dissatisfaction with the services or representation your council provides. Talking to your council in the first instance may resolve any issues you have.

It is important to keep accurate records of any consultation and/or correspondence relating to your proposal. It is suggested that copies are kept of all correspondence, and minutes recorded at meetings held. This will help you when you come to prepare your proposal.

If you feel that making a proposal to the Commission is the best way forward, it's a good idea to contact the Commission at this point to talk through what needs to be included in the proposal, and the following process.

2. Collect signatures of eligible electors

As discussed above, proposals need to be made by at least 10 percent of eligible electors. Complete Form 1 which is attached at the end of this Guideline. Each eligible elector must complete and sign the declaration form attached at the end of this Guideline. The form may be photocopied as long as the details displayed at the top of the page are completed for every copy.

At this point, you should contact the relevant councils to verify the eligibility of each elector making the proposal. Certification from the Council Chief Executive Officer must be included in the proposal to the Commission.

Although it is not necessary for more than 10% of eligible electors to make the proposal it is expected that a proposal would have wider support within the community. You may wish to include some evidence in the proposal that indicates the level of support for the proposal, for example a petition or letter of support that was available for signing.

3. Write to the Commission

Write to the Commission outlining the nature of the potential proposal and the reasons why you consider boundary change as the best option, including consideration of the section 26 principles as described in Attachment 1.

At this point, the Commission will consider the correspondence and advise whether a detailed proposal can be referred for consideration. Advice from the Commission that a proposal can be submitted does not guarantee that the proposal will be formally accepted.

Stage 2 – Referral of a Proposal to the Commission

Prepare a submission to the Commission that sets out in detail the grounds on which the proposal is made. The following points are the Commission's guidelines on the content of a proposal. If you are having trouble obtaining this information, contact the Commission for assistance (see below for contact information). There's no set format for providing this information – including it all in a letter addressed to the Commission is acceptable.

Points 1, 2, 3, 4 and 5 **MUST** be included in your proposal – point 6 refers to supporting information that you **MAY** wish to include.

1. An outline of the proposal

Provide a brief explanation of the proposal – for example; “it is proposed that the area known as Jones Park West be removed from Council X and be included in Council Y”.

2. A map

Include a suitable map (where relevant), showing the area in.

3. Grounds for making the proposal

A proposal needs to set out in detail the grounds on which the proposal is made and the issues that you think should be considered in an assessment of the change to the boundaries. The section 26 principles will assist you to prepare this (see Attachment 1 and Attachment 2).

When considering proposals for boundary changes, the Commission must pay attention to these principles. The principles outline factors that should be taken into account when considering what form a council should take. They cover issues such as the ability of a council to fulfil its functions from the resource base available to it, and the reflection of a 'community of interest' in the area and structure of a council. It is suggested you read through them and use as a basis for your proposal.

4. Outcome of any prior discussion with the relevant councils

The Commission encourages people thinking of making a proposal to contact their council to discuss the reasons why they feel this is necessary. In your proposal, give information about when this took place and the results of these discussions.

The proposal must also include advice from the relevant council Chief Executive Officer certifying the eligibility of electors.

5. Outcome of any public consultation

You are not required to undertake broad public consultation on your proposal other than the work you will need to do to gain the support of the required number of eligible electors. However, if you have consulted with your community more broadly, you may wish to include a description and results of that consultation in your proposal.

Remember, although it is not necessary for more than the prescribed percentage of eligible electors to make a proposal it is expected that the proposal has wider support within the community. Include some evidence in the proposal that indicates the level of support for the proposal, for example a petition or letter of support that was available for signing.

6. Anything else you feel is relevant

Feel free to include information on any other issue or point you feel supports, or is relevant to your proposal. This may include such material as:

- The history of the area, and how this impacts on your proposal;
- Predominant land uses of the area;

- A community profile – who lives in the area, the approximate population, and the main industries, commercial centres and employers for the area;
- Any areas of social, cultural, or environmental significance.

Consideration of the proposal by the Commission

On receipt of the proposal, the Commission will assess the proposal and determine whether it meets the requirements of the Act and guidelines.

The Commission may refuse to inquire into a proposal if the Commission considers that—

- the proposal is vexatious, frivolous or trivial; or
- if it is not in the public interest to inquire into the proposal; or
- the proposal is the same as or substantially similar to a proposal that has already been inquired into; or
- there is some other good reason to refuse to inquire into a proposal.

The Act gives the Commission flexibility to deal with proposals to ensure that the most effective inquiry into an identified issue is undertaken. For example, the Commission may deal with similar or competing proposals that are referred to it.

If the Commission determines to inquire into a proposal, there are separate processes for administrative proposals and general proposals.

Administrative proposals are those that are made to correct historical anomalies in council boundaries, to allow for development that is approved elsewhere, or for other, largely administrative reasons. The process for conducting an inquiry into these proposals is therefore streamlined. Section 30 of the Act sets out the requirements for administrative proposals. Further information is contained within Guideline 2.

The Act also provides for more significant proposals to be considered. Section 31 of the Act sets out the requirements for general proposals and provides for an independent analysis of significant boundary change or amalgamation proposals (general proposals), with expertise relevant to each proposal. Further information on general proposals is contained within Guideline 3.

Administrative Proposals

As administrative proposals only impact a small number of ratepayers the consultation requirements are not as onerous as those for significant proposals. The level of consultation undertaken by the Commission will depend on the nature of the proposal, the number and location of affected properties, and whether there has been previous consultation. The Commission will advise the initiator of the proposal of the process to be undertaken.

For example, if there is a very minor proposal, the Commission may decide not to consult with the community. This may involve proposals involving small numbers of ratepayers or where they have been consulted in other ways, or even referred the proposal themselves. Guideline 9 sets out the engagement and consultation requirements for boundary change proposals.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the Principles contained within section 26 of the Act (Attachment 1). The Commission is obliged to take these principles into consideration when making recommendations about boundary changes.

After conducting an inquiry into an administrative proposal, the Commission must consult with the Minister (including on any recommendations that the Commission proposes to make in relation to the proposal).

The Commission will then prepare and publish a report on the inquiry that includes the Commission's recommendations and provide a report to the Minister. If the Commission determines to recommend an administrative proposal, the proposal may involve such variations as the Commission thinks fit.

The Minister will then determine whether the proposal should proceed or not. If the Minister determines that the proposal proceed, it will be forwarded to the Governor with a recommendation that a proclamation be made. If the Minister determines that a proposal not proceed, the Minister must prepare a report for both Houses of Parliament.

Following completion of an inquiry, the Commission must give public notice of the Minister's determination. The Commission must also notify the person or body who referred the proposal to the Commission, any council affected by the proposal, and any registered industrial association that represents the interests of employees of councils.

General Proposals

The Act provides for an independent analysis of major proposals by one or more investigators consisting of expertise that is determined to be necessary for each proposal. Further information on the appointment of investigators is contained within Guideline 4.

The Commission can appoint one or more investigators to undertake a detailed inquiry into the proposal.

When considering any boundary change proposal the Commission must refer to the objects of the Act as a whole, and in particular, the Principles contained within section 26 of the Act (Attachment 1). The Commission is obliged to take these principles into consideration when making recommendations about boundary reform. In addition to these principles, an inquiry must consider—

- The financial implications and impact on resources that the proposal is likely to have on any council affected by the general proposal; and
- The extent of support for the general proposal and boundary reform in the area within the community affected by the general proposal; and
- The extent of support for the general proposal of any council affected by the general proposal; and
- The impact of the various rights and interests of any council employees affected by the general proposal; and
- Any other principles prescribed by regulations.

As part of its assessment of a general proposal the Commission will undertake consultation. Guideline 9 sets out the consultation and engagement requirements for boundary change proposals.

At the conclusion of an inquiry, the Commission must prepare and publish on a website a report that includes the Commission's recommendations and provide a report to the Minister. If the Commission determines to recommend a general proposal, the proposal may involve such variations as the Commission thinks fit.

The Commission may include in a report recommendations relating to the delivery of services on a regional basis by councils as an alternative to boundary change, or any other recommendation the Commission considers appropriate.

The Minister may send the report back to the Commission for reconsideration in accordance with any suggestions by the Minister. However, if this does occur, the Commission must then publish an amended report and provide a copy of the amended report to the Minister. The Minister may then determine whether a proposal recommended by the Commission should proceed.

If the Minister determines that the proposal proceed, it will be forwarded to the Governor with a recommendation that a proclamation be made. If the Minister determines that a proposal not proceed, the Minister must prepare a report for both Houses of Parliament.

Following completion of an inquiry, the Commission must give public notice of the Minister's determination. The Commission will also notify you (as the referrer of the proposal), any council affected by the proposal, and any registered industrial association that represents the interests of employees of councils.

Contact Details:

Boundaries Commission
GPO Box 2329 Adelaide SA 5001
Phone: (08) 7109 7145
Email: boundaries.commission@sa.gov.au (proposed)
Website: http://www.dpti.sa.gov.au/local_govt/boundary_changes

ATTACHMENT 1**26—Principles**

(1) The Commission should have regard to—

- The objects of the Act
- The roles, functions and objectives of councils under this Act; and
- The following principles:
 - The resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
 - Proposed changes should, wherever practicable, benefit ratepayers;
 - A council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
 - A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
 - A council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
 - A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes
 - A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations
 - A council area should incorporate or promote an accessible centre (or centres) for local administration and services
 - The importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters
 - Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term)
 - A scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change
- The extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.
- The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

ATTACHMENT 2

The principles guide the Commission in balancing various council and community interests. While general in nature, they address a range of considerations, including communities of interest, effective governance, operational capacity, delivery of services, effective planning and development, accessibility, and adequate and fair representation. Consideration will also be given to regional activities that may offer a viable and appropriate alternative to boundary change.

The principles emphasise the importance of ensuring that boundary changes enhance the capacity of local government within the area to continue to deliver results to local communities in a more strategic and effective way.

Below are some questions you may wish to consider when formulating a proposal:

- How will the proposal align resources to where they are most needed and provide value to ratepayers?
- How will the proposal increase the council's ability to improve operational capacity and financial sustainability?
- What impact will the proposal have on the resource base of affected councils?
- How will the proposal enhance the capacity of the council to deliver better services to the community?
- How does the proposal support communities of interest?
 - o Similar interests are important for groups that have been represented together because of their close geography or social and economic interests. Factors contributing to a sense of community included shared interests and shared use of community facilities.
 - o Is there a sense of belonging or stronger community connection with the area which can be clearly defined?
 - o Identify common interests that would be likely to benefit from the proposal, such as economic, social, heritage, cultural and recreational.
 - o Consider the functional relationships and whether the proposal meets the community's needs, for example, use of services, road and transport links, shopping etc.
- How will the proposal improve representation?
- Has consideration been given to delivering services on a regional basis as an alternative to boundary change?

FORM 1 – TO BE PROVIDED

DRAFT

Council Boundary Change Proposals

Public Initiated Proposals for Changes in a Council's Composition or Representative Structure

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of reform proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

This Guideline has been issued by the Commission to assist members of the public wishing to prepare a public initiated proposal requesting consideration of changes to the composition or the representative structure of a council. This includes changes such as:

- Changing ward boundaries;
- Establishing or abolishing wards;
- Changing the composition of the elected member body (changing the number of elected members or changing from a directly elected mayor to a chairperson elected by the council or vice versa).

Councils are required to undertake representation reviews periodically. A review must comprehensively examine all aspects of the composition of the council and its internal structure. Councils must follow the process for these reviews that is prescribed in section 12 of the *Local Government Act 1999*, and satisfy the Electoral Commissioner that the process of their review has complied with these statutory requirements.

The Act provides a method by which members of the public can make proposals to the Minister requesting consideration of changes to the composition or the representative structure of a council.

Dissatisfaction with an elected member/s is not in itself a reason for making a proposal to the Commission. This is a matter for you to pursue with the elected member/s in question. A proposal must focus on the benefits that changing the internal structure of a council would provide for the community.

Note that public initiated proposals requesting consideration of changes to external council boundaries cannot be made less than two years after the council has completed a representation review or two years prior to the date a council is required to undertake a representation review. If you are not certain whether this would preclude a proposal you are considering, contact the Commission to discuss this.

The Commission may also decide to defer consideration of a proposal if it is received close to Local Government elections.

Who can make a public initiated proposal?

A public initiated proposal may be referred to the Commission by a prescribed percentage or number of eligible electors. The prescribed percentage is 10 percent. For proposals affecting less than 10 electors, the prescribed number is 1.

An **elector** is a person, body corporate or group of persons enrolled on the voters roll for a council - this means people who can vote in a council election because they live or own property in that council).

In the case of a proposal to alter the composition of a council or the issue of wards within a council, **eligible electors** are electors who are within the area of the affected council.

When considering proposals for structural reform the Commission must pay attention to what are known as the 'section 26 principles'. The principles outline factors that are taken into account when considering what form a council should take. The principles are included as an attachment to this sheet. It is important that you read them and use them as a basis for your proposal.

The following steps set out the process that must be followed by eligible electors and the Commission in regards to a public initiated proposal relating to the composition of a council or the issue of wards within a council. You are encouraged to follow this step by step guide if you are considering making a proposal to the Commission.

Stage 1 – Initial Consideration of a Potential Proposal

1. Determine whether a proposal is the best way to proceed.

This is the first step in the process. Discuss your concerns with as many people as possible within your community to determine whether there is sufficient support for a proposal to proceed.

As previously stated, making a proposal to the Commission is not an avenue to express dissatisfaction with the services or representation your council provides. Talking to your council in the first instance may resolve any issues you have.

Prior to initiating a proposal with the Commission, you must ascertain the views of the Council. It is important to keep accurate records of any consultation and/or correspondence relating to your proposal. It is suggested that copies are kept of all correspondence, and minutes recorded at meetings held. This will help you when you come to prepare your proposal.

If you feel that making a proposal to the Commission is the best way forward, it's a good idea to contact the Commission at this point to talk through what needs to be included in the proposal, and the following process.

2. Collect signatures of eligible electors

As discussed above, proposals need to be made by at least 10 percent of eligible electors. Complete Form 1 which is attached at the end of this Guideline. Each eligible elector must complete and sign the declaration form attached at the end of this Guideline. The form may be photocopied as long as the details displayed at the top of the page are completed for every copy.

At this point, you should contact the relevant council to verify the eligibility of each elector making the proposal. Certification from the Council Chief Executive Officer must be included in the proposal to the Commission.

Although it is not necessary for more than 10% of eligible electors to make the proposal it is expected that the proposal will have wider support within the community. You may wish to include some evidence in the proposal that indicates the level of support for the proposal, for example a petition or letter of support that was available for signing.

3. Write to the Commission

Write to the Commission outlining the nature of the potential proposal and the reasons why you consider changes to the composition or representative structure of the council is the best option, including consideration of the section 26 principles in Attachment 1.

At this point, the Commission will consider the correspondence and advise whether a detailed proposal can be referred for consideration. Advice from the Commission that a proposal can be submitted does not guarantee that the proposal will be formally accepted.

Stage 2 – Referral of a Proposal to the Commission

Prepare a submission to the Commission that sets out in detail the grounds on which the proposal is made. The following information will assist you to provide the type of information that the Commission requires to make an informed decision. If you are having trouble obtaining this information, contact the Commission for assistance. There's no set format for providing this information – including it all in a letter addressed to the Commission is acceptable.

1. An outline of the proposal

Provide a brief explanation of the proposal – for example; “it is proposed that the number of wards in Council X be changed from Y to Z”.

2. A map

Include a suitable map, showing the area in question. If your proposal is based on changes to a whole council area, or to the elected member body, include a map of the council area (that includes ward boundaries if existent).

3. Grounds for making the proposal

A proposal needs to set out in detail the grounds on which the proposal is made, and the issues that you think should be considered in an assessment of the change to the boundaries.

For example, the proposal could outline how a change to the ward structure would be desirable in order to draw together communities with common economic, social or regional issues. Alternatively, it may outline how population changes in the area impact on the composition of the elected member body, or how the suggested changes will improve communication between elected members and the community. The section 26 principles in Attachment 1 may assist you to prepare this.

4. Outcome of any prior discussion with the relevant council

The Commission encourages people thinking of making a proposal to contact their council to discuss the reasons why they feel a proposal is necessary. In your proposal, outline the content and the results of these discussions.

5. Description of any public consultation

You are not required to undertake broad public consultation on your proposal, other than the work you will need to do to gain the support of the required number of eligible electors. However, if you have consulted with your community more broadly you may wish to include a description and results of that consultation in your proposal.

6. Results of the most recent representation review undertaken by the Council

Councils are required to comprehensively review their composition and ward structure periodically. This has traditionally been at least once in every eight years. You may wish to include comments on this review and a copy of the report produced by your Council, particularly if dissatisfaction with this process is the impetus for your proposal to the Commission.

7. Anything else you feel is relevant

Feel free to include information on any other issue or point that supports or is relevant to your proposal.

Consideration of the proposal by the Commission

On receipt of the proposal, the Commission will assess it and determine whether it meets the requirements of the Act and guidelines.

The Commission may refuse to inquire into a proposal if the Commission considers that—

- the proposal is vexatious, frivolous or trivial; or
- if it is not in the public interest to inquire into the proposal; or
- the proposal is the same as or substantially similar to a proposal that has already been inquired into; or
- there is some other good reason to refuse to inquire into a proposal.

As part of its assessment of a proposal the Commission will undertake consultation, including with the Electoral Commission of South Australia (ECSA). Guideline 9 sets out the engagement and consultation requirements for proposals.

At the conclusion of an inquiry, the Commission must prepare and publish on a website a report that includes the Commission's recommendations and provide a report to the Minister. If the Commission determines to recommend a general proposal, the proposal may involve such variations as the Commission thinks fit.

The Minister may send the report back to the Commission for reconsideration in accordance with any suggestions by the Minister. However, if this does occur, the Commission must then publish an amended report and provide a copy of the amended report to the Minister. The Minister may then determine whether a proposal recommended by the Commission should proceed.

If the Minister determines that the proposal proceed, it will be forwarded to the Governor with a recommendation that a proclamation be made. If the Minister determines that a proposal not proceed, the Minister must prepare a report for both Houses of Parliament.

Following completion of an inquiry, the Commission must give public notice of the Minister's determination. The Commission will also notify you (as the referrer of the proposal), the council affected by the proposal, and any registered industrial association that represents the interests of employees of councils.

Contact Details:

Boundaries Commission

GPO Box 2329 Adelaide SA 5001

Phone: (08) 7109 7145

Email: boundaries.commission@sa.gov.au (proposed)

Website: http://www.dpti.sa.gov.au/local_govt/boundary_changes

ATTACHMENT 1**26—Principles**

(1) The Commission should have regard to—

- The objects of the Act
- The roles, functions and objectives of councils under this Act; and
- The following principles:
 - The resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community;
 - Proposed changes should, wherever practicable, benefit ratepayers;
 - A council should have a sufficient resource base to fulfil its functions fairly, effectively and efficiently;
 - A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis;
 - A council should facilitate effective planning and development within an area, and be constituted with respect to an area that can be promoted on a coherent basis;
 - A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes
 - A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations
 - A council area should incorporate or promote an accessible centre (or centres) for local administration and services
 - The importance within the scheme of local government to ensure that local communities within large council areas can participate effectively in decisions about local matters
 - Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term)
 - A scheme that provides for the performance of functions and delivery of services in relation to 2 or more councils (for example, a scheme for regional governance) may improve councils' capacity to deliver services on a regional basis and therefore offer a viable and appropriate alternative to structural change
- The extent and frequency of previous changes affecting the council or councils under this Chapter or the repealed Act.
- The Commission should, so far as is relevant, give preference to structural changes that enhance the capacity of local government to play a significant role in the future of an area or region from a strategic perspective.

FORM 1 – TO BE PROVIDED

DRAFT

Council Boundary Change Proposals

Costs for General Proposals Initiated by a Council or Councils

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of reform proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

Section 32B of the Act provides for the Commission to recover reasonable costs of an inquiry in relation to a **general proposal** referred to the Commission by a council or councils. Further information on general proposals is contained within Guidelines 3 and 4.

This Guideline has been issued by the Commission to detail the process the Commission will use to determine the cost of an investigation. A council or councils will only incur costs for the general proposals that they refer themselves.

Following receipt of a submission from a council, the Commission will determine whether it meets the requirements of the Act and guidelines. If the proposal is a general proposal, the Commission will determine the level of investigation necessary to inquire into the proposal.

Costs will vary depending on the complexity of the proposal submitted to the Commission. The Commission can appoint one or more investigators to undertake a detailed inquiry into the proposal. Guideline 5 provides further information on the Commission's process for appointing investigators. Expected costs will be based on the investigation process and the associated public consultation that occurs during the investigation process.

A proposal will not proceed to an investigation without the Commission consulting with the initiating council on expected costs and any alterations to a proposal (if relevant). The Commission will advise of expected costs and it will then be up to the council to determine whether to proceed with the proposal.

If a council, or a number of councils feel that a proposal they are considering is of value to the State more widely, they can request the Minister to progress the proposal on their behalf. Costs related to work on proposals initiated by the Minister will be the responsibility of the State Government.

Contact details:

Boundaries Commission

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Email: boundaries.commission@sa.gov.au (proposed)

Website: http://www.dpti.sa.gov.au/local_govt/boundary_changes

Council Boundary Change Proposals

Engagement and Consultation Guideline

This Guideline should be read in conjunction with the procedures for boundary change proposals which are set out in Chapter 3, Part 2 of the *Local Government Act 1999* (the Act). The Act is accessible via the [South Australian Legislation website](#).

The Boundaries Commission (the Commission) is the body established to undertake the initial assessment of proposals, oversee investigations, and make recommendations to the Minister responsible for the Act (the Minister). This role is undertaken by the Local Government Grants Commission.

The Act requires the Commission to have a consultation guideline and also to consult with councils affected by boundary change proposals, their communities and entities that represent the interests of council employees affected by proposals. This Guideline shows how the Commission is meeting this requirement.

This Guideline specifies the requirements that the Commission has determined should be in place to undertake required engagement and consultation. It does not set prescriptive, 'one size fits all' approaches to engagement and consultation. Instead, the approach will be tailored for each proposal, with a flexible framework that enables fit-for-purpose engagement and consultation, rather than prescriptive minimum standards, and that considers any previous engagement and consultation that has occurred.

Engagement Principles

The Commission has determined five key principles that will form the basis for any engagement and consultation it undertakes on boundary change proposals—

Engagement is fit for purpose

- The engagement and consultation process matches the significance of the boundary change proposal. It is targeted, flexible, timely and considers any previous engagement and consultation.

Engagement is tailored for general proposals

- The Commission will design an engagement plan for every general proposal that reflects the nature and specific needs of each proposal

Engagement is genuine

- The Commission will make every effort to ensure that councils and communities can participate in boundary change proposals and understand the range of views on boundary change proposals.

Engagement is inclusive and respectful

- Councils and the community affected by a boundary change proposal will have the opportunity to participate and be heard.

Engagement is informed and transparent

- The Commission will ensure that councils and the community have access to all relevant information on boundary change proposals. When making recommendations, the Commission will explain the reasons behind them.

Mandatory Requirements

The Act makes a distinction between consultation requirements for administrative proposals (refer Guideline 2) and general proposals (refer Guidelines 3 and 4). The table below sets out the Commission's engagement and consultation requirements for council boundary change proposals.

PROPOSAL	BACKGROUND	MANDATORY REQUIREMENT
ADMINISTRATIVE PROPOSALS	Refer Guideline 2 for information on Administrative Proposals.	<p>The Commission will conduct an inquiry into administrative proposals, as the Commission thinks fit, provided that a reasonable amount of consultation is conducted (section 30(1)).</p> <p>The Commission will directly notify the initiator of the proposal of the process to be undertaken.</p> <p>Due to the nature of administrative proposals and their likely impact on a relatively small number of ratepayers, the consultation requirements are not as detailed as those for more significant (general) proposals. The level of engagement undertaken by the Commission will depend on the nature of the proposal, the number and location of affected properties, and whether there has been previous consultation.</p> <p>The Commission may determine not to conduct community consultation if the Commission considers it unnecessary to do so (section 30(2)). For example, if there is a very minor proposal, the Commission may decide not to undertake engagement with the community. This may involve proposals involving small numbers of ratepayers or where they have been consulted in other ways, or even referred the proposal themselves.</p> <p>After conducting an inquiry into an administrative proposal, the Commission must consult with the Minister on the matter (section 30(3)).</p>
GENERAL PROPOSALS		
<i>Initial Consideration of a Potential Proposal</i>	Refer Guideline 3 for proposals initiated by councils and Guideline 6 for proposals initiated by members of the public.	The Commission will receive the correspondence and advise the initiator of the proposal whether a detailed proposal can be referred for consideration.
<i>Referral of a Proposal to the Commission</i>	Refer Guideline 3 for proposals initiated by councils and Guideline 6 for proposals initiated by members of the public.	The Commission will assess the proposal in accordance with the guidelines and determine whether to inquire into the proposal or refuse to inquire into the proposal. The Commission may seek additional information to assist with its decision, and will directly notify the initiator of its decision.

PROPOSAL	BACKGROUND	MANDATORY REQUIREMENT
<i>Inquiry into a General proposal – Appointment of Investigators</i>	Refer Guideline 5 for information on the appointment of investigators.	<p>The Commission can appoint one or more investigators to undertake a detailed inquiry into a general proposal (section 31(1)(b)). However, the Commission <u>must</u> appoint investigators when a general proposal is referred to them by either the Minister or by resolution of either House of Parliament (section 31(1)(b)).</p> <p>The Commission will consult directly with affected councils on the proposed appointment of investigator(s) (section 31(2)(b)).</p>
<i>Inquiry into a General proposal – Costs</i>	Refer Guideline 8 for information on costs for general proposals initiated by a council or councils.	Section 32B of the Act provides for the Commission to recover reasonable costs of an inquiry in relation to a general proposal referred to the Commission by a council or councils. The Commission will consult with the initiating council on expected costs and any alterations to a proposal (if relevant).
<i>Inquiry into a General Proposal</i>	Refer Guideline 4 for proposals initiated by councils and Guideline 6 for proposals initiated by members of the public.	<p>Amongst other matters outlined in section 31(3)(b), an inquiry must consider—</p> <ul style="list-style-type: none"> - The extent of support for the general proposal within the affected community; - The extent of support for the general proposal of any council affected by the general proposal; and - The impact on the various rights and interests of any council employees affected by the general proposal. <p>The Commission will directly notify affected councils, the community and entities that represent the interests of affected council employees, of the boundary change proposal. The Commission may also request further information as part of its inquiry into the proposal.</p> <p><u>Engagement Plan</u></p> <p>An engagement plan will be designed for each proposal to ensure a flexible and tailored engagement approach. The following information will be included in engagement plans—</p> <ul style="list-style-type: none"> - Background information on the boundary change proposal; - Purpose of the engagement; - Engagement objectives; - Scope of influence – aspects of the proposal which are negotiable and non-negotiable - Analysis of key stakeholders;

PROPOSAL	BACKGROUND	MANDATORY REQUIREMENT
		<ul style="list-style-type: none"> - Engagement approach, for example, activities and timing; - How the engagement activities address the engagement principles; and - Reporting on the outcome and how input has been used to inform the Commission's recommendations.
<i>Notification of Outcome of an Inquiry</i>	Refer Guideline 4 for proposals initiated by councils and Guideline 6 for proposals initiated by members of the public.	Following completion of an inquiry, the Commission must give public notice of, and notify the person or body who referred the proposal; any council affected by the proposal; and any registered industrial association that represents the interests of council employees, of the Minister's determination (section 32(1)).

Contact details:

Boundaries Commission

GPO Box 2329 Adelaide SA 5001

Phone: (08) 7109 7145

Email: boundaries.commission@sa.gov.au (proposed)

Website: http://www.dpti.sa.gov.au/local_govt/boundary_changes

DRAFT

Minutes and Recommendations from LGA Special General Meeting

Originating Officer	Unit Manager Governance and Records - Jaimie Thwaites
Corporate Manager	Acting Manager Corporate Governance - Sherie Walczak
General Manager	Acting General Manager Corporate Services - Kate McKenzie
Report Reference	GC180724R11

REPORT OBJECTIVE

The purpose of this report is to provide the Council with a copy of the minutes from the recent Local Government Association (LGA) Special General Meeting.

A copy of the minutes are attached in **Appendix 1**.

EXECUTIVE SUMMARY

The LGA Special General Meeting was held in the Adelaide Town Hall on Friday, 13 July 2018. The Mayor, Councillor Westwood and the Unit Manager Governance and Records were in attendance.

The special meeting was called to discuss the Local Government (Rate Oversight) Amendment Bill 2018.

The meeting was opened by the LGA President (Cr Sue Clearihan).

Prior to the Special General meeting attendees heard from the following speakers in relation to the topic:

- Minister for Local Government, Hon Stephan Knoll MP
- Adam Wilson, CEO, ESCOSA
- Cr Linda Scott, President, LGNSW (NSW Experience)
- Mayor David Clark, Deputy President, MAV (Victorian Experience)
- Professor Roberta Ryan, Professor and Director, University of Technology Sydney (Expert Analysis)

The meeting resolved that "the Special General Meeting requests that all South Australian councils carefully review the Local Government (Rate Oversight) Amendment Bill 2018 and advise the Local Government Association by Friday 3 August 2018 of the council's endorsed position based on the following options:

- a. Council supports the Local Government (Rate Oversight) Amendment Bill 2018; or
- b. Council opposes the Local Government (Rate Oversight) Amendment Bill 2018

A further report is presented to Council to consider the above resolution and how it wishes to respond to the LGA.

RECOMMENDATION

That Council:

1. Notes this report and the minutes of the Local Government Association Special General Meeting held on 13 July 2018.
2. Notes that a separate report will be brought to Council for consideration of any recommendations and / or actions from the Local Government Association Special General Meeting.

Attachment

#	Attachment	Type
1	Appendix 1 - _LGA Special General Meeting - Draft Minutes - 13 July 2018	PDF File

Draft

Draft Minutes of the LGA Special General Meeting held on Friday 13 July 2018 at 12.30pm at Adelaide Town Hall, 128 King William Street, Adelaide

1. Open & Welcome

The President opened the meeting at 12:30pm and welcomed members and staff.

Present:

President Cr Sue Clearihan

LGA Secretariat:

Chief Executive Officer Matt Pinnegar

Executive Director Corporate & Member Services Kathy Jarrett

Executive Director Public Affairs Lisa Teburea

Office Manager (Minutes) Jacqui Kelleher

Director, Finance (Scrutineer) Andrew Wroniak

Senior Finance Officer (Scrutineer) Ben Swan

Member Councils (voting delegates):

Adelaide City Council Goyder Regional Council

Adelaide Hills Council Holdfast Bay City Council

Adelaide Plains Council District Council of Kimba

Alexandrina Council Kingston District Council

The Barossa Council Light Regional Council

Berri Barmera Council District Council of Loxton Waikerie

City of Burnside City of Marion

Campbelltown City Council Mid Murray Council

City of Charles Sturt City of Mitcham

Clare & Gilbert Valleys Council Mount Barker District Council

District Council of Cleve City of Mount Gambier

Coorong District Council District Council of Mount Remarkable

District Council of Copper Coast Rural City of Murray Bridge

District Council of Elliston Naracoorte Lucindale Council

The Flinders Ranges Council District Council of Orroroo/Carrieton

Draft

City of Playford
City of Port Adelaide Enfield
City of Port Lincoln
Port Pirie Regional Council
City of Prospect
Renmark Paringa Council
City of Salisbury
Southern Mallee District Council
District Council of Streaky Bay

City of Tea Tree Gully
District Council of Tumby Bay
City of Unley
City of Victor Harbor
Wakefield Regional Council
Town of Walkerville
City of West Torrens
District Council of Yankalilla
Yorke Peninsula Council

2. Apologies

Barunga West Council
District Council of Ceduna
District Council of Coober Pedy
District Council of Franklin Harbour
Town of Gawler
District Council of Grant
Kangaroo Island Council
District Council of Karoonda East Murray
District Council of Lower Eyre Peninsula

District Council of Peterborough
Port Augusta City Council
District Council of Robe
Municipal Council of Roxby Downs
Tatiara District Council
Wattle Range Council
City of Whyalla
Wudinna District Council

3. Notices & Arrangements

The Executive Director Corporate & Member Services outlined the notices and arrangements for the meeting.

4. Discussion Reports from the LGA Board

4.1 Local Government (Rate Oversight) Amendment Bill 2018

Moved Goyder Seconded Naracoorte Lucindale that the Special General Meeting:

1. notes the report;
2. notes the policy position unanimously adopted by LGA Members at the 2016 Ordinary General Meeting that decisions concerning council rates

Draft

are better informed, and the impacts better understood, when made by the respective councils in consultation with their communities;

3. requests that all South Australian councils carefully review the Local Government (Rate Oversight) Amendment Bill 2018 and advise the Local Government Association by Friday 3 August 2018 of the council's endorsed position based on the following options:
 - a. Council supports the Local Government (Rate Oversight) Amendment Bill 2018; or
 - b. Council opposes the Local Government (Rate Oversight) Amendment Bill 2018.
4. supports the LGA using best endeavours to secure the best possible outcome for local government and the communities they serve and requests that councils provide to the LGA a list of the priority issues, amendments and concessions they would seek to address in the LGA's discussions with political parties about this rate capping legislation;
5. notes that the Local Government Association Board will hold a special meeting to consider the endorsed positions of member councils; and
6. notes that the LGA Board will consider the matter on the basis of both a 'one vote, one value' counting method and a weighted voting method (using the same weighting system applied at LGA General Meetings). The Board will also use identified criteria to inform and resolve a position.

Carried

5. Next Meeting

The 2018 Annual General Meeting will be held on Friday 26 October at Adelaide Entertainment Centre, 98 Port Road, Hindmarsh.

6. Close

The meeting was declared closed at 1.07 pm.

Minutes confirmed

.....

Chairperson

Date

Draft

Rate Capping - Introduction of the Local Government (Rate Oversight) Amendment Bill 2018

Originating Officer	Manager Finance - Ray Barnwell
Corporate Manager	Manager Finance - Ray Barnwell
General Manager	Acting General Manager Corporate Services - Kate McKenzie
Report Reference	GC180724R12

REPORT OBJECTIVE

The purpose of this report is to consider Council's response to a recommendation from the Special General Meeting of the Local Government Association (LGA) held on 13 July 2018 regarding the introduction of the 'Local Government (Rate Oversight) Amendment Bill 2018' (the Bill). The resolution passed at the 13 July LGA Special General Meeting stated;

That the Special General Meeting requests that all South Australian councils carefully review the Local Government (Rate Oversight) Amendment Bill 2018 and advise the Local Government Association by Friday 3 August 2018 of the council's endorsed position based on the following options:

- a. Council supports the Local Government (Rate Oversight) Amendment Bill 2018; or
- b. Council opposes the Local Government (Rate Oversight) Amendment Bill 2018

Following the receipt of responses from councils by 3 August, a special meeting of the LGA Board will be called to consider the endorsed positions of member councils.

EXECUTIVE SUMMARY

The City of Marion is currently well placed to deal with the potential financial impacts resulting from the introduction of rate capping legislation should it be enacted. Council's Long Term Financial Plan is based off forecast rate revenue increasing at 1.8% per annum plus growth of 1% over the next 10 years. However, the impact of future cost shifting coupled with rate capping may impact on Council's ability to continue to provide the existing levels of service to our community.

This report provides an overview of the 'Local Government (Rate Oversight) Amendment Bill 2018' and highlights key considerations for Council in assessing its support or opposition to the Bill in its current form. Attachment 3 provides an outline of potential amendments to the Bill, drawn from the LGA analysis, the Special Meeting 13 July, and feedback and questions from councils. Council has been asked to nominate the top five amendments and concessions for the LGA to pursue in its best endeavours with the political parties.

Advice has been sought by the LGA from Councils about their endorsed position and is requested by Friday 3 August 2018 to enable the LGA Board finalise a position and advise political parties of the sectors response in preparation for the spring session of Parliament.

RECOMMENDATION

That Council:

1. notes the report 'Introduction of the Local Government (Rate Oversight) Amendment Bill 2018'
2. advises the Local Government Association by 3 Aug 2018 that it:

Supports the Local Government (Rate Oversight) Amendment Bill 2018

or

Opposes the Local Government (Rate Oversight) Amendment Bill 2018

3. advises the LGA that the issues, amendments and concessions Council would seek the LGA to use best endeavours to address in discussions with political parties about the Local Government (Rate Oversight) Amendment Bill 2018 as described in Attachment 3 to this report include the following:

Amendments

- 1.4 - Should the regulator be required to consult with local government and other interested stakeholders prior to the development and adoption of guidelines and regulations that support the Rate Oversight Bill?
- 2.1 - Should the legislation provide an obligation for the regulator to consult with councils, the LGA and other interested stakeholders each year on the factors that should be taken into account when setting the cap?
- 2.2 - Should the methodology for the rate cap be a more simple mechanism to give revenue certainty to councils and account for development growth during the period? Would a LGPI/WPI + growth be suitable?
- 2.3 - Should the definition of "Annualised revenue recoverable from general rates" exclude discretionary & mandatory rebates, objections, write offs / bad debts, interest & fines, and other recovered costs? Does the legislation need to be clearer about what is included/excluded?
- 3.3 - Should the legislation include a deadline by which the regulator must determine and advise councils on the outcome of their variation applications?

Areas of possible concessions:

- 1.1 - Community Housing Rebates
- 1.2 - Solid Waste Levy
- 2.1 - State Government Grants
- 2.4 - Review of Statutory Fees and Charges
- 3.2 - Mandatory Rebates and Exemptions.

GENERAL ANALYSIS

The State Government introduced the Local Government (Rate Oversight) Amendment Bill 2018 ('the Bill') in the House of Assembly on 20 June 2018 following a key election commitment to introduce rate capping legislation in the parliament.

The Bill establishes a framework for a rate cap policy that gives the Essential Services Commission of South Australia (ESCOMSA) responsibility for setting the annual cap, assessing applications from councils for variations to the rate cap, and monitoring and reporting on council compliance with the rate cap.

The Bill will need to be passed by both Houses of Parliament to be enacted as law, and the position which the Opposition and Independent Members may take is yet to be determined.

Overview of the Bill

The Bill mainly amends Chapter 10 of the Local Government Act by inserting Part 1A – Rate oversight. This new part sets up the process, operation and reporting around a system to cap annual rate increases. The fundamental premise of the Bill is to cap the total revenue that councils may raise through general rates and if passed it will apply from the 2019/20 financial year.

The Bill has two expressed objectives:

1. that the financial contribution of ratepayers to the provision of services and infrastructure by local government to meet the present and future needs of local communities is subject to appropriate oversight; and
2. that a council has the financial capacity to perform its duties and functions and exercise its powers.

Key Elements of the Bill

- Independent Regulator – the Essential Services Commission of South Australia (ESCOSA) will manage the rate oversight system and be responsible for:
 - Making rate cap determinations
 - Receiving and assessing applications for variations on the rate cap
 - Report on compliance and outcomes of the system to the Minister on a regular basis
- ESCOSA will determine both the rate cap, known as the ‘primary rate cap determination’ and will also have full discretion to select the basis for determination (e.g. CPI, LGPI, Wage price index). The primary rate cap must be set by the 31 December each year, or by another date set by ESCOSA in the South Australia Government Gazette.
- It should be noted that much of the details of the scheme are as yet to be determined with ESCOSA to produce guidelines on how to comply with the cap, calculate rate revenue, apply for variations, how variations will be assessed and what councils will be required to provide to ESCOSA for reporting and monitoring.
- The Bill will cap the total rates revenue generated through general rates. It doesn’t impact on councils’ flexibility to vary differential rates thereby allowing council to shift the rates burden between different land classes such as commercial, industrial, primary production for example once the total revenue cap is not exceeded.
- ESCOSA may apply a rate cap determination to councils generally, a class of councils (not yet defined) or a particular council.
- The cap percentage may also be positive or negative. Therefore, if the primary rate cap increases, Council’s rate revenue will increase and if the primary rate cap decreases so too will Council’s rate revenue, notwithstanding any increases in council’s rateable assessments.

- The cap will be applied to what will be known as the 'base standard rate'. This is a nominal rate that is arrived at by dividing the total annualised general rates revenue by the number of rateable assessments at the end of the base year (30 June). A simple example below illustrates how the cap is applied.

Assumptions: Primary rate cap determination 2%

Rateable assessments 2018/19 (43,085), 2019/20 (43,516)

General Rate Revenue 2018/19 \$75,231,000

$$\text{Base Standard Rate} = \frac{\text{Total Rate Revenue } \$75,231,000}{\text{Rateable Assessments } 43,085} = \$1,746.10$$

The cap will be applied to the Base Standard Rate = \$1746.10 x 1.02 = \$1781.02

Total Rate Revenue will be determined by multiplying \$1781.02 x 43,516 (the number of rateable assessments in 2019/20) = \$ 77,502,866 (Total rate revenue in capped year).

At this time there is little clarity as to what constitutes annualised revenue, it may or may not include rate rebates, rate remissions and write offs, fines and interest revenue.

It is also unclear what basis will be used to index the base standard rate. For example, whether or not it will be based upon a relevant price or cost index such as the Consumer Price Index or Local Government Price Index and whether the cap will include any efficiency or productivity component. These matters which are at the discretion of ESCOSA will be the subject of ESCOSA guidelines that have yet to be developed.

- Councils may apply for a variation of the primary rate cap for a period of up to 5 years. Applications must be received by ESCOSA by 31 March of the year before the capped year. There will also be a cost for Council to apply for a variation. Experience from Victoria tells us that applications can cost from \$50k up to \$300K, but this is yet to be determined. Reasons for the variations will need to be explained, what alternatives there are to a variation, how the variation will demonstrate value for money and how the variation is consistent with long term financial plans and asset management plans must be explored as part of the application. Councils will also have to demonstrate that they have consulted their community on the impact of any proposed amount above the cap, including ratepayers' capacity and willingness to pay rates in accordance with the proposed varied rate cap. 'Capacity and willingness' may be quite difficult to show evidence of and somewhat difficult to prove.
- ESCOSA has responsibility for monitoring and reporting on compliance. In terms of penalties for non-compliance, they come by virtue of an amendment to section 273 of the Local Government Act. Under this section, a report from ESCOSA is added to the Act as a report that the Minister may then take action on. Acting under that section means the Minister can make recommendations to the Council, can direct a Council to take a particular action, or in more serious matters, declare the council to be a defaulting council (i.e. put the Council into Administration).

Rate Capping Research

Rate capping was first proposed by the Liberal Party prior to the 2014 State Election. On the basis of evidence that rate capping results in negative impacts on communities, and the absence of any evidence that it results in more efficient councils, the LGA and the majority of South Australian councils have consistently voted to oppose the introduction of rate capping in South Australia.

The LGA has undertaken a range of advocacy, policy and reform activities to highlight the risks of rate capping while developing alternative local government reforms that will deliver benefits and value for communities. A summary of the extensive research the LGA has undertaken on council rate capping policies and their impacts in other jurisdictions was presented in the report to the LGA Special General Meeting held on 13 July 2018, which is available here:

<https://www.lga.sa.gov.au/page.aspx?u=6918>

As reported by Professor Roberta Ryan from the University of Technology Sydney at the LGA Special General Meeting, there is little Australian empirical evidence available to back up the claims about the purported advantages on rate capping. The research that is available provides evidence that rate capping is associated with:

1. Higher levels of debt;
2. Lower level of infrastructure maintenance; and
3. Lower levels of inter-jurisdictional revenue effort equity (creating inequity in individual councils' ability to raise revenue).

The research does not provide any evidence of higher levels of efficiency being associated with rate capping.

Videos of the presentations on the New South Wales and Victorian experiences of rate capping and expert academic analysis at the LGA Special General Meeting can be found via the following links:

- 2018 LGA Special General Meeting Cr Linda Scott, President of Local Government NSW - <https://www.youtube.com/watch?v=C--71a2Sfcw&feature=youtu.be>
- 2018 LGA Special General Meeting Mayor David Clark, Deputy President of MAV - <https://www.youtube.com/watch?v=snbNHXhISMI&feature=youtu.be>
- 2018 LGA Special General Meeting Professor Roberta Ryan - <https://www.youtube.com/watch?v=2klwuUdCg80&feature=youtu.be>

DISCUSSION

The City of Marion is currently well placed to deal with the potential financial impacts resulting from the introduction of rate capping legislation should it be enacted. Council's Long Term Financial Plan is based off forecast rate revenue increasing at 1.8% per annum plus growth of 1% over the next 10 years. However, the impact of future cost shifting coupled with rate capping may impact on Council's ability to continue to provide existing levels of service to our community. In assessing the proposed Bill and Council's position with regard to supporting or opposing the proposed legislation in its current form the following should be considered:

- Clarity on the basis to be used by ESCOSA in determining the cap – It is not clear the basis to be used by ESCOSA to determine the cap %. ESCOSA should have a solid basis for determining the cap such as an established index. A suggestion could be that the primary rate cap should be based on a combination of the wage index and LGPI at a minimum with consideration of forecast movements in Local Government costs such as EPA levy for example.
- Clarity is required in relation to the definition of 'annualised 'revenue recoverable from general rates' - it may or may not include rate rebates, rate remissions and write offs and fines and interest revenue.
- Growth – The methodology proposed in the Bill does not fully provide for growth. It allows for growth in assessments at the current average. Where a council has significant vacant land, there will be no growth in revenue as a result of construction on that land. Growth is simply determined by an increase in assessments at the current average.
- Rate Variation Process – The rate variation application timeframes will have a significant impact on Council budgeting timeframes, processes and consultation timeframes, requiring councils to consult a lot earlier than normal. The rate cap will be set by 31 December. Should Council decide that a rate cap variation is required it must apply by 31 March. It would therefore need to consult prior to March

to gain community feedback on the proposed variation application. It should also be noted that while Council have a stipulated timeframe to apply for a variation (31 March) there is no timeline specified in the Bill for ESCOSA to make a determination on the success or not of the variation application. A lengthy response timeframe would jeopardise Council's budget setting timetable. A reply to the determination should be provided by 31 May.

- Political Influence in setting the rate cap - ESCOSA should be free from political influence in the setting of the rate cap. Throughout the Bill there are references to ESCOSA having to consider any matter the Minister directs ESCOSA to consider. These references should be reviewed if not removed completely.
- When will ESCOSA produce the associated guidelines on how to comply with the cap, calculate rate revenue, apply for variations, how variations will be assessed and what councils will be required to provide to ESCOSA for reporting and monitoring.
- Long Term Financial Planning – Councils are required under legislation to produce a 10 year LTFP – will ESCOSA be providing a forecast of the cap over at least 10 years to enable Council comply with their legislative requirements.
- Further specific section by section analysis on the bill carried out by the SA Local Government Financial Management Group is also included in Attachment 3 for Councils consideration.

Process to resolve a sector position

At the LGA Special General Meeting, members voted that South Australian councils should review the *Local Government (Rate Oversight) Amendment Bill 2018* and advise the LGA by Friday 3 August 2018 of the council's endorsed position based on the following options:

1. Council supports the Local Government (Rate Oversight) Amendment Bill 2018; or
2. Council opposes the Local Government (Rate Oversight) Amendment Bill 2018.

Following the receipt of responses from councils by 3 August, a special meeting of the LGA Board will be called to consider the endorsed positions of member councils. As rate capping would impact on councils differently depending on size, services, budget and rate base; the LGA Board will consider the endorsed positions of member councils on the basis of both a 'one vote, one value' counting method and a weighted voting method (using the same weighting system applied at LGA General Meetings).

The Board will also use the following criteria to inform and resolve a position:

- A merits-based assessment of the proposed legislation;
- The best interests of the communities of South Australia and their confidence in the local government sector;
- Current LGA policy positions and whether there is a mandate from members for an amended policy to be adopted;
- Potential impacts on the long-term financial sustainability of the local government sector, and how any negative impacts could be mitigated;
- Potential amendments and concessions that are in the best interest of councils and the community they serve;

- Positions of political parties in the Legislative Council and the impact this would have on the outcomes that can feasibly be achieved through the parliamentary process; and
- The number of responses received and the number of councils that did not participate in the voting process.

The LGA has requested that Council provides advice on an endorsed position by Friday 3 August to enable the LGA Board to finalise a position and advise political parties of the sector's response in preparation for the spring session of Parliament.

It is critical for the LGA Board's decision making process that councils indicate whether they support or oppose the Bill irrespective of potential amendments and concessions.

Once the Board has resolved a position on behalf of the sector, the LGA will use best endeavours in the Parliament to secure an outcome reflective of the sector's position and in the interests of the communities they serve.

Parliamentary Process

The Local Government (Rate Oversight) Amendment Bill has been introduced in the House of Assembly by the Minister for Transport, Infrastructure and Local Government, Hon Stephan Knoll MP.

The Government holds the majority in the House of Assembly (lower house), so it is likely the Bill will progress through the House of Assembly (lower house) to the Legislative Council (upper house) despite independent MPs in the lower house - Frances Bedford MP, Geoff Brock MP and Troy Bell MP (and potentially SA Labor) - all publicly stating that they will vote against the legislation. The Bill is expected to be passed in the House of Assembly in July 2018, before the winter recess of Parliament.

However, the Bill must pass in both Houses of Parliament to become law and the Government does not hold a majority in the Legislative Council.

If the Labor Party (ALP) honours its pre-election commitment to oppose rate capping, the government must secure support from three out of five crossbench members in order for the Bill to pass. The crossbench currently comprises two members from SA-BEST, two members from the Greens, and one member from Advance SA.

The ALP is considering the detail of the Bill and is yet to confirm a position. However, the Shadow Minister for Local Government, Hon Tony Piccolo MP told the LGA's Special Meeting that he has a number of concerns about rate capping and is reluctant to recommend it to the Shadow Cabinet. SA-BEST and Greens are both on record post-election opposing rate capping based on the detrimental impacts it has had interstate and its lack of policy merit. Therefore, the possibility of successfully opposing rate capping in the upper house remains available if this is ultimately the decision of councils.

The Government has indicated that the Bill will be scheduled for debate in the Legislative Council in the first or second sitting week of Parliament, following the winter recess.

Possible amendments and concessions to the *Local Government (Rates Oversight) Amendment Bill 2018*

Despite any position that Council or the LGA resolves to take on the proposed legislation, ultimately the Parliament will make the decision about whether the legislation is passed, and in what form.

As discussions and negotiations with the government, opposition and other parties may be required, The LGA has also asked councils to clearly specify the priority amendments and concessions they would ask the

LGA to use best endeavours to achieve in any negotiations with political parties about the legislation.

Based on the information presented to the LGA Special General Meeting, the Greens and the ALP do not seem inclined to accept amendments. SA-BEST – while stating their opposition to the Bill – has suggested the government’s proposed productivity commission could examine the Bill as part of its remit. This would potentially mean that only the government would sponsor and support amendments.

Table 1 at Attachment 3 provides an outline of the potential amendments to the Bill, drawn from LGA analysis, the Special Meeting on 13 July, and feedback and questions from councils.

Council has been asked to nominate the top five amendment priorities for the LGA to pursue in its best endeavours with the political parties. Administration recommends that Council nominate the following priorities:

1. Should the definition of “Annualised revenue recoverable from general rates” exclude discretionary & mandatory rebates, objections, write offs / bad debts, interest & fines, and other recovered costs? Does the legislation need to be clearer about what is included/excluded?
2. Should the regulator be required to consult with local government and other interested stakeholders prior to the development and adoption of guidelines and regulations that support the Rate Oversight Bill?
3. Should the methodology for the rate cap be a more simple mechanism to give revenue certainty to councils and account for development growth during the period? Would a LGPI/WPI + growth be suitable?
4. Should the legislation provide an obligation for the regulator to consult with councils, the LGA and other interested stakeholders each year on the factors that should be taken into account when setting the cap?
5. Should the legislation include a deadline by which the regulator must determine and advise councils on the outcome of their variation applications?

Table 2 at Attachment A provides a list of possible concessions as that the State Government should address if the Bill were to be passed.

Council has been asked to nominate the top five concession priorities for the LGA to pursue in its best endeavours with the political parties. Administration recommends that Council nominate the following priorities:

Issue	\$ (impact / funds sought)	Comment
1. Community Housing Rebates	Impact on councils is \$10.7 million per year for 12,000 properties	The previous State Government commenced the transfer of management of SA Housing Trust (SAHT) properties to Community Housing Providers (CHPs). However, under the Local Government Act 1999 councils must provide a mandatory 75% rate rebate on council rates to community housing properties.

2. Solid Waste Levy	Impact on councils is \$34 million dollars in 2018/19	Councils provide waste depot services in their local communities. Through their contracts with waste collection agencies, councils and their rate-payers pay the State Government's Solid Waste Levy.
3. Review of statutory fees and charges	\$ TBD	Councils provide services to the community that are subject to a fee set by statute. Examples include planning and building assessments under the Development Act (PDI Act) and food inspections under the Food Act. The cost of the delivering these services far exceeds the fee councils are permitted to charge. LGA data analysis shows that the councils are subsidising the costs of providing these services by up to 70-80%.
4. State Government grants	\$ TBD	South Australian councils historically receive the lowest per-capita share of state government funding in the country.
5. Mandatory Rebates and Exemptions	Impact on councils (rebates only):	Councils are required by the Local Government Act to provide a range of mandatory rate rebates to properties used for health, community, religious and education purposes. These mandatory rebates should be reviewed in the context of rate capping to ensure that the wider community is not unfairly subsidising the costs of services delivered to other properties.

Attachment

#	Attachment	Type
1	Attachment 1 - Explanatory Paper - Local Government (Rate Oversight) Amendment Act 2018	PDF File
2	Attachment 2 - Local Government (Rate Oversight) Amendment Bill 2018	PDF File
3	Attachment 3 - Potential Amendments to the Rate Oversight Bill	PDF File

Explanatory Paper

Local Government (Rate Oversight) Amendment Bill 2018

June 2018



Government of South Australia

Department of Planning,
Transport and Infrastructure

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INTRODUCTION

The Local Government (Rate Oversight) Amendment Bill 2018 (the Bill) introduces a rate oversight scheme into the *Local Government Act 1999* (the Act). This Explanatory Paper is intended to be read in conjunction with the Bill, to provide further details on the intent and application of the Bill's provisions.

The Bill chiefly amends Chapter 10 of the Act to insert Part 1A—Rate oversight that provides for the establishment, operation and reporting of a system to cap annual increases in councils' general rates.

KEY ELEMENTS OF THE BILL

The Bill provides a rate oversight framework that establishes three key elements—

1. **Primary rate cap determinations:** the establishment of a rate cap — provisions enabling a cap to be set, determining that the cap applies to council revenue recoverable from general rates, and providing for its calculation on an annual basis for all councils, classes of councils or particular councils.
2. **Variation applications:** setting out provisions that enable councils to apply for a variation of the rate cap, by demonstrating engagement with their community on a variation and that a variation is necessary within the context of the council's operations and long term financial planning.
3. **Monitoring and reporting:** setting out provisions that enable monitoring and reporting on the rate oversight system, to ensure both compliance and understanding of the effect of rate oversight on councils.

INDEPENDENT REGULATOR

In accordance with the Government's policy that the rate oversight system will be managed by an independent regulator, the Bill appoints the Essential Services Commission of South Australia (ESCOSA) as the body responsible for—

1. Making rate cap determinations.
2. Receiving and assessing applications from councils for variations on the rate cap.
3. Reporting on compliance and the outcomes of the system to the Minister on a regular basis.

It should be noted that while the Bill provides the statutory framework necessary for a rate oversight system, detail necessary for the operation of the system will be contained within guidance material produced by ESCOSA. This will include—

1. Guidance on compliance with the rate cap (including guidance on how councils should calculate annual rate revenue that incorporates the cap, the calculation of a council's total annualised revenue).
2. Requirements for council applications for variations on the cap, and guidance on the assessment process for these applications.

3. Requirements for information and other material from councils to enable ESCOSA to undertake necessary monitoring and reporting.

THE PROVISIONS OF THE BILL

Part 1 – Preliminary

Part 1 of the Bill contains preliminary information about the short title of the Bill, commencement (the Act will come into operation on a day to be fixed by proclamation) and amendment provisions.

Part 2 – Proposed amendment of *Local Government Act 1999*

Part 2 of the Bill contains the substantive provisions to amend the Act.

Clause 4—Amendment of section 3—Objects

The Bill amends the objects of the Act, specifically section 3(f) of the Act to clarify that the objects of the Act are to encourage local government to provide appropriate services and facilities to meet the present and future needs of local communities while also ensuring that these are supported by appropriate financial contributions by ratepayers.

Clause 5—Amendment of section 123—Annual business plans and budgets

These clauses amends section 123(2) of the Act to ensure that an annual business plan and budget released by a council states that the council has applied for or has received a rate cap variation for that financial year, if this is the case.

Clause 6—Insertion of Chapter 10 Part 1A

This clause of the Bill proposes the inclusion of Part 1A to Chapter 10 of the Act — Rates and Charges. Accordingly, inserted sections 187C–187K of the Bill contain most of the detail of the rate oversight system.

187C — Objects of Part

The objects of the proposed Part 1A rate oversight clarify the purpose of the rate oversight system; namely to ensure that the financial contributions of ratepayers to the provision of services and infrastructure are subject to appropriate oversight (the cap) and also to ensure that a council has the financial capacity to perform its duties and exercise its powers (the ability of councils to apply for a variation on the cap).

187D — Interpretation

This section sets out definitions for the various terms and phrases used throughout the Bill.

Of particular note are the definitions (and formulas) of the terms ‘base standard rate’ and ‘capped standard rate’, which form the basis of the calculation of the cap each year by councils. This is explained further in the next section.

187E — Primary rate cap determination

This section stipulates that ESCOSA may, on its own initiative, or at the request of the Minister, make a ‘primary rate cap determination’ for each financial year – referred to below as the ‘the primary rate cap’.

The primary rate cap must be set by 31 December each year, or by another date set by ESCOSA in the South Australian Government Gazette (the Gazette). ESCOSA must also publish primary rate caps in the Gazette. A primary rate cap may apply to all councils, a class of councils, or a particular council.

Before determining a primary rate cap, ESCOSA must consider a range of matters. These include what the basis of the cap should be (which may be a relevant price or cost index), and whether the cap should include any form of efficiency or productivity element.

The Bill does not require ESCOSA to use a particular index—such as the Consumer Price Index (CPI) or the Local Government Price Index (LGPI)—as the basis for a primary rate cap. This is a matter of discretion for ESCOSA as the independent regulator.

Under the primary rate cap, councils’ capped standard rate for a specified financial year must not exceed the base standard rate by more than the primary rate cap specified in ESCOSA’s determination. In this context (as the formulas in section 187D sets out), the base standard rate is a nominal rate that is arrived at by dividing the total annualised revenue for a council area by the number of rateable properties in that area at the end of a base year (30 June immediately before the financial year to be capped).

The intent of the application of the cap to the base standard rate, and the calculation of ‘total annualised revenue’ is to ensure that growth in rateable properties over the year prior to the capped year (the base year) are fully incorporated within the calculation of each year’s primary rate cap. This recognises that growth in rateable property numbers results in additional cost pressures for councils, and should ensure that growth councils do not have to apply for a variation on the rate cap for this to be recognised.

As noted above, section 187E(4) allows ESCOSA to make a primary rate cap determination that applies to a particular council. However, it is expected that ESCOSA would only set a primary rate cap for a council in particular circumstances, not as a usual practice. The Bill therefore proposes that ESCOSA may do this in response to non-compliance with the primary rate cap, in response to a council’s introduction of a service rate or charge or separate rate or use of other council fees and charges, or for any other reason that ESCOSA considers appropriate.

If ESCOSA is considering making a primary rate cap for a particular council, it must also give the council a reasonable opportunity to make submissions in relation to the proposed determination. If a council receives a primary rate cap under this section, that council may not apply for a variation of the cap (see section 187F(1)).

187F — Rate cap variation determinations

Along with the setting of a primary rate cap, an ability for councils to apply for a variation on a primary rate cap is critical to achieving the objectives of the rate oversight system.

Section 187F therefore enables ESCOSA to receive and assess applications for a variation of a primary rate cap from councils that are subject to a primary rate cap that applies to all councils or a class of councils. Applications must be received by ESCOSA by 31 March of the year before the capped year, unless ESCOSA sets another date in the Gazette.

187G — Rate cap variation determination applications

While ESCOSA will act independently in its assessment of variation applications, the Bill proposes a number of criteria that ESCOSA must have regard to. These are set out in section 187G(2) and include matters that a council's application must specify, such as—

- The council's proposed varied rate cap, and what years council proposes that it applies to (this can be for a maximum period of up to five years).
- The reasons for the variation application.
- The community engagement process that the council has undertaken, to inform and engage with its community on the proposed variation. It is not intended that councils will have to demonstrate explicit community support (through polling or other measures); rather, that it must be clear that the council has made every effort to explain to its community the necessity for the variation, and that there is wide understanding of these reasons.
- The council's views of the likely impact of the proposed variation on ratepayers, which may be informed by the community engagement process.
- How the council has considered alternatives to a variation, which may be the reprioritisation of spending, or the use of alternative funding mechanisms (including the appropriate use of debt, or of council reserves).
- How the variation represents value for money for the council and its ratepayers, and promotes the efficient use of council resources. This reflects the expectation that councils should seek to make efficiencies across their operations before seeking a variation.
- How the proposal is consistent with the council's long term financial plan and infrastructure and asset management plan. All South Australian councils are required to have these plans in place, and they will be a critical component of an application for a variation as clear demonstrations of a council's need for additional revenue.

Councils will also be required to publish their application for variation on their website.

187H — Ministerial requests and directions

While the Bill proposes that the rate oversight system is managed by an independent regulator (ESCOSA), the Minister can direct ESCOSA to consider a matter when ESCOSA is considering—

- A primary rate cap determination: section 187E(3)(d).
- A primary rate cap determination that will apply to a particular council: section 187E(4)(b)(i)(C).
- Applications for a rate cap variation determination: section 187F(2)(d).

Additionally, the Minister may request ESCOSA to determine a primary rate cap under section 187E(1).

While the Minister may request or direct ESCOSA to consider matters in these circumstances, ESCOSA will maintain its discretion as to whether to act. Section 187H also requires ESCOSA to publish copies of any Ministerial request direction on its website, to ensure the appropriate level of transparency.

187I — Council must notify ESCOSA of certain matters

Under the Act, councils have four main sources of revenue: general rates (declared under section 153 of the Act); separate rates (section 154 of the Act); service rates and charges (section 155 of the Act); and fees and charges (section 188 of the Act).

The rate oversight system proposes that a primary rate cap would apply to general rates only. This recognises that both separate rates and service rates and charges are already restrained within the Act, as they can only raise sufficient revenue to cover the cost of the relevant purpose or prescribed service.

Councils will be required to inform ESCOSA if they are planning to introduce a separate rate or a service rate or charge. ESCOSA may then consider the application of a primary rate cap for that council, if ESCOSA are of the view that this is needed to prevent an effective rate increase above the cap.

As is noted above, ESCOSA also has the ability to consider a primary rate cap for a particular council if ESCOSA is of the view that a council is utilising the application of fees and charges under section 188 of the Act unreasonably.

Additionally, councils will be required to notify ESCOSA if they plan to change their basis of rating from rating on title to rating on occupancy, or vice versa, as this may have a material impact on the calculation of the rate cap for that council.

187J — Compliance with rate cap determination

This section requires councils' compliance with any rate cap determination made by ESCOSA. The Bill also proposes an amendment to section 273 of the Act, to enable the Minister to take action on a report made by ESCOSA under this Chapter 10 Part 1A of the Act.

It is therefore anticipated that the Minister would make recommendations or directions to a council in instances of non-compliance, and, if the non-compliance is sufficiently serious, to recommend to the Governor that the council be declared defaulting.

187K — Administration

This section provides ESCOSA with powers to perform the functions that ESCOSA will be responsible for in the rate oversight system. Additionally, ESCOSA will be required to—

- Monitor and review councils' compliance with the system; and make annual reports to the Minister on this compliance.
- Assess the effect of rate capping (both the primary rate cap and variations) on councils, and identify any trends that may arise from the application of the rate oversight system across local government. ESCOSA will make a report on these matters to the Minister every two years.

Reports received by the Minister from ESCOSA must be laid before the Houses of Parliament, and may also be published on ESCOSA's website.

Clause 7—Amendment of section 273 — Action on report

As noted in the discussion on section 187J, this clause amends section 273 of the Act to include ESCOSA as a body that can make reports that may result in Ministerial action towards a council.

Clause 8 – Amendment of section 303 — Regulations

This amends the Act to enable regulations to be made that may be necessary to deal with saving or transitional matters related to this Bill.

Clause 9 – Review

This clause requires the Minister responsible for the Local Government Act to review the legislation that establishes the rate oversight system before 31 December 2023 (expected to be after five years of the operation of the legislation).

Advance

South Australia

Local Government (Rate Oversight) Amendment Bill 2018

A BILL FOR

An Act to amend the *Local Government Act 1999*.

Contents

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Local Government (Rate Oversight) Amendment Act 2018*.

2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

- 10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Local Government Act 1999*

4—Amendment of section 3—Objects

Section 3(f)—after "communities" insert:

- 15 and to provide for appropriate financial contributions by ratepayers to those services and facilities

5—Amendment of section 123—Annual business plans and budgets

Section 123—after subsection (2) insert:

- (2a) A council must ensure that, if relevant, an annual business plan also contains a statement—
- (a) that the council intends to apply for a rate cap variation determination to increase the primary rate cap determination applying to the council for the financial year under Chapter 10 Part 1A; or
 - (b) that the council has made an application to ESCOSA for a rate cap variation determination but that a determination has not been made in relation to the application; or
 - (c) that a rate cap variation determination made by ESCOSA for the financial year applies to the council.

6—Insertion of Chapter 10 Part 1A

Chapter 10—after Part 1 insert:

Part 1A—Rate oversight

187C—Objects of Part

The objects of this Part are to ensure—

- (a) that the financial contribution of ratepayers to the provision of services and infrastructure by local government to meet the present and future needs of local communities is subject to appropriate oversight; and
- (b) that a council has the financial capacity to perform its duties and functions and exercise its powers.

187D—Interpretation

- (1) In this Part—

base standard rate—see subsection (2);

base year means the financial year before the capped year;

capped standard rate see subsection (3);

capped year means the financial year specified in a primary rate cap determination;

ESCOSA means the Essential Services Commission established under the *Essential Services Commission Act 2002*;

primary rate cap means the primary rate cap (expressed as a percentage) specified by ESCOSA in a primary rate cap determination;

primary rate cap determination—see section 187E(1);

rate cap variation determination—see section 187F(1);

varied rate cap means the varied rate cap (expressed as a percentage) specified by ESCOSA in a rate cap variation determination.

- (2) The ***base standard rate***, in relation to a council, means the rate calculated in accordance with the following formula:

$$BSR = \frac{Rb}{N}$$

Where—

BSR is the base standard rate;

Rb is the total annualised revenue recoverable from general rates on rateable properties within the area of the council as at 30 June in the base year;

N is the number of rateable properties within the area of the council as at 30 June in the base year.

- (3) The ***capped standard rate***, in relation to a council, means the rate calculated in accordance with the following formula:

$$CSR = \frac{Rc}{N}$$

Where—

CSR is the capped standard rate;

Rc is the total annualised revenue recoverable from general rates on rateable properties within the area of the council as at 1 July in the capped year;

N is the number of rateable properties within the area of the council as at 1 July in the capped year.

187E—Primary rate cap determinations

- (1) ESCOSA may, on its own initiative or at the request of the Minister, by notice in the Gazette, determine that the capped standard rate for a specified financial year must not exceed the base standard rate by more than the primary rate cap specified in the notice (a ***primary rate cap determination***).
- (2) A primary rate cap determination may apply to—
- (a) councils generally; or
 - (b) a class of councils; or
 - (c) a particular council.
- (3) Before making a primary rate cap determination that is to apply to councils generally or a class of councils, ESCOSA must consider the following:
- (a) the basis of the primary rate cap (for example, a relevant price or cost index);

Local Government (Rate Oversight) Amendment Bill 2018
 Amendment of *Local Government Act 1999*—Part 2

- (b) whether the primary rate cap should include an efficiency or productivity component;
- (c) the amount of the primary rate cap (including, if relevant, any efficiency or productivity component);
- 5 (d) any matter that the Minister directs ESCOSA to consider;
- (e) any other matter considered relevant by ESCOSA.
- (4) The following provisions apply to the making of a primary rate cap determination that is to apply to a particular council:
 - (a) ESCOSA may only make a primary rate cap determination that is to apply to a particular council if ESCOSA considers it appropriate to do so taking into account—
 - (i) the council's record of compliance with 1 or more previous primary rate cap determinations or rate cap variation determinations; or
 - 15 (ii) a proposal by the council to—
 - (A) change the basis on which rates are assessed against land under section 148; or
 - (B) declare a separate rate under section 154 or impose a service rate or an annual service charge under section 155 in relation to a financial year; or
 - 20 (iii) the level of other fees or charges imposed or proposed to be imposed by the council other than under Part 1; or
 - 25 (iv) any other matter that ESCOSA thinks fit;
 - (b) before making a primary rate cap determination that is to apply to a particular council, ESCOSA must—
 - (i) consider the following:
 - 30 (A) the matter or matters set out in subsection (4)(a)(i) to (iv) based on which ESCOSA considers it appropriate to make the determination;
 - (B) if ESCOSA proposes to make a primary rate cap determination that is to apply to councils generally for the relevant financial year, the amount of the primary rate cap (including, if relevant, any efficiency or productivity component);
 - 35 (C) any matter that the Minister directs ESCOSA to consider;
 - 40 (D) any other matter considered relevant by ESCOSA; and

- (ii) give the council a reasonable opportunity to make submissions in relation to the proposed determination.

(5) A primary rate cap determination does not have effect in relation to a capped year unless it is published in the Gazette—

- (a) on or before 31 December in the financial year before the capped year; or
- (b) on or before another date specified by ESCOSA by notice in the Gazette in the financial year before the capped year.

(6) A primary rate cap under a primary rate cap determination may be a positive or negative amount.

187F—Rate cap variation determinations

(1) ESCOSA may, on application by a council the subject of a primary rate cap determination applying to councils generally or a class of councils, make a determination specifying a varied rate cap (being a cap that is different from the primary rate cap applying to the council under the primary rate cap determination) for 1 or more specified financial years (up to a maximum of 5 years) (*a rate cap variation determination*).

(2) ESCOSA may only make a rate cap variation determination on an application under this section if satisfied that the varied rate cap is appropriate, having regard to—

- (a) the matters set out in section 187G(2); and
- (b) the council's record of compliance with any previous primary rate cap determination or rate cap variation determination; and
- (c) whether requirements given by ESCOSA under section 29 of the *Essential Services Commission Act 2002* relating to the council giving information relevant to the application (if any) have been complied with; and
- (d) any matter that the Minister directs ESCOSA to consider; and
- (e) any other matter determined by ESCOSA.

(3) If ESCOSA makes a rate cap variation determination under this section, ESCOSA must publish a notice in the Gazette specifying—

- (a) the fact that a rate cap variation determination has been made; and
- (b) the council to which the rate cap variation determination applies; and
- (c) the varied rate cap applying under the rate cap variation determination (which may be the varied rate cap proposed by the council or another cap set by ESCOSA); and

- (d) each financial year to which the varied rate cap applies.
- (4) A varied rate cap under a rate cap variation determination may be a positive or negative amount.

187G—Rate cap variation determination applications

- (1) An application by a council for a rate cap variation determination must—
 - (a) be made by—
 - (i) 31 March before the first capped year to which the application relates; or
 - (ii) by such other date fixed by ESCOSA by notice in the Gazette; and
 - (b) be made in the form and manner determined by ESCOSA; and
 - (c) be accompanied by the fee determined by ESCOSA, which must not exceed the reasonable costs of determining the application.
- (2) The application must specify—
 - (a) the number of financial years (up to a maximum of 5 years) that the council proposes that it be subject to a rate cap variation determination; and
 - (b) the proposed varied rate cap for each specified financial year; and
 - (c) the reasons the council seeks a varied rate cap; and
 - (d) the community engagement process that has been undertaken by the council on the proposed varied rate cap; and
 - (e) the likely impact of the proposed varied rate cap on ratepayers, including their capacity and willingness to pay rates in accordance with the proposed varied rate cap; and
 - (f) whether consideration has been given to reprioritising proposed spending measures and alternative funding options and, if so, why those options are not adequate; and
 - (g) how the varied rate cap represents value for money for the council and its ratepayers and promotes the efficient use of council resources; and
 - (h) how the proposal is consistent with the council's long term financial plan and infrastructure and asset management plan under Chapter 8 Part 1; and
 - (i) any other information required by ESCOSA.

- (3) A council must, as soon as is reasonably practicable after making an application for a rate cap variation determination, publish a copy of the application (including any accompanying information and documents) on its website.

187H—Publication of Ministerial requests and directions

- (1) If the Minister makes a request under section 187E(1), ESCOSA must publish a copy of the request on its website as soon as is reasonably practicable after its receipt.

- (2) If the Minister gives—

- (a) a direction under section 187E(3)(d) or (4)(b)(i)(C); or
 (b) a direction under section 187F(2)(d),

ESCOSA must publish a copy of the direction on its website as soon as is reasonably practicable after its receipt.

187I—Council must notify ESCOSA of certain matters

- (1) A council must not—

- (a) change the basis on which rates are assessed against land under section 148; or
 (b) declare a separate rate under section 154 or impose a service rate or an annual service charge under section 155,

unless the council notifies ESCOSA, in the manner and form determined by ESCOSA, of the proposal before 31 October of the year before the first financial year in which the change, rate or charge (as the case may be) is to apply.

- (2) If a council notifies ESCOSA under subsection (1) of a—

- (a) proposed change of a kind referred to in subsection (1)(a); or
 (b) proposed rate or charge of a kind referred to in subsection (1)(b),

the council must provide ESCOSA with any information or document required by ESCOSA in relation to the change, rate or charge (as the case requires).

- (3) A failure to comply with this section does not affect the validity of any of the following rates or charges recoverable under this Chapter (or any fine or interest relating to such rates or charges):

- (a) a rate or charge assessed against land on a changed basis of a kind referred to in subsection (1)(a); or
 (b) a separate rate, service rate or annual service charge of a kind referred to in subsection (1)(b).

187J—Compliance with rate cap determinations

- (1) A council must comply with a primary rate cap determination.

- (2) If a rate cap variation determination is made in respect of a council—
- (a) the rate cap variation determination applies to the council for the financial year or years specified in the determination (instead of the primary rate cap determination applying during that year or those years); and
 - (b) the council must comply with the rate cap variation determination.
- (3) A failure to comply with a primary rate cap determination or a rate cap variation determination does not affect the validity of any rate, charge, interest or fine recoverable under this Chapter in respect of the financial year in relation to which the failure occurred.

187K—Administration

- (1) ESCOSA has such functions and powers as are necessary or expedient to give effect to this Part, including the following functions:
- (a) to monitor and review councils' compliance with this Part and, in particular, to monitor and review compliance with primary rate cap determinations and rate cap variation determinations;
 - (b) to assess the effect of primary rate cap determinations and rate cap variation determinations on the provision of services and infrastructure by councils and the sustainability of the financial performance and position of councils;
 - (c) to identify trends across the local government sector arising from the operation of primary rate cap determinations and rate cap variation determinations, and any other impacts arising from the operation of this Part.
- (2) ESCOSA must, in relation to each financial year, give an annual report to the Minister on the compliance of councils with any primary rate cap determination and rate cap variation determination applying in that year.
- (3) ESCOSA must prepare a biennial report on—
- (a) the matters referred to in subsection (1)(b) and (c); and
 - (b) any other matter relating to the operation of this Part that ESCOSA considers appropriate.
- (4) A report under subsection (3) must be given to the Minister within 3 months after the end of the second financial year to which the report relates.
- (5) The Minister must cause a copy of a report given to the Minister under this section to be laid before both Houses of Parliament within 12 sitting days after receiving the report.

- ## 7—Amendment of section 273—Action on report

; or

- ## 8—Amendment of section 303—Regulations

- (2) Section 303(8a)—delete "enactment of the *Statutes Amendment (Boards and Committees—Abolition and Reform) Act 2015*" and substitute:

9—Review

- (1) The Minister responsible for the administration of the *Local Government Act 1999* must cause a review of the operation of Chapter 10 Part 1A of that Act (as to be inserted into the *Local Government Act 1999* by section 6 of this Act) to be conducted and a report on the results of the review to be prepared and submitted to the Minister.
- (2) The review and report must be completed by 31 December 2023.
- (3) The Minister must cause a copy of the report to be laid before both Houses of Parliament within 6 sitting days after receiving the report.

Attachment 3

Table 1: Potential Amendments to the Rate Oversight Bill

Note: The analysis of the LGA is that only the government may be willing to sponsor and support amendments, and amendments would still need the support of the ALP or the majority of the cross bench in the Legislative Council.

Issue		Council priority
Theme 1: ESOCSA's role		
1.1	Should ESCOSA's proposed regulatory role be replaced with another independent body to administer the system? Should this be the Local Government Grants Commission?	
1.2	If ESCOSA retains a regulatory role, should there be a local government nominee or appointee on the Commission to bring local government skills and knowledge?	
1.3	Should the regulator be given powers to cap state government taxes, levies, fees and charges to create consistency with any scheme applied to local government?	
1.4	Should the regulator be required to consult with local government and other interested stakeholders prior to the development and adoption of guidelines and regulations that support the Rate Oversight Bill?	
Theme 2: Rate cap methodology (formula)		
2.1	Should the legislation provide an obligation for the regulator to consult with councils, the LGA and other interested stakeholders each year on the factors that should be taken into account when setting the cap?	
2.2	Should the methodology for the rate cap be a more simple mechanism to give revenue certainty to councils and account for development growth during the period? Would a LGPI/WPI + growth be suitable?	
2.3	Should the definition of "Annualised revenue recoverable from general rates" exclude discretionary & mandatory rebates, objections, write offs / bad debts, interest & fines, and other recovered costs? Does the legislation need to be clearer about what is included/excluded?	
2.4	Should all powers for Ministerial direction be removed from the legislation to ensure independence and avoid politicisation of the rate capping scheme?	
2.5	Should the regulator be restricted from determining an efficiency dividend as part of setting the annual cap?	
2.6	Should the regulator be required to determine the primary rate cap on or before 31 December in all circumstances? Or should the legislation retain the flexibility for the regulator to extend this timeframe?	

2.7	Should the legislation include a provision to ensure that the financial impact of state government cost shifting is not included in the calculation of the base standard rate? For example, if the cost to a council is \$1 million per year to provide the 75% mandatory rebate to community housing providers, this amount should be deducted from the calculation of the base standard rate.	
Theme 3: Rate cap variation – applications and assessments		
3.1	Should the reference to councils paying a fee for a variation application be removed from the legislation?	
3.2	Should the impacts of emergency and disaster response and recovery be included in the legislation as a factor in making cap determinations?	
3.3	Should the legislation include a deadline by which the regulator must determine and advise councils on the outcome of their variation applications?	
3.4	Should the legislation provide an administrative appeal process for councils that have a variation application rejected by the regulator?	
Theme 4: Property valuations and objections		
4.1	Should the legislation include a provision to ensure that a Rate Oversight system factors in annual losses through objections and falling property valuations?	
Theme 5: Monitoring compliance		
5.1	Should provisions for financially penalising councils that inadvertently breach the cap be removed given there are already broad powers available in the Act for investigation and review of council decision making?	
5.2	Should the legislation require consultation with local government before determining the administrative requirements at Section 187K to ensure there is agreement about how the performance/impacts of the rate capping scheme will be measured, how the data will be collected and analysed?	
Theme 6: Review of the Rate Oversight legislation		
6.1	Should the legislation include a provision that requires the legislation to be publically reviewed every two years, with input from councils and the LGA?	

Table 2: Possible Concessions – issues the State Government needs to address should the Rate Oversight Bill be passed

	Issue	\$ (impact/ funds sought)	Comment	Council priority
1. Cost Shifting				

1.1	Community Housing Rebates	Impact on councils is \$10.7 million per year for 12,000 properties	<p>The previous State Government commenced the transfer of management of SA Housing Trust (SAHT) properties to Community Housing Providers (CHPs). However, under the Local Government Act 1999 councils must provide a mandatory 75% rate rebate on council rates to community housing properties.</p> <p>Local government in South Australia supports the provision of affordable and sustainable public housing. However, as this is a State Government responsibility the LGA continues to oppose costs for community housing being shifted to councils through State Government policy decisions.</p>	
1.2	Solid Waste Levy	Impact on councils is \$34 million dollars in 2018/19	<p>Councils provide waste depot services in their local communities. Through their contracts with waste collection agencies, councils and their rate-payers pay the State Government's Solid Waste Levy.</p> <p>There is currently around \$118 million that has been collected via the Solid Waste Levy sitting in the Green Industry Fund.</p> <p>The funds collected through the Levy are meant to be spent on waste programs to improve recycling and help the environment. However, only a small proportion of money raised is being invested back into the sector.</p> <p>Since 2001, the State Government's waste levy has increased by nearly 1450%.</p>	
1.3	Rubble Royalties	Impact on councils is approx. \$1 million per year.	As part of the 2014-15 budget, the previous State Government introduced a requirement for regional councils to pay royalties (currently 52c per tonne) to them on rubble raised from borrow pits they own and manage for the purpose of road construction.	
1.4	NRM Levy	Impact on councils is approx. \$690,000	<p>Councils are currently required by the State Parliament to collect the NRM Levy on behalf of the State Government. The levy appears as a separate line on council rates notice, and many people mistake this for council revenue.</p> <p>In 2016/17, the State Government collected over \$44 million for NRM levy through council rates. This was a 25 percent increase on the previous year.</p> <p>There are hidden administrative costs to councils in collecting the levy on behalf of the state, particularly in relation to non-payment and rebates. There is over \$690,000 in unpaid NRM levies across the local government sector in South Australia.</p>	

2. Funding, Roles and Responsibilities

2.1	State Government grants	\$ TBD	<p>South Australian councils historically receive the lowest per-capita share of state government funding in the country.</p> <p>State Government grants/funding to local government should be no less than the average in other states. Priority areas for increased long-term state funding to councils may include:</p> <ul style="list-style-type: none"> • Stormwater infrastructure • Coastal management • Community infrastructure • Libraries • Roads • Community services <p>To reduce council costs to meet any rate cap, the State Government should fulfil their resource and funding obligations that have been handed over to councils.</p>	
2.2	Review of services provided on behalf of the state government	\$ TBD	<p>There are a number of discretionary services and programs that local government provides on behalf of the State Government under individual or sector-wide agreements. For example, services such as immunisations, food safety inspections and maintenance of state-owned jetties. A review of these agreements and the functions being undertaken by councils on behalf of the State Government may be required in a revenue constrained environment.</p>	
2.3	Development contributions	\$TBD	<p>Councils In South Australia, particularly those experiencing high levels of growth, are making significant upfront investments in infrastructure and facilities that support new developments. Councils in New South Wales and Victoria have the benefit of a legislated development contributions system to support this investment; and for some councils this is a significant source of additional revenue, which reduces pressure on council rates. The introduction of rate capping in South Australia will require consideration of an appropriate development contributions system to ensure growth areas in South Australia are not disadvantaged.</p>	
2.4	Review of statutory fees and charges	\$ TBD	<p>Councils provide services to the community that are subject to a fee set by statute. Examples include planning and building assessments under the Development Act (PDI Act) and food inspections under the Food Act. The cost of the delivering these services far exceeds the fee councils are permitted to charge. LGA data analysis shows that the councils are subsidising the costs of providing these services by up to 70-80%.</p> <p>A commitment is required to review all relevant statutory fees and charges and implement a cross-government policy to reset these fees at a cost recovery level.</p>	

2.5	Litter and Nuisance	\$TBD	<p>Councils have faced significant cost increases in recent years to manage and administer new responsibilities and obligations related to litter and nuisance control. These costs are not recovered or offset by additional revenue and must be subsidised by general rates.</p> <p>To reduce council costs to meet any rate cap, the State Government should take back the responsibilities that have been handed over to councils.</p>	
3. Local Government Reform				
3.1	Benchmarking and data sharing	\$3 million in 2018/19, and \$1 million a year for the following 3 years	<p>Establishment of a sophisticated database of performance measures administered by the LGA to support council planning and community consultation to enable local government to continually improve.</p> <p>While there is a considerable amount of information already available to communities about what their council is doing; this information is often spread across multiple documents and platforms, can be difficult to find, and is not easy to compare with other councils.</p> <p>The LGA is working towards developing a more sophisticated performance measurement and reporting framework as a consistent way to promote transparency and accountability.</p>	
3.2	Mandatory Rebates and Exemptions	<p>Impact on councils (rebates only):</p> <p>Metro council average = approx. \$970,000 annually</p> <p>Regional council average= approx. \$122,000 annually</p>	<p>Councils are required by the Local Government Act to provide a range of mandatory rate rebates to properties used for health, community, religious and education purposes. These mandatory rebates should be reviewed in the context of rate capping to ensure that the wider community is not unfairly subsidising the costs of services delivered to other properties.</p> <p>The rating exemptions that apply to state government owned land should also be reviewed in the context of rate capping to reduce fiscal illusion.</p>	
3.3	Local Government elections	\$TBD	<p>Support participation in local democracy and decision making by investing in the development and implementation of a cost effective and reliable electronic voting system for local government elections to, in time, replace the current postal ballot voting system.</p> <p>Legislative change would be required to implement this reform.</p>	

CORPORATE REPORTS FOR INFORMATION/NOTING

Questions Taken on Notice Register

Originating Officer	Governance Officer - Victoria Moritz
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Vincent Mifsud
Report Reference	GC180724R13

REPORT OBJECTIVE

To receive and note Questions taken on Notice during the previous General Council Meeting.

EXECUTIVE SUMMARY

The 'Code of Practice – Procedures At Council Meetings 2017/18' states that:

4.7 Questions without Notice that were not answered at the same meeting will be entered into a register. This register will be tabled as an information report at the following meeting.

Under Regulation 9 of the Local Government (Procedures at Meetings) Regulations 2013 (the regulations):

- (3) A member may ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.

There were no new items added to the Register, and all the answers to previous outstanding questions were provided at the General Council Meeting on 10 July 2018.

RECOMMENDATION

That Council:

1. Notes the report "Questions Taken on Notice Register"

Work Health & Safety - June 2018 Report

Originating Officer	WHS Coordinator - Paul Johns
Corporate Manager	Acting Manager Corporate Governance - Sherie Walczak
General Manager	Acting General Manager Corporate Services - Kate McKenzie
Report Reference	GC180724R14

REPORT OBJECTIVE

The objective of this report is to provide Council with assurance that the City of Marion has effective strategies in place to meet its legal obligations as outlined in the Work Health and Safety Act (SA) 2012 and monitor Council's 2017/18 target of 25% reduction of the Lost Time Injury Frequency Rate (LTIFR) on the previous financial year.

EXECUTIVE SUMMARY

The City of Marion has been on a continuous improvement journey to implement and mature its Work Health & Safety Management System (WHSMS), with the aim to promote ownership of responsibilities and processes for health, safety and wellbeing throughout the organisation. The approach taken for this has been to provide tools, training and support that enables people to apply WHS principles and practices in all they set out to achieve for the community.

The Think Safe Live Well program's vision align with our organisational values and corporate performance indicators. The focus remains on further developing our existing leadership styles, organisational culture and WHS systems by:

- Embedding a culture of safety for our people and the community at the forefront of everything we do
- Developing our people as proactive safety leaders
- Applying WHS systems to our operations with a focus on identifying and incorporating opportunities for improvement.

The Corporate WHS Performance Indicator for 2017/18 is to achieve a 25% or greater reduction of our Lost Time Injury Frequency Rate (LTIFR). As at the 30th June, the LTIFR was 6.2 which demonstrates a 50% reduction from previous years and hence achieves the KPI set by Council.

RECOMMENDATION

That Council:

1. Notes the report and statistical data contained therein.

DISCUSSION

LGAWCS WHS ACTION PLAN

In 2017, the Local Government Association Workers Compensation Scheme (LGAWCS) and Local Government Association Mutual Liability Scheme (LGAMLS) amalgamated the WHS audit and risk review processes. This replaced the previously separate, annual processes with a biennial, combined process for a collaborative 'Risk Evaluation' to be undertaken incorporating the same audit style approach to WHS. The

City of Marion's next audit is scheduled to take place in September 2018.

As a result of the audit, the Council is required to set an annual action plan which addresses the outcomes of the audit.

In 2017, Council was successful in closing out 96% of actions from the 2016 Audit. As at 30 June 2018, 50% of actions have been completed. All actions are being monitored monthly and are on track for completion before their due date of 30 September 2018.

The key focus areas for the 2018 action plan have been:

- Improving plant management through review of plant risk assessments, safe operating procedures, emergency instructions, verification of competency and management of heavy vehicle loads.
- Implementation of Skytrust for managing our WHS plan, hazard register, corrective and preventative action register and work area inspections
- Continual improvement of contractor WHS management and the annual WHS management system review.

PERFORMANCE RESULTS

In order to measure improvement, safety indicators are measured and monitored against our industry counterparts being Group A Councils' (1GaC). Two important safety indicators measured are Lost Time Injuries (2LTIs), outlined in Appendix A. Table 1 and Table 2 from internal incident reporting data and Lost Time Injury Frequency Rate (3LTIFR) from the LGA's Claims Analysis Portal data, outlined in Figures 1 and 2 of Appendix A. It should be noted that due to appropriate determination deferrals and data transfers, there can be delays in LTI's being recorded in the LGAWCS data which can affect the comparison data illustrated in Figure 1.

The financial year 2016-17 LTI data was revised in June 2018 following an appeal to the South Australian Employment Tribunal for a Return to Work claim that was originally denied. The tribunal ordered payment of lost time for a work related injury that was originally sustained in March 2017. Subsequently, the LTIFR for FY2016-17 increased from 10.8 to 12.4, which still equates to a 57% reduction, therefore meeting the previous years KPI of a 25% or more reduction.

The FY2017/18 target of less than 5 LTIs was achieved with only four (4) LTIs recorded to date. This resulted in an LTIFR of 6.2 equating to the achievement of a 50% reduction in the LTIFR, again meeting the KPI of a 25% or more reduction.

Analysis of the incidents resulting in lost time injury in FY2017/18 shows three primary mechanisms of injuries, which are:

1. One manual handling (muscular stress while lifting, carrying or putting down objects)
Shoulder injury from operation of hand held power tools
2. One fall from the same or differing level (slips, trips and falls)
Multiple injuries to left upper limb from tripping over chain fence
3. Two muscular / tendon strain (non-traumatic)
 - Operating plant on uneven ground
 - Unanticipated braking while passenger in a commercial vehicle on public road

CONCLUSION

The significant reduction in Lost Time Injuries during the FY2017/18 reporting period has been a commendable achievement and as the City of Marion continues to commit to place the community and safety at the forefront of everything we do.

The City of Marion's LTIFR has historically been higher than Group A Councils and for the first time in more than ten years our LTIFR is below our industry counterparts for two (2) consecutive years. This is evidence that with a values based commitment to the health and safety of people and return to work strategies, we can reduce injury, illness and harm.

In the FY2018/19 reporting period, we again aim to reduce harm and achieve Council's KPI of 10% or greater reduction in LTIFR compared to the end of FY2017/18 reporting period.

Legend

1 Group A Councils (GaC) are those metropolitan councils that have more than 300 workers ie Marion, Adelaide, Charles Sturt, Onkaparinga, Playford, Port Adelaide Enfield, Salisbury and Tee Tree Gully

2 Lost Time Injuries (LTI's) are those injuries where a whole work day or more has been lost due to a workplace injury

3 Lost Time Injury Frequency Rate (LTIFR) is an industry standard measurement tool for measuring LTI's within a given accounting period relative to the number of full-time equivalent workers and the total number of hours worked in the same accounting period which enables comparison to other organisations for the purpose of benchmarking.

Attachment

#	Attachment	Type
1	GC180724 WHS Report - June 2018 Appendix A	PDF File

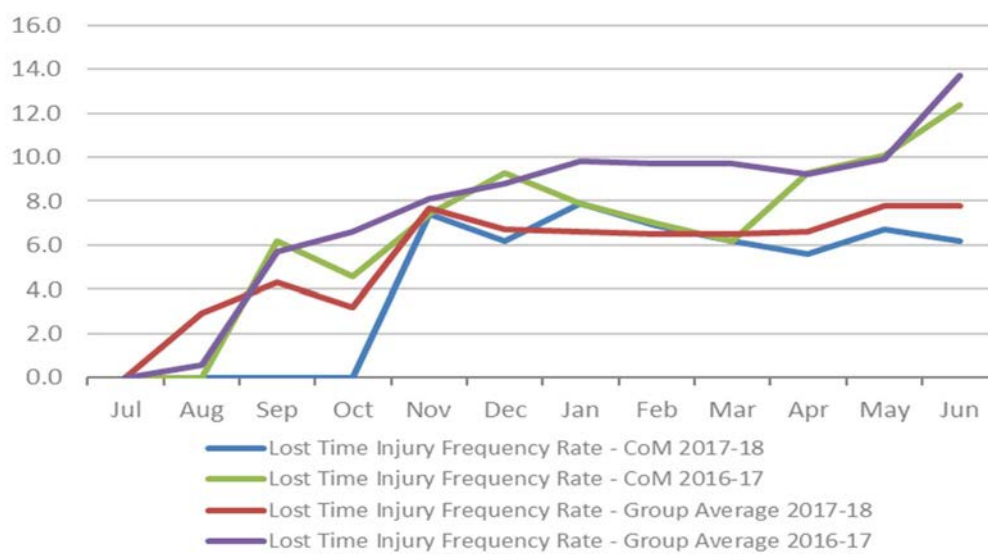
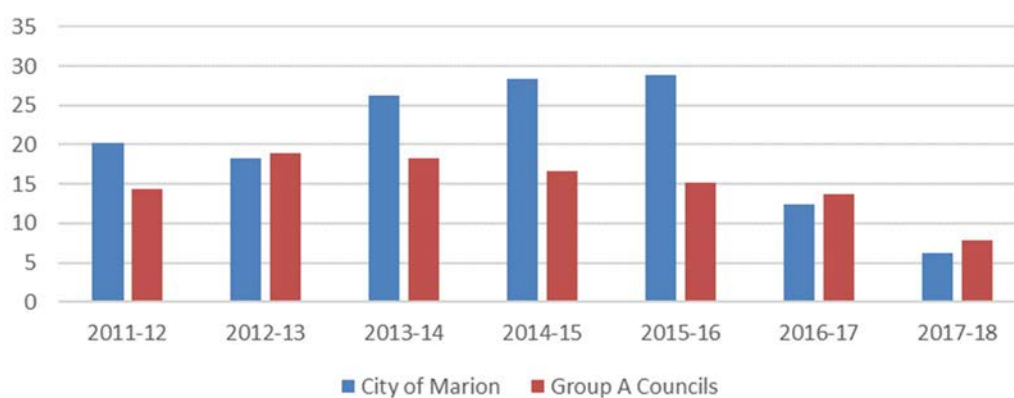
Appendix A – GC180724 WHS June 2018 Report

Table 1: 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	1	0	2	0	8

Table 2: Number of LTIs 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	1	0	1	0	0	0	4

Figure 1: LTIFR per month – Financial Year comparison against Group A Councils as at 30 June 2018**Figure 2: LTIFR – 6 year comparison against Group A Councils as at 30 June 2018**

WORKSHOP / PRESENTATION ITEMS

MOTIONS WITH NOTICE

Change of Policy - Meeting Procedures

Elected Member Councillor Bruce Hull

Report Reference: GC180724M01

Motion:

That:

1. The Council meeting procedures policy be amended so as to state that the Mayor is welcomed and encouraged to introduce business to Council by way of a resolution, but in order to do so he/she must vacate the Chair for that item so as to not enter the debate from the Chair.

Supporting Information:

Nil

Response Received From: Unit Manager Governance & Records - Jaimie Thwaites

Staff Comments:

The motion as worded is ultra vires as under Regulation 86(1) of the *Local Government Act 1999* "The principal member of a council will preside at a meeting of the council." There is no provision to vary this requirement unless the principal member is absent from the meeting.

Below is an extract of the Local Government Association's Council Meeting Procedures Handbook regarding the role and responsibility of the presiding member (Pages 40 - 41):

"When the principal member of a Council is present at a Council meeting he or she must preside at a meeting. The principal member cannot vacate the chair to join in the debate. In the event of the principal member being a late apology for a meeting when he or she enters the meeting he or she would take the Chair from the member presiding in the absence of the principal member."

There is no provision in the Regulations to address the issue of the contribution of the principal member in a debate. Throughout the Regulations the term member is used in respect to who can move motions, amendments etc.

The Local Government Act interpretation is 'a member of a Council means the principal member or a Councillor of the Council'. Does this therefore argue that the principal member may participate in the Meeting Procedures as prescribed in the Regulations?

One question Mayors should ask of themselves is whether, by participating in the debate by either moving, seconding or speaking to a motion, and then using their casting vote, they are giving themselves an advantage not shared by the other members.

The Regulations give specific powers and responsibilities to the presiding member to make decisions in relation to the conduct of the meeting and in some cases a member's contribution to the meeting. In some instances this power is absolute and cannot be disagreed with. The question could be asked how then could a presiding member reconcile giving his or herself opportunities in the meeting that no other member has. Convention is that any presiding member should remain impartial during the debate; however, in the Local Government context when the presiding member is an elected representative this may not always be appropriate. He or she, as an elected representative, may wish to present his or her electors views to the meeting. It can be a difficult balance for the principal member between the separate powers of the leader of the governing body and the exercise of a political role on behalf of the electors.

The best advice for a presiding member is if he or she feels that they must contribute to the debate is to follow the rules and not give them self any privileges i.e. they should speak only once, for no longer than five minutes, clearly state their position on the matter and then be quiet."

Network of Designated Dog Parks Throughout the Greater Southern/Western Metropolitan Area

Elected Member Councillor Jason Veliskou

Report Reference: GC180724M02

Motion:

That Council collaborate with neighbouring councils to plan and develop a network of Designated Dog Parks and fenced dog exercise areas throughout the greater southern/western metropolitan area.

Supporting Information:

The high level of use of the “Designated Dog Parks” in metropolitan areas indicates the need is currently outstripping demand. There is consistent evidence that larger designated Dog parks (exercise areas) are attracting residents from far beyond the local and neighbouring council areas. This lack of facilities across the metro area can result in overcrowding in the current dog exercise facilities and subsequent traffic and parking issues. It can also place a larger burden on the host councils in regards to maintenance, renewal, general inspectorate and associated opportunity costs.

The more spread out these facilities are, the less crowded they get and it shares the costs and benefits of local facilities amongst more councils.

Working with other councils allows for better planning (as dog owners travel across council boundaries) and more consistent facilities. It will also allow for the potential of joint grant applications through various funding bodies and also for sharing of information, expertise and resources in various parts of the planning, development, procurement and building.

Working with other councils will not reduce the autonomy of a council in deciding the scope, design and locations of “designated Dog Parks” within its boundaries.

Response Received From: Unit Manager Open Space and Planning - Victoria Masterman

Staff Comments:

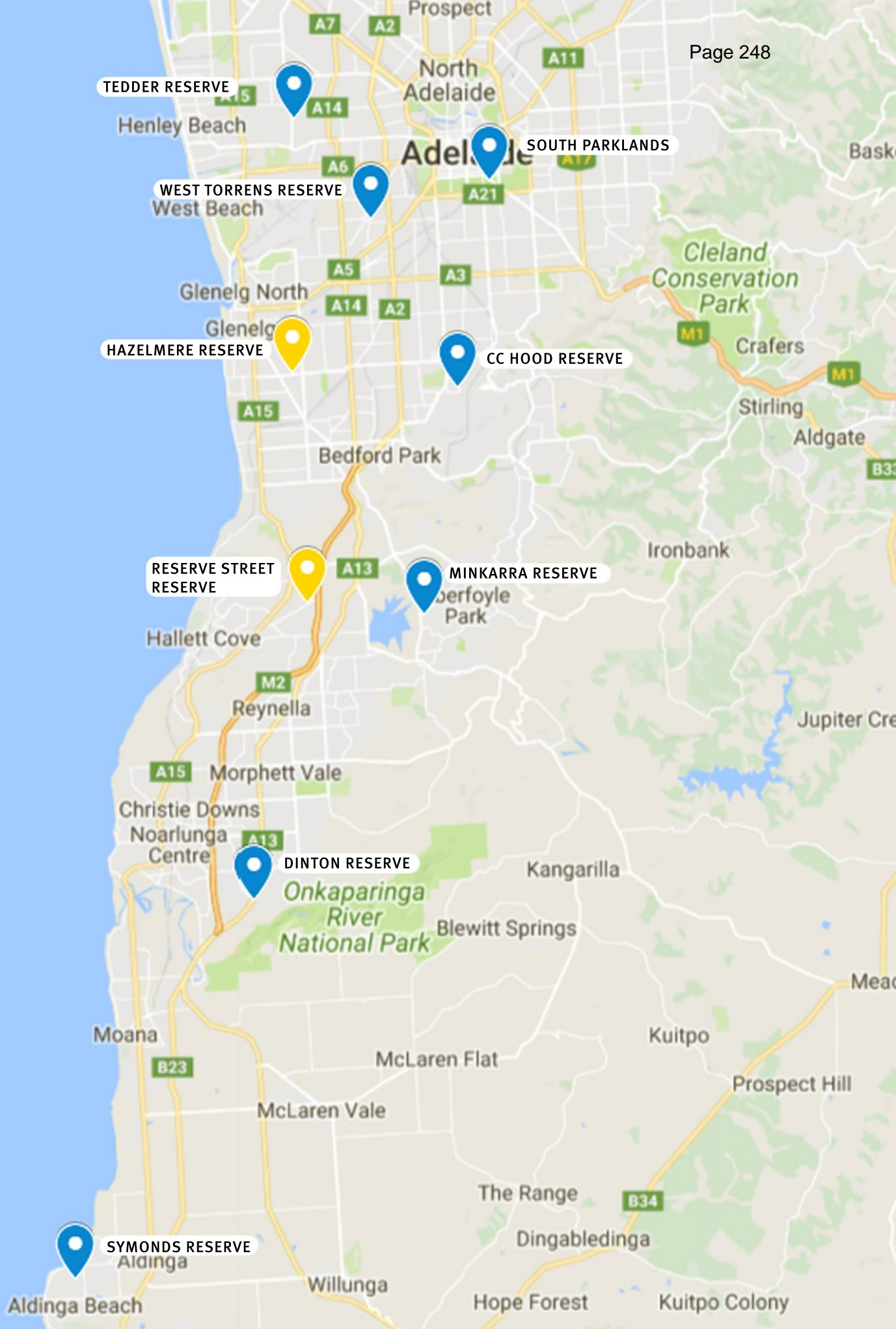
The above motion and accompanying information raises important factors which need to be considered when planning dog parks.

The motion supports current practices. Administration collaborate with neighbouring councils when planning new dog parks. Staff will continue to engage with neighbouring councils to develop a network of designated dog parks and explore opportunities to further progress collaboration.

A map of designated dog parks in the South of Adelaide is included as Appendix 1.

ATTACHMENTS:

#	Attachment	Type
1	Appendix 1 - Designated Dog Park Locations - South Adelaide	PDF File



DESIGNATED DOG PARKS

SOUTH ADELAIDE

Higher Density Dwelling Impacts on Adjacent Infrastructure and Local Parking Management

Elected Member Councillor Jason Veliskou

Report Reference: GC180724M03

Motion:

That council be provided a report on the types of instances where higher density dwelling have required council to change adjacent infrastructure and local parking management.

That this report identify the way council can recoup the associated costs and in cases where this cannot be recovered, what rules/laws would need to change to allow the costs to be recovered.

Supporting Information:

Until council is able to change it's development guidelines through the DPA process currently with the minister, high density row dwelling will continue to be approved, because council is obliged to approve them if they fit in the current frontage, block size and other applicable development guidelines.

Sadly the community and ratepayers bear the brunt of the impact of such developments, that whilst legal compliant, are in my view, unsuitable for the area they are in and unsuitable for the type of households that inhabit them.

We have had two recent instances I am aware of in council where council has had to change off-street parking restrictions in one case and provide extra parking options in another.

This has basically been (as I understand) because the increased activity or increased demand for local parking has required council to step in.

The problem is that developers can come in make a "compliant development" and the considerations that impact the community and council's ratepayers are not strong enough grounds for changes or refusal.

So when row dwelling are built and the garage and off street parking provided is not sufficient for the needs of the home, or too small for the vehicles residents have, then the problem spills into the street.

By this time the developer has sold the property and moved on and the problems that result are left for council and the community to live with.

I think if the nature of the dwelling is going to cause inconvenience it should be stopped and/or the cost to remedy the issue (for example indent parking) be borne by the developer.

Often the placement of row dwelling can make traffic flows dangerous and council has a duty of care to act to prevent accidents, yet that considerations was not in the development approvals process.

Whilst the first step in getting the revised development plan signed off by the minister we need to look at how we can minimise the associated costs of "complying" higher density development to the ratepayer and also the inconvenience to the surrounding residents.

Response Received From: Mathew Allen, Manager Engineering and Field Services

Staff Comments:

Should Council resolve to do so, a report could be brought to Council detailing the types of instances where higher density dwellings have required Council to change adjacent infrastructure and local parking management. The report would also outline legislation and Council's ability to recover costs. A report could be prepared for the General Council meeting held on the 11 September 2018.

QUESTIONS WITH NOTICE

Community Gardens

Elected Member Mayor Kris Hanna

Report Reference: GC180724Q01

Question:

1. Please list the community gardens in the Marion Council area, whether or not there is direct and current Council staff involvement.
2. How can these opportunities for community participation be best marketed within existing resources?

Supporting Information:

Nil

Response Received From:

Liz Byrne - Manager Community & Cultural Services

Staff Comments:

There are a number of community gardens within the City of Marion however only a few have Council staff involvement and the level of involvement is often reflective of the maturity of the community garden itself.

- Marino Community Garden - occasional staff input
- Trott Park Community Garden - run by an incorporated group on land at the Trott Park Neighbourhood Centre
- Glandore Community Garden - run by volunteers at the Glandore Community Centre with direct staff coordination of plots and delivery of workshops and running of pizza oven activities.
- Clovelly Park Community Garden - initial staff involvement when garden was being established however now is run by an incorporated group with no staff input
- Morphettville - partnership project with Junction Australia however been recently advised that due to a change in staffing personnel at the Morphettville Racecourse that this project is no longer a priority.
- Oliphant Avenue - new garden in process of being established, community group working towards becoming incorporated. Significant level of staff input.

Other known community gardens within the City of Marion include:

- MarionLife
- St Elizabeth's of Hungary Anglican Church - recent conversations with staff because the group wish to extend their garden onto the verge area.
- Carer Support Glandore Centre
- Wagtail Urban Farm
- Ascot Park Primary School
- Darlington Childcare Centre
- Forbes Primary School
- Rajah House

With the exception of St Elizabeth's, the above have very little involvement from Council staff. Some of these gardens have received money from the Community Grants program in the past.

Community Wellbeing staff have recently been approached by one of the Community Garden groups seeking semi regular meetings with Council in order to progress their goals and aspirations for their garden. Further to this, staff wish to establish a *Community Garden Network* which would be open to all individuals involved in community gardens within the City of Marion. This network may meet 4-6 times a year, visit each other's gardens, and allow for exchanges of experience and their gardening journeys. Network gatherings may also include a gardening workshop such as 'how to prune', 'how to espalier', 'companion planting' etc and site visits to each others patch. Staff will be scoping this *Network* with a view to holding the first meeting by end of September 2018.

Community Gardeners occasionally ask staff to promote their activities (e.g. working bees) through our normal social media channels. There is scope to market further community participation at our Community Gardens using our existing communications channels such as City Limits, the What's Happening column in The Messenger, and social media.

Through our various environmental engagement activities we are aware that interest in community gardening is growing. Discussions about community gardens are often a focus of conversations between community members at our monthly Common Thread events, and we have, from time to time, promoted community gardens in our monthly Green Thymes e-newsletter.

MOTIONS WITHOUT NOTICE**QUESTIONS WITHOUT NOTICE****OTHER BUSINESS****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.