

His Worship the Mayor  
Councillors  
CITY OF MARION

## NOTICE OF GENERAL COUNCIL MEETING

Council Chamber, Council Administration Centre  
245 Sturt Road, Sturt

Tuesday, 24 September 2019 at 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



## TABLE OF CONTENTS

<b>OPEN MEETING .....</b>	<b>4</b>
<b>KAURNA ACKNOWLEDGEMENT .....</b>	<b>4</b>
<b>DISCLOSURE .....</b>	<b>4</b>
<b>ELECTED MEMBERS DECLARATION OF INTEREST (if any) .....</b>	<b>4</b>
<b>CONFIRMATION OF MINUTES .....</b>	<b>4</b>
Confirmation of the minutes for the General Council Meeting held on 27 August 2019 .....	4
Confirmation of the minutes of the Special General Council Meeting held on 2 September 2019 .....	28
<b>COMMUNICATIONS .....</b>	<b>35</b>
Mayoral Communication Report .....	35
CEO and Executive Communications Report .....	36
<b>ELECTED MEMBER VERBAL COMMUNICATIONS .....</b>	<b>38</b>
<b>ADJOURNED ITEMS - Nil .....</b>	<b>38</b>
<b>DEPUTATIONS .....</b>	<b>38</b>
Tony Kernahan - President of Cove Football Club (Confidential) .....	38
Craig Fosdike - Principal, St Martin De Porres School .....	39
<b>PETITIONS .....</b>	<b>40</b>
Petition - Marion Community / Neighbourhood centre exercise class price increase .....	40
<b>COMMITTEE RECOMMENDATIONS .....</b>	<b>54</b>
Confirmation of Minutes of the Special Urban Planning Committee Meeting - 3 September 2019 .....	54
Confirmation of Minutes of the Finance and Audit Committee Meeting - 20 August 2019 .....	59
<b>CORPORATE REPORTS FOR DECISION .....</b>	<b>68</b>
Spinnaker Circuit Reserve East, Sheidow Park - Potential Sale .....	68
Messines Avenue - WW1 Memorial of Honour .....	77
Public Art on Utility Boxes and Stobie Poles .....	84
Shopping Trolley Amenity By-Law .....	91
Youth Engagement and Consultation Report .....	108
Ben Pethick Reserve Playground Removal .....	170
Coastal Walkway Audit - Project Update .....	186
City of Marion Christmas Trading Hours 2019 - 2021 .....	206
Community Consultation - Code of Practice Access to Meetings and Documents .....	208
City of Marion submission on the review of the Local Nuisance and Litter Control Act 2016 .....	217
Deputy Mayor .....	248

Business Continuity Management Policy and Framework .....	250
Development Delegations Policy Review .....	276
Housing Diversity DPA .....	285
<b>CORPORATE REPORTS FOR INFORMATION/NOTING .....</b>	<b>289</b>
Finance Report - August 2019 .....	289
Questions Taken on Notice Register .....	300
Work Health & Safety - Monthly Performance Report - August 2019 .....	303
<b>WORKSHOP / PRESENTATION ITEMS - Nil .....</b>	<b>308</b>
<b>MOTIONS WITH NOTICE .....</b>	<b>308</b>
Request for a Report on Council Community Facilities Leases and Licences .....	308
<b>QUESTIONS WITH NOTICE .....</b>	<b>309</b>
Elected Member Equipment .....	309
<b>MOTIONS WITHOUT NOTICE .....</b>	<b>310</b>
<b>QUESTIONS WITHOUT NOTICE .....</b>	<b>310</b>
<b>CONFIDENTIAL ITEMS .....</b>	<b>310</b>
Cover Report - Confirmation of Confidential Minutes of the Finance and Audit Committee Meeting - 20 August 2019 .....	310
Confirmation of Confidential Minutes of the Finance and Audit Committee Meeting - 20 August 2019 .....	311
Cover Report - Cove Investigation - Response to Findings of Fact .....	312
Cove Investigation - Response to Tentative Findings of Fact .....	313
Cover Report - Marion Outdoor Pool Stage 3 - Progress Update .....	314
Marion Outdoor Pool Stage 3 Progress Update .....	315
<b>OTHER BUSINESS .....</b>	<b>316</b>
<b>MEETING CLOSURE .....</b>	<b>316</b>

## 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 27 August 2019

**Originating Officer** Governance Officer - Victoria Moritz

**Corporate Manager** Manager Corporate Governance - Kate McKenzie

**Report Reference:** GC190924R01

## RECOMMENDATION:

That the minutes of the General Council Meeting held on 27 August be taken as read and confirmed.

## ATTACHMENTS:

#	Attachment	Type
1	GC190827 - Minutes	PDF File

**MINUTES OF THE GC190827 - GENERAL COUNCIL MEETING - 27 August 2019**

**Tuesday, 27 August 2019 at 06:30 PM**

**Council Administration Centre, 245 Sturt Road, Sturt**



**PRESENT :****Elected Members**

Councillor - Ian Crossland, Councillor - Tim Gard, Councillor - Jason Veliskou, Councillor - Bruce Hull, Councillor - Nathan Prior, Councillor - Raelene Telfer, Councillor - Luke Hutchinson, Councillor - Tim Pfeiffer (Chair), Councillor - Kendra Clancy, Councillor - Maggie Duncan, Councillor - Matthew Shilling, Councillor - Joseph Masika

**DATE :**

Tuesday, 27 August, 2019 | Time 6:30 PM

**VENUE :**

Council Chamber

**In Attendance**

Chief Executive Officer - Adrian Skull	Acting General Manager City Development - Fiona Harvey
General Manager City Services - Tony Lines	Manager Corporate Governance - Kate McKenzie
Acting General Manager Corporate Services - Ray Barnwell	Governance Officer - Victoria Moritz

## OPEN MEETING

In the absence of the Mayor, Deputy Mayor Pfeiffer opened the meeting at 06:30 PM

## 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)

Nil interests were disclosed.

## CONFIRMATION OF MINUTES

Confirmation of the minutes for the General Council Meeting held on 13 August 2019

Report Reference: GC190827R01

**Moved** Councillor - Joseph Masika

**Seconded** Councillor - Matthew Shilling

1. That the minutes of the General Council Meeting held on 13 August 2019 be taken as read and confirmed.

**Carried Unanimously**

**COMMUNICATIONS****Moved Councillor - Luke Hutchinson****Seconded Councillor - Nathan Prior**

That the following reports be moved en bloc:

- Mayoral Communication Report (GC190827R02)
- Deputy Mayoral Communication Report (GC190827R03)
- CEO and Executive Communication Report (GC190827R04)

**Carried Unanimously****Mayoral Communication Report**

<b>Title</b>	Mayoral Communication Report
<b>Name of Elected Member</b>	Mayor - Kris Hanna
<b>Report Reference</b>	GC190827R02

**Details**

(to follow on next page)

Date	Event	Comments
28/7/19	Oliphant Avenue Community Orchard Fruit Tree Planting	Attended; gave speech
28/7/19	Oaklands Crossing Opening	Attended; gave speech
31/7/19	Unsung Heroes Awards	Hosted
31/7/19	Active Elders Association Christmas In July celebrations	Attended
31/7/19	Meeting with Chance Ndume from AIME Mentoring	Hosted
1/8/19	Kaurna Old People's Remains Repatriation Ceremony	Attended
4/8/19	Morphettville Park Football Club soil turning activity	Attended; gave speech; tossed coin; awarded cup
5/8/19	Hallett Cove East Residents Association AGM	Attended
5/8/19	#ARfTer5 Marion Staff art exhibition	Attended
6/8/19	Citizenship ceremonies (x2)	Hosted
7/8/19	'Building a Better Future in SA' event hosted by the Hon Carolyn Power MP	Attended
8/8/19	Mitchell Park Sports and Community Club design meeting with clubs	Hosted
10/8/19	Hazelmere Road Reserve Dog Park Opening	Attended; opened park
11/8/19	Irish Dancing State Championships	Attended; gave speech
14/8/19	First Avenue Reserve opening	Attended; opened reserve
14/8/19	Presentation to Productivity Commission of SA re: Local Government Reform	Attended
14/8/19	Meeting with Mayor Thompson of Onkaparinga Council	Attended
20/8/19	Hallett Cove Meals on Wheels Annual AGM	Attended

**Moved** Councillor - Luke Hutchinson

**Seconded** Councillor - Nathan Prior

That:

1. The Mayoral Communication Report be noted.

**Carried Unanimously**

**Deputy Mayor Communication Report**

<b>Title</b>	Deputy Mayor Communication Report
<b>Date of Council Meeting</b>	27 August 2019
<b>Name of Elected Member</b>	Councillor - Tim Pfeiffer
<b>Report Reference</b>	GC190827R03

Date	Event	Comments
25 June 2019	Woodlands Ward Briefing	
27 June 2019	Mayor's monthly Coast FM segment	
21 July 2019	SA Short Course Swimming Championships 2019	Guest dignitary and medal/trophy presenter
23 July 2019	Consultative Group North South Corridor - Inaugural Meeting	Chair
23 July 2019	Woodlands Ward Briefing	
25 July 2019	Mayor's monthly Coast FM segment	
28 July 2019	Oaklands Crossing Grade Separation Project Community Celebration	
27 July 2019	Edwardstown Football Club game	Attended
9 August 2019	Meeting with Scott Calvert, Chair of the Edwardstown Club	
9 August 2019	Opening of the Gallery M Open Contemporary Art Prize 2019	Guest Speaker
10 August 2019	South Road Cricket Club Life Members Day	Attended
10 August 2019	Edwardstown Football Club game	Attended
20 August 2019	Meeting with Maureen Lewis, Secretary of the Edwardstown Club	
24 August 2019	Opening of the BMX Bad Boy Series Championship at the Cove	Attended
27 August 2019	Woodlands Ward Briefing	
25 August 2019	Opening the season and the new training facility of the South Road Cricket Club	Attended

**Moved Councillor - Luke Hutchinson****Seconded Councillor - Nathan Prior**

That:

1. The Deputy Mayoral Communication Report be noted.

**Carried Unanimously**

## CEO and Executive Communications Report

<b>Title</b>	CEO and Executive Communications Report
<b>Date of Council Meeting</b>	27 August 2019
<b>Report Reference</b>	GR190827R04

Date	Activity	Attended By
25 July 2019	IPAA "On the Couch with John Schutz" MC for the event	Adrian Skull
26 July 2019	Meeting with Graham Brown (Baptist Care SA)	Adrian Skull
28 July 2019	Oaklands Crossing - Community Celebration	Abby Dickson
29 July 2019	Cross Council Initiatives meeting with CEO's from Port Adelaide Enfield and Charles Sturt with Erika Comrie	Adrian Skull
30 July 2019	Executive Governance Meeting   Irrigation Project with Cities of Port Adelaide Enfield and Charles Sturt	Tony Lines
31 July 2019	South Australian Productivity Commission Local Government Reference Group	Adrian Skull
1 August 2019	Meeting with Essential Services Commission of SA on Regulation of Small-scale Networks	Tony Lines
1 August 2019	Cross Council Quarterly Executive Meeting with City of Charles Sturt and City of Port Adelaide Enfield.	Abby Dickson Ray Barnwell Adrian Skull Tony Lines
6 August 2019	MC for Citizenship Ceremony at Edwardstown Soldiers Memorial	Adrian Skull
8 August 2019	Meeting with Justin Jamieson KPMG	Adrian Skull
8 August 2019	LGA CEO Advisory Group Meeting	Adrian Skull

8 August 2019	Council Solutions working group meeting	Adrian Skull
12-13 August 2019	Liveable Cities Conference	Tony Lines
13 August 2019	Meeting with Kylie Taylor and Anthea Shem (ORSR)	Adrian Skull
13 August 2019	Meeting with Prof. Venessa Lemm (Flinders University)	Adrian Skull
14 August 2019	Meeting   Fleet Management/Procurement with Cities of Port Adelaide Enfield and Charles Sturt	Tony Lines
15 August 2019	Chair   Zone Emergency Management Committee Meeting (ZEMC)	Tony Lines
15 August 2019	Meeting   Tonsley Project Control Group	Tony Lines
15 August 2019	Meeting with SAGE Automation Tonsley	Adrian Skull
19 August 2019	Climate Risk and Governance Project debrief workshop with City of Onkaparinga	Tony Lines Fiona Harvey
20 August 2019	Meeting   St Martin de Porres School on parking options	Tony Lines
22 August 2019	Meeting   Seels Technology	Tony Lines
22 August 2019	Southern Recycling Centre Joint Venture Committee Meeting	Ray Barnwell

**Moved Councillor - Luke Hutchinson**

**Seconded Councillor - Nathan Prior**

That:

1. The CEO and Executive Communication Report be noted.

**Carried Unanimously**

**Elected Member Communication Report**

<b>Title</b>	Elected Member Communication Report
<b>Date of Council Meeting</b>	27 August 2019
<b>Name of Elected Member</b>	Councillor - Raelene Telfer
<b>Report Reference</b>	GC190827

Date	Event	Comments
24 July 2019	Seaview High Working Group	Traffic Hazard Management Group
25 July 2019	Andrea's Farewell	Passionate Presentation
28 July 2019	Oaklands Crossing	Opening of train underpass and allied landscaping
29 July 2019	Reconciliation Action Plan	Policy and Guidelines
31 July 2019	Unsung Hero Awards	Presentation
4 August 2019	Morphettville Park	Sod turning
6 August 2019	Citizenship Ceremony	Edwardstown venue
7 August 2019	Special Urban Planning	Seacliff DPA
8 August 2019	Mitchell Park Sports and Community	Clubs on rebuilding
10 August 2019	Hazelmere Rd Reserve	Dog Park opening
12 August 2019	Oaklands Mansion interpretation	Request for Oaklands Reserve
13 August 2019	Marion Historic Village	AGM Chaired
13 August 2019	Warriparinga Ward	Briefing
14 August 2019	Seaview High Governing Council	Traffic congestion discussions
14 August 2019	Mitchell Park Sports and Community	Committee Meeting
20 August 2019	Mitchell Park Early Impact	Collective planning playgroup and playground opening
26 August 2019	Marion RSL	Committee on memorials
26 August 2019	Warriparinga Development	Group Meeting

## ELECTED MEMBER VERBAL COMMUNICATIONS

In accordance with the *Code of Practice - Procedures at Council Meetings 2017/18* an Elected Member has the right to speak for up to two minutes in the second meeting of Council every second month from February (with the exception of caretaker period).

## DEPUTATIONS

### Deputation Request from Mr Mehran Raisi, Australia Wide Recyclers Pty Ltd (Request Denied)

**Report Reference:** GC190827D02

Mr Mehran Raisi requested to make a deputation to Council on behalf of his organisation, Australia Wide Recyclers Pty Ltd, regarding placement of charity bins on Council land. The request was denied on the grounds that the matter was not a matter scheduled for Council and would be considered by Administration through an appropriate process.

## ORDER OF AGENDA ITEMS

The Chair sought and was granted leave of the meeting to vary the order of the agenda and consider items in the following order:

- Deputation from RSPCA regarding cat curfew (GC190827D01)
- Cat Curfew Community Consultation (GC190827R13)
- By-law Update and Legal Advice (confidential - GC190827F01)

**Deputation from RSPCA regarding Cat Curfew**

**Report Reference:** GC190827D01

Mr Paul Stephenson, CEO of the RSPCA gave a five minute deputation to Council giving the RSPCA's qualified endorsement of the cat curfew by-law.

**Cat Curfew Community Consultation**

**Report Reference** GC190827R13

**Moved Councillor - Jason Veliskou**

**Seconded Councillor - Ian Crossland**

That Council:

1. Receives and notes this report

**Carried**

**CONFIDENTIAL ITEMS****Cover Report - Cat Curfew By-law Update**

**Report Reference** GC190827F01

**Moved Councillor - Jason Veliskou**

**Seconded Councillor - Raelene Telfer**

1. That pursuant to Section 90(2) and (3)(h) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ray Barnwell, Fiona Harvey, Tony Lines, Kate McKenzie, Victoria Moritz, Warwick Deller-Coombs, Luke

Manuel, Sharon Perin and Craig Clarke, be excluded from the meeting as the Council receives and considers information relating to the Cat Curfew By-Law Update and Legal Advice, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to legal advice.

**Carried**

**Division called by Councillor - Bruce Hull**

<b>Voters</b>	<b>For</b>	<b>Against</b>
Councillor - Bruce Hull		X
Councillor - Ian Crossland	X	
Councillor - Jason Veliskou	X	
Councillor - Joseph Masika	X	
Councillor - Kendra Clancy	X	
Councillor - Luke Hutchinson	X	
Councillor - Maggie Duncan	X	
Councillor - Matthew Shilling	X	
Councillor - Nathan Prior	X	
Councillor - Raelene Telfer	X	
Councillor - Tim Gard	X	

**Carried**

7.13pm the meeting went into confidence

**Moved Councillor - Ian Crossland**

**Seconded Councillor - Nathan Prior**

1. That formal meeting procedures be suspended to discuss the item.

**Carried Unanimously**

7.16pm formal meeting procedures suspended

7.40pm formal meeting procedures resumed

**Moved Councillor - Joseph Masika**

**Seconded Councillor - Tim Gard**

That Council:

1. Receives and notes this report, including the attached legal advice (Appendix 1).
2. Endorses Administration write to the Dog and Cat Management Board (and the State

Government) for amendments to the Dog and Cat Management Act 2017 and associated Regulations to put beyond doubt the Council's power to make a by-law dealing with this subject matter.

3. Endorses Administration pursue the following option:

*Option 1:*

*Delays making the By-law until formal correspondence is received from the Dog and Cat Management Board (DCMB) outlining its position and present an updated report back to Council after the correspondence has been received.*

## VARIATION

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

That Council (as varied)

1. Receives and notes this report, including the attached legal advice (Appendix 1).
2. Endorses Administration write to the Dog and Cat Management Board (and the State Government) for amendments to the Dog and Cat Management Act 2017 and associated Regulations to put beyond doubt the Council's power to make a by-law dealing with this subject matter.
3. Endorses Administration pursue the following option:

*Option 1:*

*Delays making the By-law until formal correspondence is received from the Dog and Cat Management Board (DCMB) outlining its position and present an updated report back to Council by November 2019 after the correspondence has been received.*

**Carried Unanimously**

**Moved Councillor - Jason Veliskou**

**Seconded Councillor - Matthew Shilling**

That Council:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, *Cat Curfew By-Law Update and Legal Advice*, and any associated appendices arising from this report having been considered in confidence under Section 90(2) and (3)(h) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection 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 2019.

**Carried Unanimously**

7.52pm the meeting came out of confidence

**ADJOURNED ITEMS - Nil****PETITIONS - Nil****COMMITTEE RECOMMENDATIONS - Nil****CORPORATE REPORTS FOR DECISION****Mobile Food Vendor Location Rules**

**Report Reference** GC190827R05

7.53pm Councillor Telfer left the meeting

7.55pm Councillor Telfer re-entered the meeting

**Moved Councillor - Ian Crossland**

**Seconded Councillor - Maggie Duncan**

That Council:

1. Endorses the Mobile Food Vendor Location Rules
2. Resolves that the fees for Mobile Food Vending Permits are \$2,000 per annum, \$200 per month and \$50 per day for special and community events.
3. Authorises the Chief Executive Officer to make minor amendments to the Mobile Food Vendor Location Rules as required.

**Carried Unanimously**

**Marion Golf Course**

**Report Reference** GC190827R06

8.00pm Councillor Prior left the meeting

8.03pm Councillor Prior re-entered the meeting

**Moved Councillor - Tim Gard**

**Seconded Councillor - Ian Crossland**

That Council:

1. Notes this report

2. Notes that Nicole Flint MP committed \$200,000 towards the current club room building works during the most recent Federal Election.
3. Authorises the call for an Expression of Interest to the open market as a two stage process with a report to Council at the conclusion of Stage 1 with the preferred tender response(s) to seek endorsement to proceed with Stage Two - Full Business Case.

**Carried**

### **Travers Street Reserve - Revocation of Community Land Classification**

**Report Reference** GC190827R07

**Moved Councillor - Raelene Telfer**

**Seconded Councillor - Luke Hutchinson**

That Council:

1. Notes that the land marked Lot 502 in D120077 was excluded from the community land classification by resolution made on 24 February 2015.
2. Authorises Administration to commence the revocation process including the preparation of a report under Section 194(2)(a) and undertake public consultation under Section 194(2)(b) of the Local Government Act 1999 for the whole of Travers Street Reserve being Lot 482 in D95697 being the whole of the land comprised in Certificate of Title Volume 6158 Folio 572.
3. Notes that the Community Land Classification will automatically be reinstated over the balance of Travers Street Reserve after creation of the residential allotment of approximately 680 square metres.
4. Authorises Administration to bring a report to Council for consideration of the outcome of the public consultation under Section 194(2)(b) of the Local Government Act 1999 for the revocation of the community land classification for the whole of Travers Street Reserve at Lot 482 in D95697 being the whole of the land comprised in Certificate of Title Volume 6158 Folio 572.

8.12pm Councillor Masika left the meeting

8.17pm Councillor Masika re-entered the meeting

**Carried**

**Marion Sports and Community Club - Landlord Consent****Report Reference** GC190827R08**Moved Councillor - Matthew Shilling****Seconded Councillor - Maggie Duncan**

That Council:

1. Grants Landlord Consent to pave a section of the track in front of the main building at Marion Sports and Community Club, 262B Sturt Road, Marion Certificate of Title Volume 6063 Folio 665, Volume 5497 Folio 569 and Volume 6063 Folio 666 subject to:
  - All works being undertaken in a professional manner and to the satisfaction of the City of Marion
  - The City of Marion being indemnified against all claims, suites, losses etc. that may result from carrying out this work
2. Delegates to the General Manager City Development approval to authorise any relevant documents necessary to facilitate the construction and management of the works
3. Advises that the Marion Sports and Community Club Incorporated will be responsible for any related costs and will be responsible for all future maintenance and repairs
4. Notes that Landlord Consent will be subject to Development Approval and Building Rules

**Carried Unanimously****Establishment of a World War II Honour Board - non-traditional & creative manner****Report Reference** GC190827R09**PROCEDURAL MOTION****Moved Councillor - Raelene Telfer****Seconded Councillor - Ian Crossland**

1. That formal meeting procedures be suspended to discuss the item.

**Carried Unanimously**

8.21pm formal meeting procedures suspended

8.21pm Councillor Shilling left the meeting

8.24pm Councillor Shilling re-entered the meeting

8.32pm formal meeting procedures resumed

**Moved Councillor - Tim Gard**

**Seconded Councillor - Nathan Prior**

1. That this item be deferred to enable discussion at an Elected Member Forum in November 2019

**Carried**

#### **Hallett Cove R12 School - Parking Improvements**

**Report Reference**

GC190827R10

8.34pm Councillor Veliskou left the meeting

**Moved Councillor - Ian Crossland**

**Seconded Councillor - Tim Gard**

That Council:

1. Notes the report.
2. Notes the State Government is contributing \$283,000 (excluding GST) to fund the extension to the Hallett Cove R-12 School car park located adjacent to Gledsdale Road.
3. Endorses providing in-kind support for the design and project management to extend the car park.
4. Authorises Administration entering into a funding agreement with the Department of Planning, Transport and Infrastructure for the extension of the car park adjacent to Gledsdale Road.

**Carried Unanimously**

## CORPORATE REPORTS FOR INFORMATION/NOTING

8.36pm Councillor Veliskou re-entered the meeting

### PROCEDURAL MOTION

**Moved** Councillor - Raelene Telfer

**Seconded** Councillor - Luke Hutchinson

That the following items be moved en bloc:

- Community Event Fund Annual Report 2018/19 (GC190827R11)
- Youth Engagement and Consultation Report Update (GC190827R12)
- Corporate Risk Report - Quarter Four 2018/19 including Annual Risk Profile (190827R14)

**Carried Unanimously**

#### Community Event Fund Annual Report 2018/19

**Report Reference** GC190827R11

**Moved** Councillor - Raelene Telfer

**Seconded** Councillor - Luke Hutchinson

That Council:

1. Notes the report.

**Carried Unanimously**

#### Youth Engagement and Consultation Report Update

**Report Reference** GC190827R12

**Moved** Councillor - Raelene Telfer

**Seconded** Councillor - Luke Hutchinson

That Council:

1. Notes the report.
2. Notes the report about the recent youth engagement activities will be presented to Council on 24 September 2019.

**Corporate Risk Report - Quarter Four 2018/19 including Annual Risk Profile**

**Report Reference** GC190827R14

**Moved** Councillor - Raelene Telfer

**Seconded** Councillor - Luke Hutchinson

That Council:

1. Notes the progress report including the reduction of risk, the mitigation strategies of high rated risks and how the Risk Profile compares against the sector.

**Carried Unanimously**

**PROCEDURAL MOTION**

**Moved** Councillor - Luke Hutchinson

**Seconded** Councillor - Matthew Shilling

That the following items be moved en bloc:

- Questions Taken on Notice Register (GC190827R15)
- Work Health and Safety - Monthly Performance Report - July 2019 (GC190827R16)
- Finance Report - July 2019 (GC190827R17)

**Carried Unanimously**

### Questions Taken on Notice Register

**Report Reference** GC190827R15

**Moved Councillor - Luke Hutchinson**

**Seconded Councillor - Matthew Shilling**

That Council:

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

**Carried Unanimously**

### Work Health & Safety - Monthly Performance Report - July 2019

**Report Reference** GC190827R16

**Moved Councillor - Luke Hutchinson**

**Seconded Councillor - Matthew Shilling**

That Council:

1. Notes the report and statistical data contained therein.

**Carried Unanimously**

### Finance Report - July 2019

**Report Reference** GC190827R17

**Moved Councillor - Luke Hutchinson**

**Seconded Councillor - Matthew Shilling**

That Council:

1. Receives the report "Finance Report – July 2019"

**Carried Unanimously**

## WORKSHOP / PRESENTATION ITEMS - Nil

## MOTIONS WITH NOTICE

### Request to DPTI for a briefing on options for the North-South Corridor

**Report Reference:** GC190827M01

8.41pm Councillor Duncan left the meeting and did not return.

**Moved Councillor - Jason Veliskou**

**Seconded Councillor - Nathan Prior**

That Council:

1. Endorse a letter from Council to the Minister for Planning Transport and Infrastructure requesting a briefing from DPTI to Elected Members on the options currently being considered by the South Australian Government for the north-south corridor.

**Carried Unanimously**

### Field River Valley Research

**Report Reference:** GC190827M02

**Moved Councillor - Ian Crossland**

**Seconded Councillor - Tim Gard**

1. That Council:

- Recognises the importance of preserving Heritage listed buildings and maintaining the biodiversity within the City of Marion
- Writes to the Minister for Environment and Water and requests that the owners of the Field

River Valley (Sheidow Park) are reminded of their obligations under the Heritage Places Act 1993 and “Declared Plant Policy under the NRM Act” which applies to their land.

- Requests that the Minister considers appropriate action should the owners allow the ongoing degradation of the Worthing Mine or fail to remove declared weeds and olives from their land, as outlined in the aforementioned act and policy.

**Carried Unanimously**

## **QUESTIONS WITH NOTICE - Nil**

## **MOTIONS WITHOUT NOTICE**

### **Councillor Crossland - Request for Leave of Absence**

**Report Reference:** GC190827M03

**Moved Councillor - Ian Crossland**

**Seconded Councillor - Tim Gard**

1. That Councillor Crossland be granted leave of absence from 28 August 2019 until 8 October 2019.

**Carried Unanimously**

## Recognition and Appreciation of Service to Councillor Tim Pfeiffer

**Report Reference:** GC190827M04

**Moved Councillor - Ian Crossland**

**Seconded Councillor - Raelene Telfer**

That Council:

1. Recognise the outstanding service of Councillor Pfeiffer and thank him for his contribution to Council and the Community during his time on Council.

**Carried Unanimously**

## QUESTIONS WITHOUT NOTICE

Questions were asked and either answered or taken on notice during this period.

## OTHER BUSINESS - Nil

## 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 8.51 PM**

**CONFIRMED THIS 24th DAY OF SEPTEMBER**

.....

**CHAIRPERSON**

**Confirmation of the minutes of the Special General Council Meeting held on 2 September 2019**

**Originating Officer** Governance Officer - Victoria Moritz

**Corporate Manager** Manager Corporate Governance - Kate McKenzie

**Report Reference:** GC190924R02

**RECOMMENDATION:**

That the minutes of the Special General Council Meeting held on 2 September to be taken as read and confirmed.

**ATTACHMENTS:**

#	Attachment	Type
1	SGC190902 - Minutes	PDF File

**MINUTES OF THE SGC190902 - SPECIAL GENERAL COUNCIL MEETING - 2 September 2019**

**Monday, 02 September 2019 at 06:30 PM**

**Council Administration Centre, 245 Sturt Road, Sturt**



**PRESENT :**

**Elected Members**

Mayor - Kris Hanna, Councillor - Tim Gard, Councillor - Jason Veliskou, Councillor - Nathan Prior, Councillor - Raelene Telfer, Councillor - Tim Pfeiffer, Councillor - Kendra Clancy, Councillor - Maggie Duncan, Councillor - Matthew Shilling

**DATE :**

Monday, 02 September, 2019 | Time 6:30 PM

**VENUE :**

Council Chamber

## In Attendance

Chief Executive Officer - Adrian Skull	Acting General Manager City Development - Fiona Harvey
Manager Corporate Governance - Kate McKenzie	General Manager Corporate Services - Sorana Dinmore
Governance Officer - Victoria Moritz	

## OPEN MEETING

The Mayor opened the meeting at 06:30 PM

## KAURNA ACKNOWLEDGEMENT

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

## DISCLOSURE

All persons in attendance are advised that the audio of this 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)

Nil interests were disclosed.

## ADJOURNED ITEMS

### Confidential Adjourned Item - Political Signage

**Report Reference** SGC190902F01

**Moved Councillor - Raelene Telfer**

**Seconded Councillor - Maggie Duncan**

That:

1. Pursuant to Section 90(2) and (3)(i) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ray Barnwell, Tony Lines, Fiona Harvey, Sorana Dinmore, Clare Benn, Kate McKenzie, Victoria Moritz and Craig Clarke, be excluded from the meeting as the Council receives and considers information relating to political signage upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates potential litigation.

**Carried Unanimously**

6.30pm the meeting went into confidence

6.37pm Councillor Veliskou entered the meeting.

**Moved Councillor - Matthew Shilling**

**Seconded Councillor - Raelene Telfer**

That:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Political Signage and the minutes and associated appendices arising from this report having been considered in confidence under Sections 90(2) 3(i), 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 2019.

**Carried Unanimously**

6.42pm the meeting came out of confidence

## CONFIDENTIAL ITEMS

### Cove Sports and Community Committee Investigation

**Report Reference** SGC190902F02

**Moved Councillor - Nathan Prior**

**Seconded Councillor - Jason Veliskou**

1. That pursuant to Section 90(2) and (3)(f) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ray Barnwell, Sorana Dinmore, Fiona Harvey Tony Lines, Kate McKenzie, Greg Salmon, Craig Clarke, Clare Benn and Victoria Moritz, be excluded from the meeting as the Council receives and considers information relating to CONFIDENTIAL - Cove Sports Facility Investigation, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial.

**Carried Unanimously**

6.44pm the meeting went into confidence

**Moved Councillor - Nathan Prior**

**Seconded Councillor - Matthew Shilling**

1. That formal meeting procedures be suspended to discuss the item.

**Carried Unanimously**

6.45pm formal meeting procedures suspended

7.08pm Councillor Shilling left the meeting

7.10pm Councillor Shilling re-entered the meeting

7.56pm formal meeting procedures resumed

**Moved Councillor - Jason Veliskou**

**Seconded Councillor - Matthew Shilling**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, *Cove Sports and Community Committee Investigation* any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(f) 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 2019.

**Carried Unanimously**

7.59pm the meeting came out of confidence

#### **Cover Report - Cove Sports & Community Club Management**

##### **Report Reference**

SGC190902F03

**Moved Councillor - Matthew Shilling**

**Seconded Councillor - Maggie Duncan**

1. That pursuant to Section 90(2) and (3)(f) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ray Barnwell, Fiona Harvey Tony Lines, Sorana Dinmore, Kate McKenzie, Greg Salmon, Craig Clarke, Clare Benn, James O'Hanlon and Victoria Moritz, be excluded from the meeting as the Council receives and considers information relating to CONFIDENTIAL - Cove Sports & Community Club Management, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial.

**Carried Unanimously**

7.59pm the meeting went into confidence

**Moved Councillor - Jason Veliskou**

**Seconded Councillor - Matthew Shilling**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, *Cove Sports & Community Club Management* any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(f) 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 2019.

**Carried Unanimously**

8.06pm the meeting came out of confidence

## **OTHER BUSINESS**

Nil

## **MEETING CLOSURE**

Council shall conclude on or before 8.30pm unless there is a specific motion adopted at the meeting to continue beyond that time.

**MEETING CLOSURE** - Meeting Declared Closed at 8.06pm

**CONFIRMED THIS 24th DAY OF SEPTEMBER 2019**

.....

**CHAIRPERSON**

## COMMUNICATIONS

### Mayoral Communication Report

**Date of Council Meeting** 24 September 2019

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

**Report Reference** GC190924

#### Details

Date	Event	Comments
31/8/19	South Adelaide Malayalee Community Onam Celebration	Attended
2/9/19	Meeting with Marino Residents Association Committee members	Hosted
5/9/19	Meeting with Lachlan Cooper, SA General Manager of Beam Scooters	Attended
7/9/19	Here and There: Palestinian/Jordanian Artists Exhibition	Attended
9/9/19	Meeting with a resident re: proposed closure of Diagonal Road	Hosted
10/9/19	Meeting with OneWorld LED and Jackson & Jackson representatives	Hosted
12/9/19	Planning Law Briefing by NormanWaterhouse	Attended
12/9/19	Alpine Road Reserve Community Consultation	Attended
13/9/19	Visit from Eriko Hasegawa, liason to sister city of Kokubunji	Hosted Ms Hasegawa
14/9/19	Edwardstown Football Club A-Grade Grand Final	Attended
17/9/19	Meeting with the Bangladesh Puja and Cultural Society of South Australia Inc (BPCSSA)	Hosted
18/9/19	Bandon Terrace Reserve Opening Event	Attended; opened reserve

## CEO and Executive Communications Report

**Date of Council Meeting** 24 September 2019

**Report Reference** GC190924

### Details

Date	Activity	Attended By
3 September 2019	Local Government Reference Group	Adrian Skull
3 September 2019	Meeting   Adrian Skull and Nikki Govan (SAEDB)	Adrian Skull
3 September 2019	Meeting   Adrian Skull, Steph Roberts and Bruce Wright (Council Solutions)	Adrian Skull
4 September 2019	Meeting   Adrian Skull, James Rivett and Eric Beere (KPMG)	Adrian Skull
4 September 2019	Meeting   Fleet Management/ Procurement - Cities of Charles Sturt, Port Adelaide Enfield and Marion	Tony Lines Sorana Dinmore
5 September 2019	Meeting   Adrian Skull and Steve Murray MP	Adrian Skull
6 September 2019	Meeting   Western Adelaide Consultative Group	Tony Lines
9 September 2019	KPMG Session with Toni Jones Head of Local Government	Adrian Skull Tony Lines Fiona Harvey Sorana Dinmore Ray Barnwell
9 September 2019	Meeting   St Martin de Porres School	Tony Lines
10 September 2019	Meeting   Tony Lines and Lew Owens re LKCC	Tony Lines
11 September 2019	Meeting   Adrian Skull, Andrew Johnson, David Holston (LGFA)	Adrian Skull
11 September 2019	Meeting   Adrian Skull, Emma Hinchey, Sorana Dinmore and Kate McKenzie re Internal Audit	Adrian Skull Sorana Dinmore
12 September 2019	Briefing   Norman Waterhouse Lawyers re Planning, Development and Infrastructure Act	Tony Lines Sorana Dinmore Fiona Harvey
13 September 2019	Meeting   Adrian Skull and Roberto Bria (City of Holdfast Shores)	Adrian Skull

13 September 2019	KPMG - CoM/CCS Internal Audit Planning Collaboration Workshop	Adrian Skull Tony Lines Fiona Harvey Sorana Dinmore
16 September 2019	Meeting   City of Marion, Professor Vanessa Lemm (Flinders Uni) and Nikki Govan (SAEDB)	Adrian Skull Fiona Harvey
17 September 2019	KPMG Smart Cities Forum	Fiona Harvey
18 September 2019	Meeting   Adrian Skull and Kathryn McEwen	Adrian Skull
18 September 2019	Event   Bandon Terrace Reserve opening	Adrian Skull
18 September 2019	Meeting   Fleet Management/ Procurement - Cities of Charles Sturt, Port Adelaide Enfield and Marion	Tony Lines Fiona Harvey
18 September 2019	Meeting   Asset Leadership Collaborative Group - Cities of Charles Sturt, Port Adelaide Enfield and Marion	Tony Lines
19 September 2019	Event   Mellor Olsson Lawyers CEO Lunch with Minister Knoll	Adrian Skull
19 September 2019	Workshop   Zone Emergency Management Committee	Tony Lines
19 September 2019	Meeting   Tonsley Project Control Group	Tony Lines
20 September 2019	Meeting   Adrian Skull and Jayne Stinson MP	Adrian Skull
20 September 2019	Meeting   Cross Council Initiatives – CEO's from City of Charles Sturt, City of Port Adelaide Enfield and City of Marion	Adrian Skull
20 September 2019	Event   Opening of Crown Street Reserve - MC	Adrian Skull
20 September 2019	Event   HydroPlan Sports Turf Day	Tony Lines
23 September 2019	Meeting   SRWRA AGM & Board Meeting	Adrian Skull

## ELECTED MEMBER VERBAL COMMUNICATIONS

In accordance with the *Code of Practice - Procedures at Council Meetings 2017/18* an Elected Member has the right to speak for up to two minutes in the second meeting of Council every second month from February (with the exception of caretaker period).

## ADJOURNED ITEMS - Nil

## DEPUTATIONS

### Tony Kernahan - President of Cove Football Club (Confidential)

<b>Originating Officer</b>	Elected Member Support Officer - Tom Matthews
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference:</b>	GC190924D01

### SPEAKER:

Tony Kernahan

### ORGANISATION:

Cove Football Club

### COMMENTS:

Mr Kernahan has requested a deputation regarding the Cove Sports and Community Club.

The following people will attend with Mr Kernahan but are not intending to be speaking:

1. Mr. Craig Warman (President of the Southern Football League)
2. Ms Lisa Faraci (South Australian National Football League) - Community Infrastructure & Planning) - involved with feasibility study
3. Mr. Scott Gill (Cove Football Club committee member) - involved with feasibility study also.

### CONFIDENTIAL MOTION:

1. That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Sorana Dinmore, Fiona Harvey, Tony Lines, Kate McKenzie, Jaimie Thwaites, Craig Clarke, Clare Benn, Tony Kernahan (Cove Football Club), Craig Warman (Southern Football League), Lisa Faraci (South Australian National Football League) and Scott Gill (Cove Football Club) be excluded from the meeting as the Council receives and considers the Deputation from the Cove Football Club, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to personal information.

**Craig Fosdike - Principal, St Martin De Porres School**

<b>Originating Officer</b>	Elected Member Support Officer - Tom Matthews
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference:</b>	GC190924D02

**SPEAKER:**

Mr Craig Fosdike

**ORGANISATION:**

St Martin de Porres School

**COMMENTS:**

Mr Fosdike has requested a deputation regarding Spinnaker Circuit Reserve East.

## PETITIONS

### Petition - Marion Community / Neighbourhood centre exercise class price increase

<b>Originating Officer</b>	Manager Community Connections - Liz Byrne
<b>Corporate Manager</b>	Manager Community Connections - Liz Byrne
<b>General Manager</b>	General Manager City Services - Tony Lines
<b>Report Reference</b>	GC190924P01

## REPORT OBJECTIVE

The purpose of this report is for Council to receive a petition regarding the change in Exercise and Fitness Classes at the neighbourhood and community centres.

## EXECUTIVE SUMMARY

### PETITION FROM:

Ms Chantel Merrett on behalf of the residents of the City of Marion.

### NUMBER OF SIGNATORIES:

65 signatures (15 of which comply with Council's Petition Policy)

### DATE PETITION RECEIVED:

28 August 2019

### CORRESPONDENCE:

*Introducing the new loyalty card will restrict our exercise session to just 3 per week as it would not be affordable to do 4, 5 or 6 as some of us do now.*

*We understand the councils reasons for a price increase but propose that a fairer system would be to charge a single session fee and weekly option like what is currently on offer at Trott Park Neighbourhood Centre.*

*We suggest the following as a compromise; \$7 one session, \$14 two sessions and \$15 unlimited sessions.*

*As current participants in the exercise classes at the city of Marion Community/Neighbourhood Centres we would like*

- No loyalty card*
- The option of a weekly fee that enables participants to attend unlimited classes*

A copy of the Petition is attached as Appendix 1.

## RECOMMENDATION

### That Council:

- 1. Notes the petition.**

2. **Maintains the current exercise class charging arrangements as per the 2019/20 Schedule of Fees and Charges.**
3. **Advises the head petitioner of Council's decision.**

## GENERAL ANALYSIS

*The covering report satisfies the legislative requirements of the City of Marion's Code of Practice - Procedures at Meetings (s5.2), whereby any petition received by the Council is to be placed on the agenda for the next ordinary meeting of the Council.*

In accordance with Regulation 10 of the Local Government (procedures at Meetings) Regulations 2013 and the City of Marion's Petition Policy a petition to Council must include the name and address of each person who signed or endorsed the petition. Although the petition attached as Appendix 1 does not contain this information (with the exception of one page) the intent of the petition is still understood.

Council offers an inexpensive and valued Exercise Class service, with our charges only aiming to partially recover costs. Council also wants to ensure it has a consistent approach in the fee structure that enables everyone access to these classes. We recently reviewed our programs and services delivered at Neighbourhood Centres, revealing inconsistencies in the charging of exercise classes. Specifically this related to the 'unlimited' exercise classes at the Trott Park Neighbourhood Centre available for \$10 per week (i.e. \$2 per class if five classes were attended per week), compared to \$5-\$7 for each class at the three other centres.

After examining attendance figures and having had conversations with the fitness instructor, it was concluded that the vast majority of people attended exercise classes up to three times a week, and we would introduce a single cost per class of \$7 but offer a loyalty card for frequently attending patrons to receive a third class a week free. Consultation on this occurred as part of the Annual Business Plan and Budget Process, and the change was endorsed by Council in the 2019/20 Schedule of Fees and Charges.

With regard to the petition, quite a few petitioners attend the Glandore or Mitchell Park Neighbourhood Centres. These people will either be very slightly worse off if they attend one or two sessions a week and currently pay \$5-\$6 per session, or they will have no impact if they attend one or two sessions and currently pay \$7 per class, or they will be better off if they attend three sessions. It was also noted that a number of people who attend live outside of the Council area, and staff are happy to have them participate.

There were some errors on the 'New Exercise Loyalty Card' letter. This has been corrected in a new Frequently Asked Questions flyer, including that:

- Loyalty cards can be used during the week at any of the four centres
- Exercise classes are definitely included in this offer, in fact other classes are excluded.

Attached in Appendix 2 is a Frequently Asked Questions document that will be distributed as part of the communication strategy about the changes to the exercise programs at the neighbourhood/community centres.

Attached in Appendix 3 is a summary of information on the exercise class schedule across the four neighbourhood centres, fees for classes, and tutor costs.

**Attachment**

#	Attachment	Type
1	Appendix 1 - Petition_Chantel Merrett_Exercise Classes	PDF File
2	Appendix 2_FAQ_exercise loyalty card_September 2019_CoM FINAL	PDF File
3	Appendix 3 - NHC Exercise Class additional information	PDF File

## KEEP THE MARION COMMUNITY/NEIGHBOURHOOD CENTRE EXERCISE CLASSES AFFORDABLE AND ACCESSIBLE TO ALL RESIDENTS!

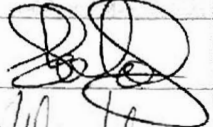
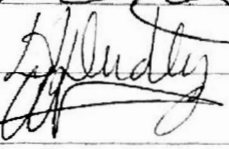
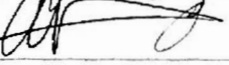

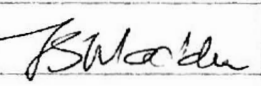


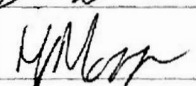
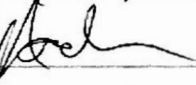
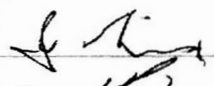
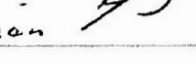
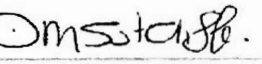
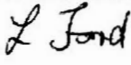
Introducing the new loyalty card will restrict our exercise sessions to just 3 per week as it would not be affordable to do 4, 5 or 6 as some of us do now.

We understand the councils reasons for a price increase but propose that a fairer system would be to charge a single session fee and a weekly option like what is currently on offer at Trott Park Neighbourhood Centre.

We suggest the following as a compromise; \$7 one session, \$14 two sessions and \$15 unlimited sessions.

As current participants in the exercise classes at the City of Marion Community/Neighbourhood Centres we would like

- No loyalty card
- The option of a weekly fee that enables participants to attend unlimited classes

Printed Name	Signature	Number of classes attended per week	Comment	Date
Zoe Lloyd-Jones		3	Pls have a cap on price to attend all classes.	15/8
D & Dudley		2		15/8
C Worsley		2		16/8
K Thomas		3 (or 4)	planning to do more	16/8
F Madden		2		16/8
Halina J		2 - 4	think shld keep old prices!	19/8
Fenece B		1	keep it affordable	19/8
Mayley Moore		4-5	"	19/8
Ally Carter		1	"	19/8
Jan Brown		2	"	19/8
Terry Bastian		3	"	19/8
Debbie Sutcliffe		2	Keep it weekly \$10-\$12	19/8
Lyn Ford		3	Keep it \$10-\$12 unlimited sessions	

# KEEP THE MARION COMMUNITY/NEIGHBOURHOOD CENTRE EXERCISE CLASSES AFFORDABLE AND ACCESSIBLE TO ALL RESIDENTS!

ATTN: Anne Minion, Team Leader Community Hubs, City of Marion

As current participants in the exercise classes at the City of Marion Community/Neighbourhood Centres we would like

- No loyalty card
- The option of a weekly fee that enables participants to attend unlimited classes

Printed Name	Signature	Address	Comment	Date
Eka Juers		20 Admella Ct Hallett Cove		8/8/19
ANNE CURR		5 Ariel St, Hallett Cove	Exercise cost rise unwarranted	9/8/19
Caroline Lopez		11 Leppington St H/C	If it's not broken don't fix it	9/8/19
Barbara D		Herring Cres	"	9/8/19
Yvonne Paxon		Dickerson Cres. T.P.	Increase not a decrease	9/8/19
Wendy Collier		Cleveland & Wicraft	"	9/8/19
Penny FINCH		1 Matthew St OTH	affordable now, I love it	9.8.19
Emma Leeuwink		15 Dickerson Cres	cost	9.8.19
CAREY HABER		11 KOPOLIA CRT H/C.	Cost.	9.8.19.
MARIE HEADEN		13 Hedgrow Cr H/Cove	cost.	15.8.19
Sally Anne Gribbs		5 Brook Court Fiddlers	affordable, love it	15.8.19
Arlene Brook		22 James St, Darlington	Cost	15/8/19
Tracy Moore		3 EVANS COURT WOODCROFT	"	15-8-19
Suzi Walkno		190 The Cove Rd Hallett Cove	COST	15/8/19
JUSTI HENDRICKS		33 mabrian morepisture	COST	

WANT TO AT  
LEAST 4  
CLASSES  
A WEEK  
W

15/8/19

## KEEP THE MARION COMMUNITY/NEIGHBOURHOOD CENTRE EXERCISE CLASSES AFFORDABLE AND ACCESSIBLE TO ALL RESIDENTS!

	<p>Introducing the new loyalty card will restrict our exercise sessions to just 3 per week as it would not be affordable to do 4, 5 or 6 as some of us do now.</p> <p>We understand the councils reasons for a price increase but propose that a fairer system would be to charge a single session fee and a weekly option like what is currently on offer at Trott Park Neighbourhood Centre.</p> <p>We suggest the following as a compromise; \$7 one session, \$14 two sessions and \$15 unlimited sessions.</p>
	<p>As current participants in the exercise classes at the City of Marion Community/ Neighbourhood Centres we would like</p> <ul style="list-style-type: none"> <li>- No loyalty card</li> <li>- The option of a weekly fee that enables participants to attend unlimited classes</li> </ul>

Printed Name	Signature	Number of classes attended per week	Comment	Date
E. WELDI	<i>E. Weldi</i>	2		9-8-19
P TEAGUE	<i>P Teague</i>	2		9-8-19
R McCulloch	<i>R McCulloch</i>	2	please leave it alone	9-8-19
J McCulloch	<i>J McCulloch</i>	2		
R. PAWLAK		3		9/8/19
Chris BARTHOLOMEW	<i>Chris Bartholomew</i>	2		9/8/19
W Williams		2		9/8/19
S. Lin	<i>Sarah Lin</i>	1		9/8/19
HELEN HENDER	<i>Helen Hender</i>	2		14/8/19
T. Dries	<i>T. Dries</i>	1		14/8/19
S. Placay	<i>S. Placay</i>	1		19-8-19
Dorothy Scott	<i>Dorothy Scott</i>	1		19-8-19

Printed Name	Signature	Number of classes attended per week	Comment	Date
C. TEAGLE	C. Teagle	3		21/8
B Greenfield	B Greenfield	2		23/8
Cideherna	Cideherna	1		23/8
Jan Byrne	J Byrne	5	please leave exercise as it is	23/8
Jenny Vass	J Vass	2		23/8
IRENE STOCKBRIDGE	Irene Stockbridge	1		26/8
Sue Bevan	S Bevan	1		26/8
Chris Benne H		1		26/8
Elly	Elly	1		26/8
Sue	Sue	1	leave as is too complicated	26/8
Helen G.	Helen G.	1	leave as is too complicated for now please	26/8 27
P. R. Munn	P. R. Munn	1		
W. Harty	W. Harty	1		26/8/19
M. Hirschmann	M. Hirschmann	1		24/8/19
P. Arthur	P. Arthur	1	ONE	26/8/19
Aileen Bagnall	A Bagnall	1	leave as is	26/8/19



[illegible]

PO Box 21, Oaklands Park  
South Australia 5046  
245 Sturt Road, Sturt  
South Australia 5047  
T (08) 8375 6600  
F (08) 8375 6699  
E council@marion.sa.gov.au

## Re: New Exercise Loyalty Card

We wish to introduce our new "Exercise Loyalty Card" across all four Centres, effective from Monday 14th October 2019.

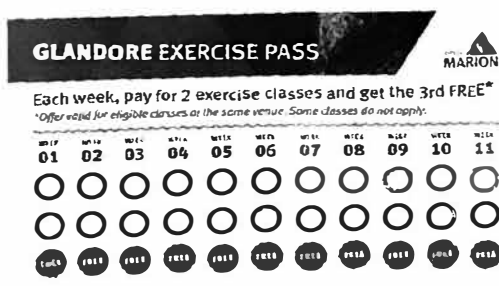
Cards offer participants a discount if they attend three centre-funded classes at the same Centre in the same week (all exercise centre run classes are \$7 pp, per session).

How it works (Effective Monday 14th October 2019):

- Each Centre has their own card and this cannot be transferred across centres or people. Cards are specific to the centre you receive it from.
- In any week you pay for 2 Classes, the 3rd class is free (\$7 exercise classes only).
- You MUST have your card at each class to verify your use. – cards will not be stamped in arrears and no free class will be given without the card to verify your previous attendance.
- When you attend your first class from Monday October 14th you will receive your card for the Term.
- Exercise classes are not available with this offer. These will be identified on our Term Programs. Please ask staff or instructor if you are unsure.

We are pleased to offer our community a chance to exercise regularly at reduced costs, across our four Centres, Cooina, Glandore, Mitchell Park and Trott Park. This is our way to say "Thank You" for your patronage and to encourage you to attend more classes and keep fit!

Below is an example of the card.













Regards  
Cathlin Day  
Co-ordinator Glandore Community Centre

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

Search

[Reply](#) [Delete](#) [Archive](#) [Junk](#) [Sweep](#) [Move to](#) [Later](#)

-  **Inbox** 12
-  Junk mail
-  Drafts
-  Sent Items
-  Deleted Items 545
-  Archive
-  Conversation Hist
-  Notes
-  POP
-  New folder

**Feedback Neighbourhood Centre Exercise Cards**

Anne Minion &lt;Anne.Minion@marion.sa.gov.au&gt;

Tue 5/08/2019 11:43 PM

You, Liz Byrne, Yasmin Neal

Dear Chantel,

Thank you for your feedback received July 31<sup>st</sup>, 2019 regarding the new Exercise Loyalty Card across our Community / Neighbourhood Centres. We are sorry you feel these new charges are unfair and I sincerely thank you for taking the time to give us your feedback.

All exercise classes across all our Centres have varied in price for many years. Trott Park Neighbourhood Centre participants have enjoyed a very cheap fee structure and it has been to the detriment of other residents in other areas of Council being able to have the same level of discount. \$10 for unlimited classes is not sustainable or equitable across all of our Centres.

We are offering all residents (no matter where they live) an opportunity to attend up to three classes a week for \$14. I am sure you can appreciate the need for us to provide equitable affordable programs across all Centres and our exercise classes are just one of many of the diverse programs our centres offer. As with all our programs, if someone needs to attend and they are unable to afford the classes we will support them and this is done on an individual and case by case basis.

One challenge that our centres face is the need to offer 'something for everyone' across a range of ages and abilities. Diversity of program offering is important to engage with the largest cross section of the community. Exercise classes are only one component of service delivery. The new charges for the classes will still not cover the entire cost of the exercise instructor but will go a little bit further towards partial cost recovery than the previous charges exercise class participants have paid. This in turn allows the team to trial new programs within our centres for all to enjoy.

I trust you can appreciate our obligation for our whole community to be offered fair and equitable programs across all our Centres.

Yours sincerely,

Anne

Anne Minion

Team Leader Community Hubs | City of Marion

M 0466 507 836

E Anne.Minion@marion.sa.gov.au | W |www.marion.sa.gov.au|www.marion.sa.gov.au

PO Box 21 Oaklands Park SA 5046



Feedback with City of Marion



Twitter: @CityofMarion



LinkedIn: City of Marion

We acknowledge we are part of Kaurna land and recognise the Kaurna people as the traditional and continuing custodians of the land.

# WORDFEST

## 25-27 OCTOBER

Follow us on Facebook - Follow City of Marion on Facebook for the latest news, events and announcements



Upgrade to Office 365 with premium Outlook features



## Frequently Asked Questions

# Exercise Loyalty Card

A new exercise Loyalty Card has been introduced across our four Neighbourhood Centres.

Under the new Loyalty scheme, class-goers will receive their third session free when paying for two classes. It follows a review of the fitness program in which inconsistencies were identified in the fee structure. The introduction of a Loyalty Card program will see exercise class attendees pay the same fee, no matter which neighbourhood centre they choose to attend.

The Loyalty Card only applies to those community members who choose to attend multiple classes per week.

### How does the Loyalty Card work?

Loyalty Card holders will receive their third session for free when paying for two classes and attending within the same week, no matter which of the four neighbourhood centres they choose to attend. The Loyalty Card is issued to the person who received it and cannot be shared with friends.

### When does the Loyalty Card scheme start and how do I get my Card?

The Loyalty Card starts from the week beginning 14 October 2019. To receive your Card, all you need to do is visit the reception area of the neighbourhood centre of your choice and ask for the Card. The Community Centre staff will do all the necessary administration work to activate your Card. There is no cost to having a Loyalty Card.

### Will there be any change in my fees?

Exercise class attendees may notice a slight change in their fees for some classes. This is not as a result of the Loyalty programs' introduction. Council regularly reviews fees and charges for its community programs, and a small increase was introduced this year to help recover costs.

### Will there be a change to exercise classes?

The Loyalty Card program will only affect the fee structure. Classes will run as they normally do.

### Do other community centre programs offer a loyalty Card?

No. The loyalty Card initiative only applies to exercise classes.

### Does Council make money from these classes?

No. Council does not seek to profit from running exercise classes. Fees charged help cover the cost of running the classes and help Council maintain its community centres.

### Will there be any other changes?

Council will pilot extended opening hours of its community centres during daylight savings. These increased opening hours will allow more members of the community to engage with our centres. Exercise classes will be unaffected by these opening hours.

*Have any other questions? Please contact Community Connections Manager, Liz Byrne at [liz.byrne@marion.sa.gov.au](mailto:liz.byrne@marion.sa.gov.au)*

Centre	Type of Fitness Class	Day	Time	Cost per class (2018/2019 & Term 3)	2019/2020 Class fee (from Term 4)**	Average Number of Participants (based on enrollment sheets)	Capacity	Instructor Fee	Cost recovery
Glandore Community Centre	Pilates	Monday	5.00pm - 5.45pm	\$ 7.00	\$ 7.00	11	44%	\$ 70.00	\$ 77.00
	Body Moves	Wednesday	11.00am - 11.45pm	\$ 6.00	\$ 7.00	16	53%	\$ 75.00	\$ 96.00
	Yoga	Wednesday	5.00pm - 6.00pm	\$ 7.00	\$ 7.00	8	32%	\$ 80.00	\$ 56.00
	Zumba Low Imapct	Friday	10.45am - 12.30pm	\$ 6.00	\$ 7.00	14	46%	\$ 75.00	\$ 84.00
	Body Moves	Friday	11.45am - 12.30pm	\$ 6.00	\$ 7.00	15	50%	\$ 75.00	\$ 90.00
Mitchell Park Neighbourhood Centre	Flexi Fitness*	Monday	12.30pm - 1.30pm	\$ 5.00	\$ 7.00	10	50%	\$ 75.00	\$ 50.00
	Flexi Fitness*	Monday	1.30pm - 2.30pm	\$ 5.00	\$ 7.00	13	65%	\$ 75.00	\$ 65.00
Cooinda Community Centre	Light Weights	Tuesday	9.30am - 10.30am	\$ 7.00	\$ 7.00	16	100%	\$ 70.00	\$ 112.00
	Keep Fit/ Tai Chi	Tuesday	10.30am - 11.30am	\$ 7.00	\$ 7.00	10	66%	\$ 40.00	\$ 70.00
	Gentle Chi Ball	Tuesday	11.30am - 12.30pm	\$ 7.00	\$ 7.00	12	85%	\$ 60.00	\$ 84.00
	Body Sculpt	Tuesday	5.15pm - 6.15pm	\$ 7.00	\$ 7.00	9	30%	\$ 80.00	\$ 63.00
	Keep Fit	Wednesday	12.15pm - 1.15pm	\$ 7.00	\$ 7.00	7	100%	\$ 40.00	\$ 49.00
	Keep Fit	Wednesday	1.15pm - 2.15pm	\$ 7.00	\$ 7.00	10	66%	\$ 40.00	\$ 70.00
	Keep Fit/ Tai Chi	Thursday	11.15am - 12.15pm	\$ 7.00	\$ 7.00	10	66%	\$ 40.00	\$ 70.00
	Yoga	Thursday	12noon - 1.15pm	\$ 7.00	\$ 7.00	16	53%	\$ 99.00	\$ 112.00
	Yoga	Saturday	10.00am - 11.30am	\$ 7.00	\$ 7.00	8	53%	\$ 80.00	\$ 56.00
	Light Weights^	Thursday	9.30am - 10.30am	\$ 7.00	\$ 7.00	6	40%	\$ 70.00	\$ 42.00
Trott Park Neighbourhood Centre	Zumba	Monday	9.15am - 9.55am	\$ 6.00	\$ 7.00	25	83%	\$ 75.00	\$ 150.00 ^^
	Body Sculpt/ Pilates	Monday	10.15am - 11.00am	\$ 6.00	\$ 7.00	17	56%	\$ 75.00	\$ 102.00 ^^
	Seniors Fitness*	Monday	2.00pm - 3.00pm	\$ 5.00	\$ 7.00	7	28%	\$ 55.00	\$ 35.00 ^^
	Yoga	Tuesday	8.45am - 9.45am	\$ 7.00	\$ 7.00	6	20%	\$ 80.00	\$ 42.00 ^^
	Boxing	Tuesday	10.00am - 11.00am	\$ 6.00	\$ 7.00	7	35%	\$ 55.00	\$ 42.00 ^^
	Stretch & Core	Wednesday	9.15am - 10.00am	\$ 6.00	\$ 7.00	16	53%	\$ 75.00	\$ 96.00 ^^
	Pilates	Thursday	9.15am - 10.00am	\$ 6.00	\$ 7.00	11	36%	\$ 75.00	\$ 66.00 ^^
	Zumba	Thursday	10.15am - 11.15am	\$ 6.00	\$ 7.00	5	16%	\$ 75.00	\$ 30.00 ^^
	Zumba - Low Impact	Friday	9.15am - 10.00am	\$ 6.00	\$ 7.00	18	60%	\$ 75.00	\$ 108.00 ^^
	Yoga	Friday	10.15am - 11.15am	\$ 6.00	\$ 7.00	7	23%	\$ 75.00	\$ 42.00 ^^

**NOTES:**  
Data is based on Term 3, 2019 - this is known to be a quieter term due to the winter weather  
\* Historically a CHSP/My Aged Care part funded program. No longer supported by Commonwealth funding  
\*\* With the introduction of the Loyalty Card participants pay for two classes and get the third for free - therefore paying \$14 to attend 3 classes  
^ New class introduced in Term 3 due to full class of same activity  
^^ Participants at the Trott Park Neighbourhood Centre could pay \$10 per week to attend unlimited classes therefore this equated to \$2.00 per session and thus not making the cost recovery as indicated

## COMMITTEE RECOMMENDATIONS

### Confirmation of Minutes of the Special Urban Planning Committee Meeting - 3 September 2019

<b>Originating Officer</b>	Governance Officer - Angela Porter
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference</b>	GC190924R01

### REPORT OBJECTIVE

The purpose of this report is to facilitate the receiving and noting of the minutes from the 3 September 2019 Special Urban Planning Committee meeting.

### EXECUTIVE SUMMARY

A summary of items considered by Committee Members are noted below.

#### Reports for Discussion

- Development Delegations Policy Review
- Housing Diversity DPA

#### Reports for Noting

- Commercial and Industrial Zoning (Edwardstown Precinct)
- Seacliff Park DPA

#### Other Business

- Voice of the Customer Report
- New Planning and Design Code (Code) Implementation: Implementation phase Allocation and Next Steps

### RECOMMENDATION

**That Council:**

- 1. Receives and notes the minutes of the Special Urban Planning Committee Meeting of 3 September 2019 (Appendix 1).**
- 2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Urban Planning Committee.**

### Attachment

#	Attachment	Type
1	SUPC190903 - Final Minutes	PDF File

**MINUTES OF THE SUPC190903 - SPECIAL URBAN PLANNING COMMITTEE MEETING**

**Tuesday, 03 September 2019 at 06:30 PM**

**Council Administration Centre, 245 Sturt Road, Sturt**



## **PRESENT :**

### **Elected Members**

Mayor - Kris Hanna, Councillor - Nathan Prior (Presiding Member), Councillor - Raelene Telfer, Councillor - Maggie Duncan, Councillor - Tim Gard

### **In Attendance**

Acting General Manager City Development - Fiona Harvey  
Unit Manager Economic Development - Donna Griffiths  
Team Leader - Planning - Alex Wright  
Senior Policy Planner - David Melhuish  
Development Officer - Planning - Kai Wardle

## **OPEN MEETING**

Councillor Prior opened the meeting at 06:32 PM

## **KAURNA ACKNOWLEDGEMENT**

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

## **ELECTED MEMBERS DECLARATION (if any)**

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.

06:35 PM Councillor Telfer entered the meeting.

## **CONFIRMATION OF MINUTES**

**Confirmation of the minutes for the Special Urban Planning Committee Meeting held on 6 August 2019**

**Report Reference:** SPUC190903R01

**Moved Mayor - Kris Hanna**

**Seconded Councillor - Maggie Duncan**

1. That the minutes of the Special Urban Planning Committee Meeting held on 6 August 2019 be taken as read and confirmed.

**Carried Unanimously**

**BUSINESS ARISING - Nil**

**CONFIDENTIAL ITEMS - Nil**

## REPORTS FOR DISCUSSION

### Development Delegations Policy Review

Report Reference SUPC190903R02

Moved Mayor - Kris Hanna

Seconded Councillor - Maggie Duncan

The Urban Planning Committee requests that:

1. Administration staff devise an alternative wording which addresses the discrepancy raised in the report, while safeguarding against rorting (i.e. lodging future land use applications without associated land division applications to achieve lower site area requirements), to be circulated to Committee members via email.

**Carried Unanimously**

### Housing Diversity DPA

Report Reference SUPC190903R03

Moved Mayor - Kris Hanna

Seconded Councillor - Raelene Telfer

The Urban Planning Committee recommends that Council:

1. Notes
  - (a) the decision of the Minister for Planning to approve the Housing Diversity DPA (Part 1); and
  - (b) the decision of the Minister for Planning not to proceed at this time with the proposed Housing Diversity DPA (Part 2) in relation to the suburbs of Darlington, Marino, Seacliff Park, Seacombe Heights and Seaview Downs, and the Urban Corridor Zone along Marion Road (Plympton Park, South Plympton, Park Holme, Ascot Park, Marion and Mitchell Park).
2. Waits for the transition to the Planning and Design Code before taking any further action in relation to the Housing Diversity DPA.

**Carried Unanimously**

## REPORTS FOR NOTING

### Commercial and Industrial Zoning

Report Reference SUPC190903R04

Moved Councillor - Raelene Telfer

Seconded Mayor - Kris Hanna

The Urban Planning Committee notes:

1. The current development zoning as described in the Edwardstown Precinct analysis document in Attachment 1;
2. Members of the Development Services team are involved in the working group for the Edwardstown Action Plan and will report back to the UPC with any further updates in regards to the development zoning for Edwardstown;

3. Administration will bring back to the next UPC meeting detailed zoning and aerial maps of Edwardstown, together with relevant data about use (eg. vacancies, derelict buildings, Castle Plaza precinct approved plans etc.), in order for the UPC to consider the current uses and potential opportunities throughout the area.

The Committee made these recommendations in relation to Edwardstown as the first step in a review of non-residential zones throughout the City of Marion generally.

**Carried Unanimously**

**Seacliff Park DPA  
Report Reference**

SUPC190903R05

**Moved Councillor - Maggie Duncan**

**Seconded Councillor - Raelene Telfer**

1. That the Urban Planning Committee note this report.

**Carried Unanimously**

**WORKSHOP / PRESENTATION ITEMS - Nil**

**OTHER BUSINESS**

**Voice of the Customer Report**

The Urban Planning Committee requests that the Voice of the Customer report be provided at the next UPC meeting.

**New Planning and Design Code (Code) Implementation: Implementation Phase Allocation and Next Steps**

**Moved Mayor - Kris Hanna**

**Seconded Councillor - Maggie Duncan**

That the Urban Planning Committee:

1. Notes the Letter from the Chair, State Planning Commission regarding the release of the draft Planning and Design (Code) (a copy of which will be attached to the minutes of this meeting).

**Carried Unanimously**

**MEETING CLOSURE** - Meeting Declared Closed at 8:35 PM

**CONFIRMED THIS 1ST DAY OF OCTOBER 2019**

.....

**CHAIRPERSON**

## Confirmation of Minutes of the Finance and Audit Committee Meeting - 20 August 2019

<b>Originating Officer</b>	Unit Manager Governance and Records - Jaimie Thwaites
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	Acting General Manager Corporate Services - Ray Barnwell
<b>Report Reference</b>	GC1909241R02

### REPORT OBJECTIVE

The purpose of this report is to facilitate the receiving and noting of the minutes from the 20 August 2019 Finance and Audit Committee meeting.

### EXECUTIVE SUMMARY

A summary of items considered by Committee Members are noted below.

#### Confidential Items

- Service Review - Corporate Information and Communication Technology - Report

#### Reports for Discussion

- Elected Member Report
- Desktop Review of Infrastructure Construction - Scoping Summary
- Service Review Program and Recommendations - Progress Update
- Service Review - Neighbourhood/Community Centres - Scope
- Asset Management Strategy
- Insurance and Claims Management 2018-19 Annual Report
- Work Health & Safety - Annual Performance Report 2019
- Business Continuity Management Policy and Framework
- Internal Audit Program 2018/19

#### Reports for Noting

- Internal Audit Program - Implementation of Recommendations
- Project Management Framework Update Asset Valuation Process and Outcomes for 2018/19
- Impact of AASB 16 Leases on Council

### RECOMMENDATION

**That Council:**

1. **Receives and notes the minutes of the Finance and Audit Committee meeting of 20 August 2019 (Appendix 1).**
2. **Notes that separate reports will be brought to Council for consideration of any recommendations from the Finance and Audit Committee.**

#### Attachment

#	Attachment	Type
1	Appendix 1 - Minute - FAC190820	PDF File

**FAC190820 - FINANCE AND AUDIT COMMITTEE MEETING**

**Tuesday, 20 August 2019 at 04:00 PM**

**Council Administration Centre, 245 Sturt Road, Sturt**



**PRESENT:**

Mr Greg Connor (Chair), Ms Natalie Johnston, Councillor Gard and Councillor Clancy

**In Attendance**

Mr Tony Lines	Acting Chief Executive Officer
Ms Fiona Harvey	Acting General Manager City Development
Mr Ray Barnwell	Acting General Manager Corporate Services
Ms Jaimie Thwaites	Unit Manager Governance and Council Support
Ms Cass Gannon	Acting Manager Innovation and Strategy
Mr Dave Harman	Acting Manager Finance
Mr Mathew Allen	Manager Engineering and Field Services
Ms Annmarie Mabarrack	Acting ICT Manager
Ms Melissa Nottle-Justice	Business Improvement Officer
Ms Catrin Johnson	Senior Assets Project and Strategy Officer
Ms Liz Byrne	Manager Community Connections
Mr Brendan Lyons	Team Leader – Asset Systems
Mr Eric Beere	KPMG
Mr Justin Jamieson	KPMG

**OPEN MEETING**

The Chair opened the meeting at 04:00 PM

**KAURNA ACKNOWLEDGEMENT**

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

**ELECTED MEMBERS DECLARATION (if any)**

Nil declarations were made

**CONFIRMATION OF MINUTES**

**Confirmation of the minutes for the Finance and Audit Committee Meeting held on 28 May 2019**

**Report Reference: FAC190820R01**

**Moved Councillor Gard**

**Seconded Councillor Clancy**

1. That the minutes arising from the Finance and Audit Committee Meeting held on 28 May 2019 be taken as read and confirmed.

**Carried Unanimously**

Page 2 of 8

**BUSINESS ARISING****Business Arising Statement****Report Reference:** FAC190820R02

The Committee noted the Business Arising Statement highlighting the following:

- Customer Experience Training for Elected Members will be considered as part of the Elected Member Training and Development Plan.
- Confirmed that the Chief Executive Officer has signed and sent the acknowledgement of engagement letters (Report Reference FAC190528R11)
- Noted the Terms of Reference for the Finance and Audit Committee will be revised and presented to Council in October / November for consideration with the appointment of Elected Member representative on Council Committees.

**Moved Ms Johnson****Seconded Councillor Clancy**

1. That the Finance and Audit Committee note the report.

**Carried Unanimously****CONFIDENTIAL ITEMS****Service Review - Corporate Information and Communication Technology - Report****Report Reference:** FAC190820F01**Moved Councillor Clancy****Seconded Councillor Gard**

1. That pursuant to Section 90(2) and (3)(a) and (d) of the *Local Government Act 1999*, the Finance and Audit Committee orders that all persons present, with the exception of the following persons: Tony Lines, Ray Barnwell, Fiona Harvey, Steph Roberts, Annmarie Mabarrack, Jaimie Thwaites, Cass Gannon and Mel Nottle-Justice be excluded from the meeting as the Committee receives and considers information relating to the *Service Review – Corporate Information and Communication Technology – Report*, upon the basis that the Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information, relates to personnel matters and commercial information of a confidential nature.

**Carried Unanimously**

4.05pm the meeting went into confidence

**Moved Councillor Gard****Seconded Ms Johnston**

That the Finance and Audit Committee:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Committee orders that this report, any attachment to this report and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) and 90(2) and 3(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 August 2020.

**Carried Unanimously**

4.25pm the meeting came out of confidence

**REPORTS FOR DISCUSSION**

The Chair sought leave of the meeting to move forward the report on the Internal Audit Program 2018/19. Leave was granted.

**Internal Audit Program 2018/19**  
**Report Reference FAC190820R11**

Mr Justin Jamieson (KPMG) and Mr Eric Beere (KPMG) entered the meeting and provided an overview of the Cyber Security final report as part of the internal audit plan.

Mr Beere advised that the City of Marion's maturity rating is well above the sector average and the rating has increased since the last assessment performed in 2016/17. The engagement of CQR by Council means technical cyber security elements are well positioned. The key findings are outlined on Page 5 of KPMG's report (Page 98 of the agenda). It is important that cyber security is a whole of business issue and not just something driven by ICT.

The Committee queried if cyber security is on the corporate risk register and it was confirmed that it is. They also queried the target dates to complete recommendations and advised that 2020 was generally too far out so these dates should be reviewed and brought forward where appropriate.

**4.32pm Councillor Clancy left the meeting****4.34pm Councillor Clancy re-entered the meeting**

When asked if CQR provided satisfactory surveillance quality, Mr Jamieson advised that they should broaden the picture to more than just ICT. The defenses are sound but the risks are always present. It was also confirmed that Council needs to comply with the Notifiable Data Breach Scheme.

The Committee noted the action relating to cyber security and contracts from a previous audit is still outstanding. This action is picked up again on page 12 of the report (Page 105 of the agenda) and needs to be completed.

**Elected Member Report****Report Reference:** FAC190820R03

Councillor Clancy advised the Committee that Council had rescinded the motion on Onkaparinga Boundary Reform based on advice regarding the potential cost of pursuing the motion.

**Desktop Review of Infrastructure Construction - Scoping Summary****Report Reference:** FAC190820R04

Manager Engineering and Field Services entered the meeting and provided an overview of the report. It was highlighted that the review will be conducted on the entire assets cycle and will include all the major assets groups such as roads, streetscapes, signage etc. The Desktop review will be carried out in conjunction with Charles Sturt and Port Adelaide Enfield Councils. It is believed improvement can be made in some areas so evidence will be sought on the ways to make improvements and inform the service rates. Enabling mobility in the field and improved quality are also desired outcomes of the review.

The Committee noted the report and sought the following clarification:

- The consultant (Erika Comrie) is costed through the cross council project.
- The aim is to bring back the report in October / November 2019.

**Service Review Program and Recommendations - Progress Update****Report Reference:** FAC190820R05

The Acting Manager Innovation and Strategy entered the meeting and advised the Committee that since the last meeting, the number of service reviews with actions outstanding have reduced from 6 and 5.

The Committee sought an update on a number of items and the following information was provided:

- Living Kurna Cultural Centre – Council has resolved to continue to work with Kurna on the matter, with the aim to achieve a 51% Kurna / 49% Council management model. An update on the item is due to Council in January.
- Records Management – The new Team Leader started last week so outstanding actions will be progressed.

**Service Review - Neighbourhood/Community Centres - Scope****Report Reference:** FAC190820R06

The Manager Community Connections provided an overview of the report noting that the last review on the Neighbourhood Centres was done in July 2012. Currently the City of Marion has 4 Neighbourhood Centres which all receive a good amount of external funding. The timing of the service review has taken into account the trial being conducted over the warmer months to extend the opening hours of some of the centres.

The Committee noted the report and provided the following comments:

- Suggest look at what services could be provided that currently the National Disability Insurance Scheme cannot do through their current structures as it may provide the ability to get non rate income while providing a service to the community. It was noted that Council already works with Baptist Care in this space.
- Look outside for opportunities, not just at the bricks and mortar but the service profile.
- Encourage an agile approach to the service review that focuses on opportunities for improvement.

### **Asset Management Strategy**

**Report Reference:** FAC190820R07

The Senior Assets Project and Strategy Officer provided an overview of the report noting that the aim of the document is to set the scene and direction for the organisation in relation to Asset Management.

The Committee noted the report, praised the intent of the document and provided the following feedback:

- Define the term asset sustainability ratio to ensure the reader will clearly understand the meaning
- On the spider web diagram the meaning of the term 'Significant Improvement' could be clearer
- Better define the measurements (including revising those that are statements not measurements)
- Change the term 'adequate funding' (for example to sustainable)
- Define acronyms (eg SLA, AMP etc)
- Explain / define 'whole of life / whole of council'
- Needs to be simpler and in plain English as a public document.

The Committee will be interested to see how the strategy is actually delivered.

### **Insurance and Claims Management 2018-19 Annual Report**

**Report Reference:** FAC190820R08

The Committee noted the report and made the following comments:

- The report demonstrates that Council is in a good value insurance scheme.
- More details are requested on what are the two biggest claims.
- Further information on the mitigating factors to be provided in future reports.
- The different figures in tables 1 and 3 were explained. One figure is the claim value of vehicles incidents and the other is the claim value against property claims where a vehicle was involved (eg may include fence damaged by a vehicle etc).

### **Work Health & Safety - Annual Performance Report 2019**

**Report Reference:** FAC190820R09

The Committee noted that it was unfortunate the Loss Time Injury (LTI) Key Performance Indicator was not met. It was highlighted that although the number of LTI's had increased the number of days lost had reduced, meaning people were returning to work sooner. When someone is injured the focus has changed to what can they do as opposed to what they cannot. Work is being undertaken internally to create a more meaningful list of light duties that staff can undertake if required at City Services.

**Business Continuity Management Policy and Framework****Report Reference:** FAC190820R10

In response to a question, the Committee was advised that the Business Impact Assessment and Maximum Outage Times are addressed in other documents.

**Moved Councillor Clancy****Seconded Ms Johnston**

That the Finance and Audit Committee:

1. Recommends that the revised Business Continuity Management Policy be submitted to Council for consideration and adoption

**Carried Unanimously****REPORTS FOR NOTING****Internal Audit Program - Implementation of Recommendations****Report Reference:** FAC190820R12

The Finance and Audit Committee noted the status of the Internal Audit Program and highlighted the Corporate Performance Reporting and Contractor Management recommendations that remain outstanding.

**Project Management Framework Update****Report Reference:** FAC190820R13

The Acting General Manager City Development entered the meeting and highlighted that all capital works projects are now in the system and the first reports will be run this month. 30-40 new users have been introduced to the system so changes to documentation will be considered as feedback is received for these users. It was highlighted that the benefit is that all projects are in the one place, real time reporting is now possible and project and program risk reporting is captured in the new system.

The Committee sought and was provided clarification on the following:

- All projects are categorized within the framework
- There is a checklist at the initiation of a project which outlines the requirements for developing the project plan
- The creation of document templates has occurred within the Project Management System
- The implementation of the framework has taken some time to ensure a focus on the change management and impacts on people.

**Asset Valuation Process and Outcomes for 2018/19****Report Reference:** FAC190820R14

The Acting Finance Manager entered the meeting and gave an overview of the report. It was noted there was little movement in the asset valuations for the 2018/19 year (0.3%) and the valuation also captured the addition of contributed assets at Tonsley. The valuation cycle with regard to the timing of full and desktop valuations was discussed and it was confirmed that it is more efficient to perform the comprehensive valuations at once rather than stagger over a couple of years.

The Committee noted the report.

**Impact of AASB 16 Leases on Council****Report Reference:** FAC190820R15

The Acting Finance Manager entered the meeting and gave an overview of the report.

The Committee noted the report.

**WORKSHOP / PRESENTATION ITEMS**

Nil

**OTHER BUSINESS**

Nil

**MEETING CLOSURE** - Meeting Declared Closed at 5.35pm**CONFIRMED THIS 8 OCTOBER 2019**

.....

**CHAIRPERSON**

**CORPORATE REPORTS FOR DECISION****Spinnaker Circuit Reserve East, Sheidow Park - Potential Sale**

<b>Originating Officer</b>	General Manager City Services - Tony Lines
<b>Corporate Manager</b>	N/A
<b>General Manager</b>	General Manager City Services - Tony Lines
<b>Report Reference</b>	GC190924R03

**REPORT OBJECTIVE**

This report seeks Council's direction in response to interest from the St Martin de Porres School (the School) in the purchase or long-term lease of the Spinnaker Circuit Reserve East (the Reserve) at Sheidow Park.

**EXECUTIVE SUMMARY**

The St Martin de Porres School is experiencing significant increases to its number of students. School enrolments increased from 300 students in 2018 to 409 in 2019, and are projected to further increase to 430 students in 2020. The increase in enrolments has increased traffic congestion in local streets, and the School is concerned that future increases in enrolment will further exacerbate the traffic and safety issues.

The School would therefore like to buy the whole of, or lease the Reserve to use as parking and potentially for other purposes (e.g. a sealed court area for basketball or similar, a garden, or a play area). The School may also consider extending their buildings into the Reserve area, subject to Council permission.

The Reserve is currently unused and not part of Council's open space strategy. Other open space exists within 400-500 m of the Reserve, as per Council's open space requirements.

Advantages and disadvantages of the sale and lease options are presented.

Subject to Council's decision, formal revocation of the Community Land Classification would be required.

**RECOMMENDATION****That Council:**

1. **Notes the report.**
2. **Authorises Administration to commence the revocation process including the preparation of a report under Section 194(2)(a) and undertake public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential disposal of the whole of land known as Spinnaker Circuit Reserve East, Allotment 88 in Filed Plan 17901 being the whole of the land in Certificate of Title Volume 5546 Folio 484 (the School's first preference).**
3. **Notes that Administration will bring a report to the 10 December 2019 General Council Meeting for consideration of the public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential disposal of the whole of the land known as Spinnaker Circuit Reserve East, Allotment 88 in Filed Plan 17901 comprised in Certificate of Title Volume 5546 Folio 484.**

4. Endorses the Chief Executive Officer to negotiate and enter into a lease of the northern portion of Spinnaker Circuit Reserve East of approximately 3,000 square metres at an amount that reflects a market rent from January 2020 for a twelve month term (to align with any community land revocation process), noting that a Licenced Valuer will not be engaged to determine the market rent as required in Council's Leasing and Licensing of Council Owned Facilities Policy.

OR

1. Notes the report.
2. Undertakes Community Consultation regarding leasing Spinnaker Circuit Reserve East to the St Martin de Porres School for a period of five years (the School's second preference).
3. Notes that Administration will bring a report to the 10 December 2019 General Council Meeting for consideration regarding leasing Spinnaker Circuit Reserve East to the St Martin de Porres School for a period of five years.
4. Endorses the Chief Executive Officer to negotiate and enter into a lease of the northern portion of Spinnaker Circuit Reserve East of approximately 3,000 square metres at an amount that reflects a market rent from January 2020 for a five year term.

OR

1. Notes the report.
2. Acknowledges that Community Consultation regarding leasing Spinnaker Circuit Reserve East to the St Martin de Porres School for a period of five years is not required.
3. Endorses the Chief Executive Officer to negotiate and enter into a lease of the northern portion of Spinnaker Circuit Reserve East of approximately 3,000 square metres at an amount that reflects a market rent from January 2020 for a five year term.

## GENERAL ANALYSIS

<b>Liveable:</b>	Note that other open space exists within the required 400 - 500 m of this reserve (refer Attachment 3)
<b>Opportunities:</b>	Sale of unused reserve, either to the St Martin de Porres School or another party.
<b>Legal / Legislative / Policy:</b>	As per report, noting community engagement requirements.
<b>Timeline</b>	Approximately 9 - 12 months for sale of land.

## DISCUSSION

The St Martin de Porres School is located on Berrima Road, Sheidow Park and is experiencing significant increases to its number of students.

The School is adjacent Spinnaker Circuit Reserve East which has frontages on Berrima Road and Spinnaker Circuit as shown on the attached Plan (Attachment 1).

School enrolments increased from 300 students in 2018 to 409 students in 2019, and are projected to further increase to 430 students in 2020. This has resulted from changing the year levels from Reception to Year 5 to Reception to Year 6 in 2019, and broader increases to attendance at the School.

Five new classrooms were built at the School in 2018. Council allowed the use of the Reserve as supplementary parking during the building program and to assist with the safe movement of children into the School. This did result in some dust complaints from residents.

The increase in enrolments has increased traffic congestion in local streets from 8:20-9:00 am and 2:45-3:30 pm on both Berrima and Werlinga roads. The School cites resulting safety issues, including from the lack of opportunity to drop off near the School, long lines of cars often with frustrated and impatient drivers, and blocking of local residents in their homes.

The School has implemented a number of measures to address the increased safety issues, including having dedicated staff before and after school to manage the safety of families, realignment of the Kiss and Drop Zone, and constructing a new exit from its current carpark onto Lander Road.

The School is concerned that future increases in enrolment will further exacerbate the traffic and safety issues, and would like to buy the whole of, or lease the Reserve to use as parking and potentially for other purposes. Other purposes may include a sealed court area for basketball or similar, a garden, or a play area. The School may also consider extending their buildings into the Reserve area, subject to council permission.

The School is concerned about public liability of any court, play or garden area, and so these facilities would be fenced off from the public. The School would allow any court areas to be hired by the public, and may include access for the public to cross the site out of School hours.

The School has advised that it would like to lease approximately 3,000 square metres of the Reserve (as shown on the attached plan (Attachment 2) for a temporary carpark should a sale option be adopted, and that the carpark would ideally be available from January 2020.

## **ABOUT THE RESERVE**

Spinnaker Circuit Reserve East has an area of 6,158 m<sup>2</sup> and is located at 72 Spinnaker Circuit, Sheidow Park. It is an undeveloped reserve with some trees along the western boundary and no buildings or structures.

There are no encumbrances noted on the Certificate of Title or known encroachments or trusts, dedications or restrictions on the Reserve. Council does not have any records that indicate that the Reserve is contaminated.

The draft Open Space Plan has the Reserve designated as a local level Reserve with a classification of Natural Landscaping Area. A decision has not been made on the ultimate role of this Reserve.

The Valuer General's value of the Reserve for 2019/20 is listed at \$560,000.

The Reserve is situated within the Southern Policy Area 18, Residential Zone. The Reserve is classified as Community Land and is contained in Community Land Management Plan 10 – General Reserves. CLMP 10 provides for drainage, carparks or playground.

The proposed use of the site (car park, playground or garden) does not comprise a non-complying form of development.

## **DEVELOPMENT / CHANGE OF LAND USE**

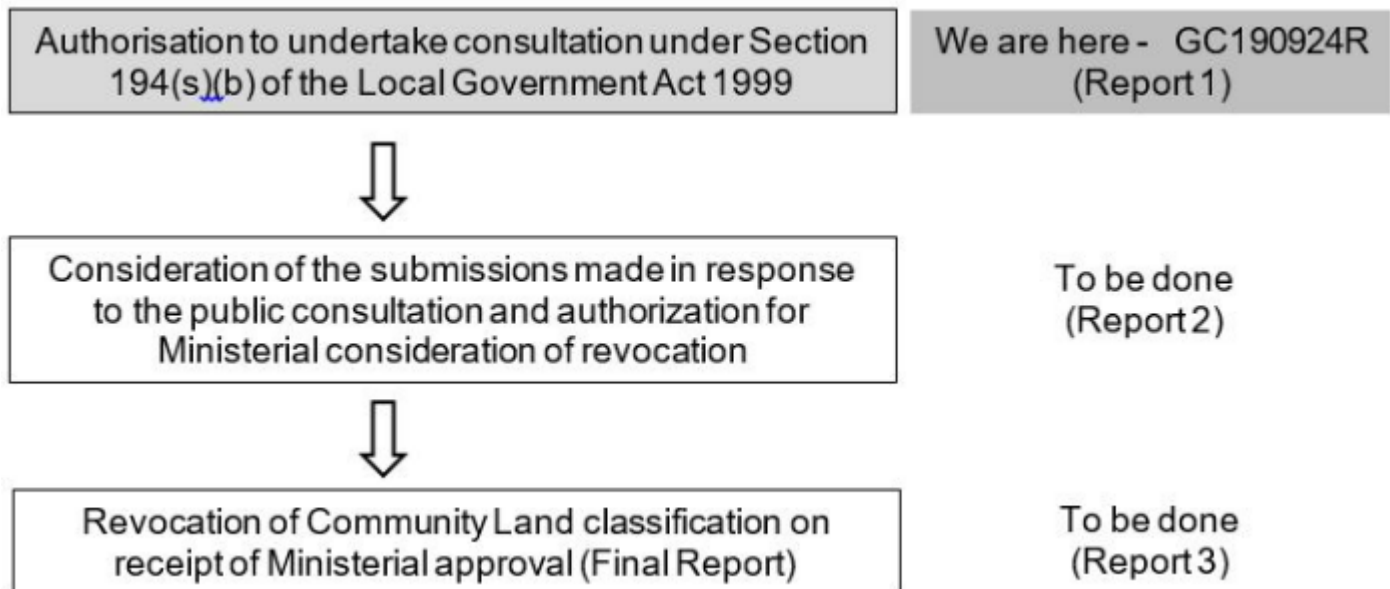
A Development Application will be required for the change of land use.

It is likely that the proposal will require Category 3 public notification, whereby adjacent properties and the public generally will be notified of the development and have opportunity to make representations for or against the application.

## SALE PROCESS

The Community Land Classification must be revoked before the Reserve can be sold. This process takes approximately 9 to 12 months to complete and requires community consultation and Ministerial approval.

Council's decision making process to revoke the Community Land Classification for Spinnaker Circuit Reserve East is as follows:



Council cannot enter into any form of agreement either formal or informal, for the sale of the Reserve, enter into an option to purchase or a first right of refusal (if the Reserve is leased to the School in the interim) until such time that the Community Land classification has been revoked.

To consider disposal of the property, Council needs to determine whether retention of the Reserve contributes to Council's strategic objectives or whether the Reserve is surplus to Council's requirements. The criteria for disposal of land is set out in Council's Disposal of Land and Assets Policy and this has formed the basis of the assessment undertaken to date.

The vision and principles within the Open Space Policy sets out Council's commitment to provide open spaces that are accessible and diverse and provide opportunities for community activation. To support accessibility, it is proposed open spaces be provided for the majority of people within 400 metres to 500 metres walking distance of their residence and workplace. The attached map (Attachment 3) shows other reserves in the locality within a 500 metre radius of the Reserve.

The method of disposal may be, where appropriate and after revocation of the Community Land Classification, by negotiation with the owners of adjoining land.

Unless Council resolves otherwise, a minimum of two independent valuations must be obtained to ensure that the appropriate market value is obtained. The independent valuation must not be made more than six months prior to disposal.

All costs in relation to the revocation of the Community Land Classification, land division (if portion of the Reserve is sold), preparation of a contract of sale and all settlement costs will be paid by the School.

Should Council sell the Reserve to the School, it should enter into a Land Management Agreement (LMA) placing obligations or restrictions on the School with the LMA registered on the title. If the School subsequently sold the property, it would be sold subject to the provisions of the LMA which any future purchaser must honour. Restrictions could include:

- The School must provide tree screening along fence lines
- Any car parks and vehicle access ways must be sealed
- Whether or not the Reserve can be developed for school buildings (e.g. class rooms)
- Whether or not the Reserve can be developed for housing, which may include a restriction as to whether the Reserve can be divided into smaller allotments.

## **LEASE PROCESS**

Council could lease a portion or the whole of the Reserve as an alternative to disposal.

Council's Leasing and Licensing of Council Owned Facilities Policy provides that:

- Council will consider a lease or licence agreement with a school or kindergarten where certain criteria are satisfied
- Rent will be based on the market rate supplied by an external valuer appointed by Council.

The estimated cost of a valuation report for this purpose is \$1,900. Given that the lease may be for a short term, it is recommended that a valuer is not engaged in this instance.

The Local Government Act provides that Council is not obligated to follow the relevant steps set out in its public consultation policy where the term of the lease is five years or less.

## **ADVANTAGES AND DISADVANTAGES**

With regard to a sale of the Reserve:

- There are no impediments to the sale, and the School is a willing buyer (although would need to go through its own internal approval processes)
- Council has no plans for the site
- Council may receive more revenue from selling the Reserve to be subdivided into housing
- Council may wish to consider the sale of part of the Reserve to the School, with the remainder to be subdivided into housing.

With regard to a lease of the Reserve:

- Council would receive a guaranteed income starting January 2020 for a minimum of five years (possibly more) from an asset that currently attracts no income
- Council would be receiving some income through the five year lease period, but not as much as the sale
- Should the School decide not to continue the lease, then Council would be either left with a carpark of no use, or the School would be required to remove it (not good economics), and Council would be 'back to square one'.

## **OTHER**

Staff are also in discussion with the School about improving parking and traffic management on Berrima Road, possibly through making the road one-way and the introduction of additional angled or 90 degree parking. Separate community consultation is planned for this.

Ward Councillors have joined staff in meeting the School and have been kept informed of the proposal as its progressed.

School Community strongly supports this improvement and would like any improvements to be constructed in 2020/21.

**Attachment**

#	Attachment	Type
1	Attachment 1 Map of Spinnaker Circuit Reserve East	PDF File
2	Attachment 2 Map of approx area for lease	PDF File
3	Attachment 3 Map of 500m radius	PDF File



**Spinnaker Circuit Reserve - East**

Map Width: 221.1 m

Created by rates Wednesday, 11 September 2019



About this Document	Disclaimer
This map has been created for the purpose of showing basic locality information and is a representation of the data currently held by The City of Marion. This information is provided for private use only.	While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Property boundary line network data is supplied by State Government.



**Spinnaker Circuit Reserve - East**

Map Width: 201 m

Created by rates Wednesday, 11 September 2019



About this Document	Disclaimer
This map has been created for the purpose of showing basic locality information and is a representation of the data currently held by The City of Marion. This information is provided for private use only.	While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Property boundary line network data is supplied by State Government.



### Spinnaker Circuit Reserve - East

Reserves within a 500m radius

Map Width: 1636 m

Created by rates Wednesday, 11 September 2019



#### About this Document

This map has been created for the purpose of showing basic locality information and is a representation of the data currently held by The City of Marion. This information is provided for private use only.

#### Disclaimer

While every effort has been made to ensure the accuracy of the product, Council accepts no responsibility for any errors or omissions. Property boundary line network data is supplied by State Government.

## Messines Avenue - WW1 Memorial of Honour

<b>Originating Officer</b>	Unit Manager Engineering Services - Mark Griffin
<b>Corporate Manager</b>	Manager Engineering and Field Services - Mathew Allen
<b>General Manager</b>	General Manager City Services - Tony Lines
<b>Report Reference</b>	GC190924R04

### REPORT OBJECTIVE

To summarise the memorial status of Messines Avenue and the English Elm trees, while identifying the condition of the trees and providing a management plan for their care and protection.

### EXECUTIVE SUMMARY

At its meeting dated 25 June 2019, Council endorsed that:

*A report come back to the General Council meeting of 22 October 2019 detailing:*

- 1. The appropriate care for the local heritage World War 1 Messines Avenue Memorial of Honour of holm oak trees planted by the Local Council in 1917.*
- 2. A management plan for replanting, in the next ten years, a new World War 1 Memorial of Honour of holm oak seedlings, with appropriate streetscaping, historical interpretive signage and car parking bays.*
- 3. The resources required to achieve the retention of this World War 1 Messines Avenue Memorial of Honour.*

Messines Avenue and the English Elm Trees are considered to be of significant historic value as a World War 1 Memorial of Honour. The trees are in average to good health, and improved pruning practices and growing conditions are proposed to extend their life, such that the trees may not need to be replaced for another 20+ years.

### RECOMMENDATION

**That Council:**

- 1. Notes the report.**
- 2. Undertakes tree pruning practices in accordance with the Arborist report.**
- 3. Includes Messines Avenue in Council's Streetscape Program, ensuring that missing English Elms are replanted, the trunk of any removed elm trees are re-purposed and the historic/memorial aspect of the Avenue is recognised, including interpretive signage, as part of the Streetscaping program – Years 3 to 5.**

### GENERAL ANALYSIS

Messines Avenue is classified as a local road within the City of Marion's Road Hierarchy Plan, running between South Road and Mons Avenue (a distance of 160 metres). It provides access to a portion of the industrial/commercial area of Edwardstown, namely Australian Motors and Bone Timber. The pavement width of the road is 6.8 metres, with large verges on either side (varying in width, but generally around 5 metres wide).

In 2010 to increase available parking, Australian Motors under Council supervision constructed paved parking areas and a footpath along the southern verge, adjacent to their property.

The existing arrangement accommodates '90 degree' parking along both verges in amongst the elm trees. Parking observations have revealed that generally the entire area is utilised for parking on a daily basis (week days), resulting in:

- 25 cars being parked on the verge adjacent to Bone Timber;
- 20 cars adjacent to Australian Motors.

While Council is not obligated to provide on-street parking, it is a normal expectation of residents and business.

## DISCUSSION

### Historical Information

The historic information has been obtained from the City of Marion Heritage Survey (2008-09), various newspaper articles/notices and website research. This information has been summarised below:

- Saturday 25 August 1917 - The trees were planted in the avenue leading to the Edwardstown Railway Station. At the time it was stated this avenue in future would be known as Messines Avenue, after the Battle of Messines in which as many as 6,800 Australians were killed or wounded;
  - The first 8 trees were planted to represent soldiers from the district that made the great sacrifice;
  - The remaining trees representing soldiers who were still at the front and going strong (the wording of the day);
- It is understood that Mrs Swift, the mother of twelve boys was instrumental in setting up the avenue of trees. Six of her boys served in the 1st World War, with one being killed in action in France (Corporal Raymond Swift – aged 20);
- 18 April 1936 – In memory of the Anzac Heroes (at Edwardstown) a street march was held along South Road to the Soldiers Hall at Messines Avenue;
- 9 March 1946 – An open-air civil welcome home concert was held at Messines Avenue to thank World War II service men and women of the district for their service. The Mayor (F.H. Trott) and Councillors of the Corporation of Marion invited all citizens to be present, and the concert was organised by the Edwardstown RSL, the Fathers' Association, Toc H and Edwardstown Lodges. The Glenelg Guardian reported that 3,000 people attended.

Messines Avenue forms a junction with Mons Avenue, which is also a WW1 battle site in France (August 1914). Council's 1949 aerial photograph depicts that elm trees were along both roads. The majority of the trees in Messines Avenue are still standing.

The road was used by the community to acknowledge service men of both world wars and held events such as street dances, fairs and ANZAC marches. As such, the road was listed within the Local Heritage Places register on 12 March 2015 - Site No 26053. Refer to:  
[http://maps.sa.gov.au/heritagesearch/HeritageItem.aspx?p\\_heritageno=26053](http://maps.sa.gov.au/heritagesearch/HeritageItem.aspx?p_heritageno=26053)

### The Condition of Trees

To ascertain the condition of the trees, Council engaged a consultant (Tree Environs). Their report is summarised below:

- Assessment was undertaken of the 27 English Elm Trees along Messines Avenue (17 on the northern side and 10 on the southern side of the street);
- 24 of the trees qualify as regulated trees under the Planning, Development and Infrastructure Act 2016 because of the trunk circumference (greater than 2 metres);
- Overall the trees appear to be in average to good health, although they are in a challenging urban environment;
- The tree structure varies and has largely been affected by their pruning history;

- The risk associated with the trees is currently low. However, if left unmanaged they will become increasingly unhealthy and unstable;
- Without improvements to tree pruning practices and their growing environment, the avenue is likely to become unstable and unsustainable, with increasing risk levels and reduced life expectancies of the trees, between 5 - 20 years;
- The Arborist has developed 4 options to improve the growing conditions of the trees – Refer to Appendix 1.

It should be noted that during the week of 22 July 2019, a truck turning into Messines Avenue from South Road, badly damaged the elm tree situated on the northern corner. As a result the tree has been split down its trunk and will need to be removed.

## Improvements

To ensure the longevity and amenity of the trees, recognising the memorial status of Messines Avenue, while catering for the local businesses, it is recommended that the following actions be undertaken:

### **Improvements to pruning practices - Immediate action**

Undertake Veteran Tree Management every 2-3 years – this is selective pruning which will vary from tree to tree, encompassing techniques and practices to care and value older trees to ensure their long term future, but should include:

- Reducing the overall crown size and density by 50%;
- Removal of the larger epicormic shoots entirely, back to the main pollard points;
- Retain the smaller epicormic shoots;
- Treat the trees for Elm Leaf Beetle (on a regular basis);
- Undertaking these actions using existing budgets and resources.

The tree pruning requirements can be undertaken by a contractor before the end of October 2019.

### **Improvements to growing conditions - Longer Term Solution**

Utilise Option 3 (refer Appendix 1, as developed by the Arborist) as a foundation, to establish protected tree zones and mulched garden beds, while:

- Accommodating some level of car parking;
- Developing additional identification of the memorial status of Messines Avenue (developing historic display and possibly utilising the damaged tree);
- Cloning the trees (if possible) to replant the missing ones on Messines Avenue and re-establish the trees on Mons Avenue.

With the above proposed improvements to pruning practices and growing conditions (to be incorporated in years 3-5 of the Streetscape program), it is envisaged that the trees will not need to be replanted for another 20+ years.

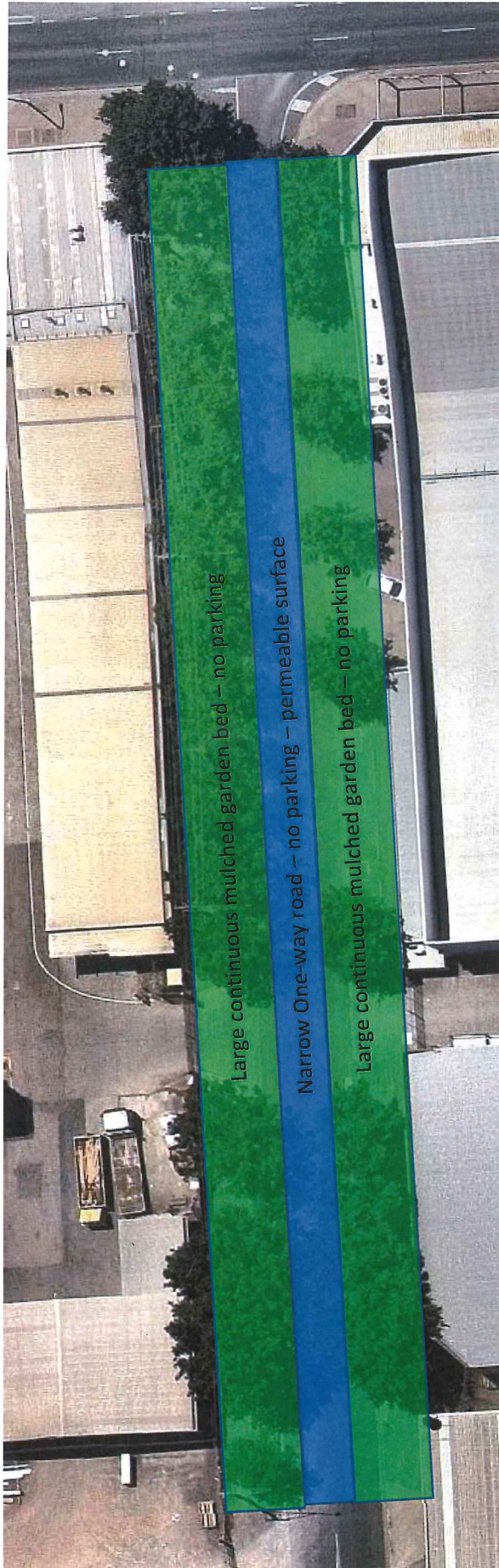
## CONCLUSION

Messines Avenue and the English Elm Trees are considered to be of significant historic value as a World War 1 memorial. Therefore, to ensure the trees are stable and sustainable it is considered appropriate to improve the pruning practices and the growing conditions of the trees.

## Attachment

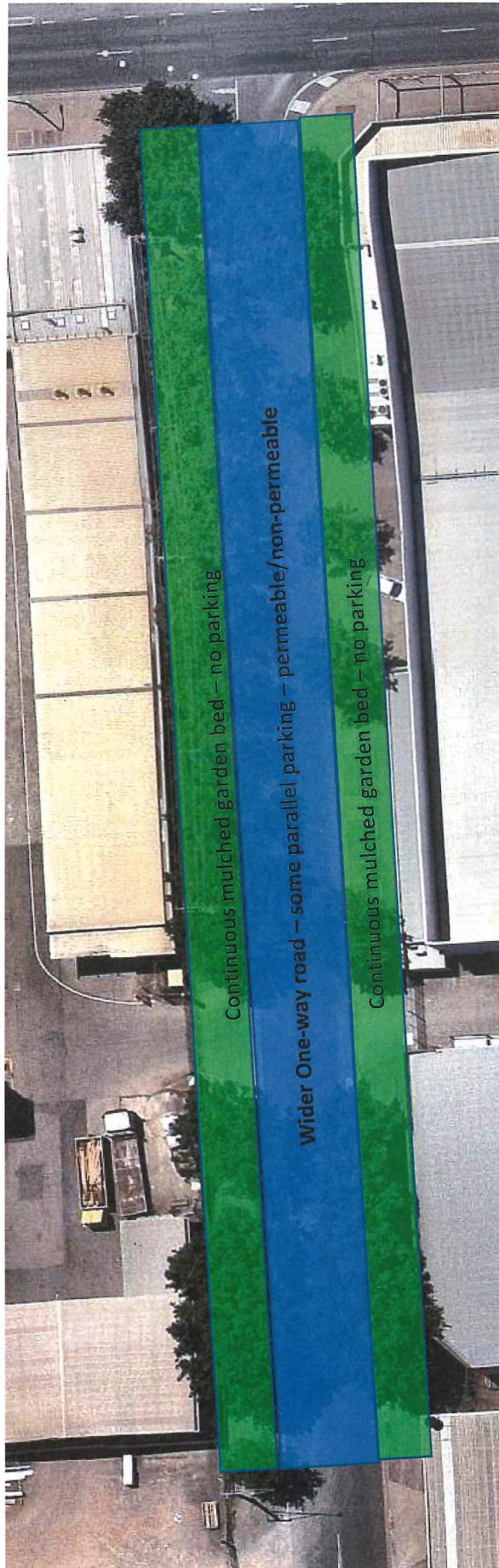
#	Attachment	Type
1	Arborist options to improve growing conditions -Appendix 1	PDF File

Option 1 – Major improvement to growing conditions (indicative)



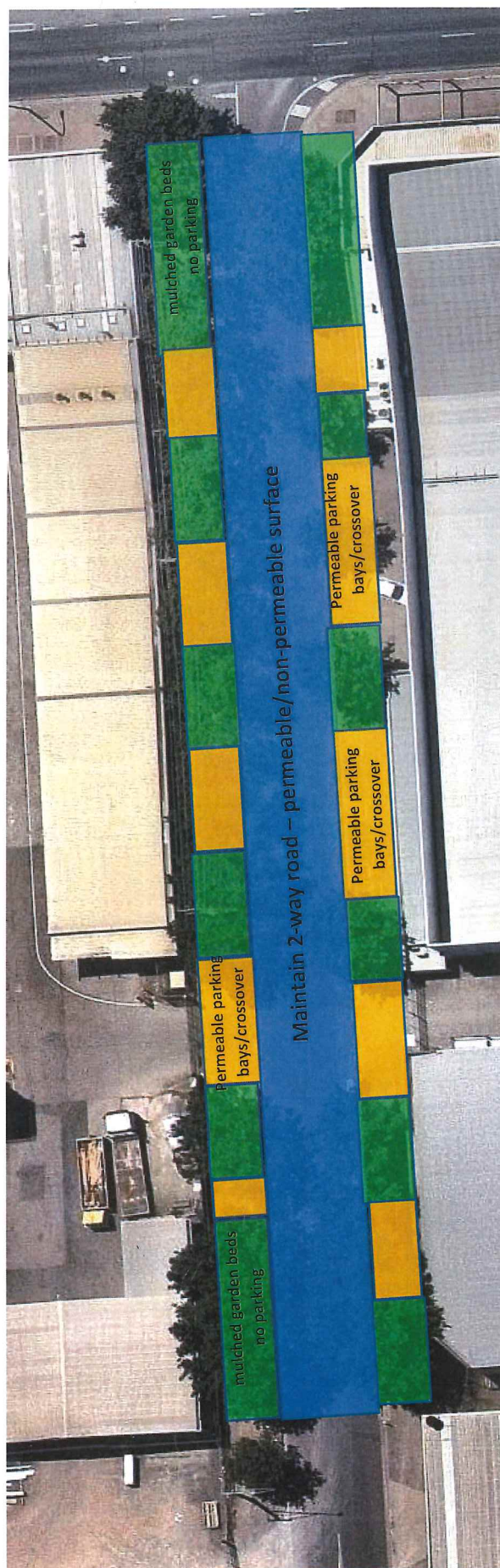
- Reduce road width to 1-way traffic
- Entire roadway to be replaced with permeable paving
- No parking on street or between trees
- Create large continuous mulched garden beds (partially into roadway) for all trees
- Retain existing crossovers – consider permeable pavement
- Install barriers/fencing to prevent vehicles accessing garden beds
- Greatest benefit for trees
- Greatest impact on traffic flow and parking

Option 2 – Significant improvement to growing conditions (indicative)



- Modify road to allow 1-way traffic
- Entire roadway could be replaced with permeable paving
- Parallel car parking on one or both sides
- No parking between trees
- Create large continuous mulched garden beds for all trees (slightly narrower than for option 1)
- Retain existing crossovers – consider permeable pavement
- Install barriers/fencing to prevent vehicles accessing garden beds
- Moderate to good benefit for trees
- Moderate impact on traffic flow and parking

### Option 3 – Minor improvement to growing conditions (indicative)



- Maintain 2-way traffic
- Entire roadway could be replaced with permeable paving
- No on-street parking
- Create larger mulched garden beds around trees
- Parking bays between trees using permeable paving (overall reduced parking)
- Install barriers/fencing to prevent vehicles accessing garden beds
- Some benefit for trees
- Some impact on traffic flow and parking

Option 4 – No improvement to growing conditions



- Leave everything as is
- No benefit for trees
- No impact on traffic flow and parking

## Public Art on Utility Boxes and Stobie Poles

<b>Originating Officer</b>	Unit Manager Community Cultural Development - Marg Edgecombe
<b>Corporate Manager</b>	Manager City Activation - Greg Salmon
<b>General Manager</b>	Acting General Manager City Development - Fiona Harvey
<b>Report Reference</b>	GC190924R05

### REPORT OBJECTIVE

This report provides Council information regarding practicalities and costs associated with a Council initiative to create public art on obtrusive electrical and telecommunications utility boxes and stobie poles on public land.

### EXECUTIVE SUMMARY

At the General Council Meeting 23 July 2019, in response to a motion with notice, Council resolved that:

*A report be prepared by staff in relation to the associated practicalities and costs associated with a Council initiative to create public art on the increasing number of obtrusive electrical and telecommunication utility boxes and stobie poles on public land that often are a blank canvas for graffiti.*

This report outlines an approach to developing opportunities to utilise the infrastructure as canvases for public art. SA Power Networks have clear guidelines for the process of artwork on stobie poles. The utility boxes are owned by several different providers, each with a different approach. The report outlines the different approaches and requirements from the owners. It also provides an approach for utilising this infrastructure for public art in City of Marion street scape and precinct developments as well as a suggested approach for community involvement. A proposed budget \$15,000 per annum over 2020/2021 to 2022/2021 to pilot the development and installation of artwork on utility boxes and stobie poles, as well as ongoing maintenance is outlined.

### RECOMMENDATION

**That Council:**

- 1. Notes this report and delivery approach**
- 2. Commits \$15,000 annually from 2020/2021 to 2022/2023 to pilot effectiveness and viability for an on-going program for public art on utility boxes and stobie poles.**
- 3. Seeks a report on the outcome of the pilot program at the end of 2022/2023.**

### GENERAL ANALYSIS

<b>Liveable:</b>	Public art assists in creating an urban environment that reflects local character, community pride, ownership, sense of place and community identity.
<b>Engaged:</b>	Public art encouraging opportunities for community involvement and participation through creative and practical skills development and increasing social capital.
<b>Prosperous:</b>	Public art creates vibrant destinations attracting tourists and visitors to places.

**Connected:**

Public art assists influencing or directing how people use or move through a space, including on foot, cycling or vehicles.

**DISCUSSION****Artwork on Stobie Poles.**

Stobie poles are the property of SA Power Networks (SAPN) who have developed guidelines and requirements for artwork on their poles (see attachment 1 for more details). SAPN recommends that residents wishing to decorate stobie poles in their area are required firstly to seek approval for the proposed artwork from their local council. SAPN do not permit artwork that includes commercial advertising material e.g. business name or logo, political material, local messages or directions or any other material likely to offend. Once the proposed design has been approved by Council, the applicant must obtain approval from SAPN regarding location along with an image of the proposed artwork design. Individual residents wishing to undertake work on the stobie pole outside their property are responsible for the costs involved in producing, installing and maintaining the artwork. Incorporated community groups wishing to undertake work in their neighbourhood are eligible to apply for a community or youth grant to develop and install the artwork. Any on-going maintenance would be their responsibility. City Activation staff will assist individual residents and successful applicants of the grants programs with advice on the application process to SAPN and any safety considerations for the installation and maintenance processes.

Council may wish to commission public art on stobie poles when developing streetscape designs, walking and cycling trails and precinct developments. Stobie pole artwork can become place markers and provide way finding for people to move through spaces. Including artwork on stobie poles is a cost effective way of complementing streetscape design in contrast to the more expensive option of under grounding power. Costs for Council to deliver artwork on stobie poles would include design, installation and materials. Artwork will be treated with an anti-graffiti coating for ease of on-going maintenance. Cost for stobie pole artwork range from \$500 - \$1000 depending on how the work is commissioned or developed.

**Artwork on Utility Boxes**

A number of different organisations own utility boxes across the city. The process and cost of developing artwork for this infrastructure will be different for each owner. Staff have requested information from these organisations. As yet we have received feedback from only half of the owners as follows:

- DPTI Rail Care Project are open to collaborating with Council if the utility boxes are on DPTI land in the Rail Corridor. Council can work with Rail Care to commission the artists and/or work with community groups to develop the artwork. Co-funding of artwork with DPTI, in areas of priority for Rail Care, would be an option, depending on the Rail Care program. Concepts need to be approved by DPTI Signal Maintenance Management and cannot include copyright images, religious, sexual or drug references. There are restrictions on certain colours or symbol size that could be misinterpreted as rail traffic signals (mainly red or green) and anti-graffiti coating is essential in the rail corridor. Artists will be required to undertake on-line Rail Safety Induction, wear appropriate PPE and apply relevant DPTI safety requirements when working within the rail corridor. See attachment 2 for images of existing DPTI Rail Care location boxes with artworks.
- NBN Co. are open to collaborating with Council to install artwork on their utility boxes. They have approved a program across the country that involves a process of the artwork being printed on vinyl wrapping which is attached to the utility boxes. While NBN Co. do not contribute financially and request that Council maintain the artwork, they are enthusiastic about the process of councils utilising their infrastructure. There is an application process and, as per SAPN with the stobie poles, they do not allow advertising or business logos etc. See attachment 3 for examples of NBN vinyl wrapped boxes.

- SA Power Networks (SAPN): SAPN do not allow artwork on their utility boxes. SAPN states that their transformer boxes are painted and coated with a special layered system of heat resistant and anti-graffiti coatings that cannot be interfered with as it would pose a safety breach and risk potential harm to equipment and possibly employees. The only exception they have to this rule is if there is a facility to enclose the transformer with a fencing structure under very strict guidelines.

Staff are awaiting responses from APA (Gas), SA Water and DPTI Road. If these organisations are open to working with Council to utilise their infrastructure, a similar approach would be adopted.

Costs for painted or vinyl wrapping will vary depending on the dimension of the utility boxes, the complexity of the design and the experience of the artist. Costs include design, installation and materials. Artwork will be treated with anti-graffiti coating for ease of on-going maintenance.

Research of successful council programs interstate and previous DPTI Rail Care projects indicate an average cost per utility box of \$700 to \$2000.

Examples of the program of utility boxes in Albury City Council, NSW, can be seen in attachment 3. A program of 40 NBN boxes has been completed and includes works done in collaboration with local schools or commissioned artists. Themes have included children's drawings, historical images with text story included, images and information about endangered, local flora and fauna, works by local Aboriginal artists and works representing the people of Albury City. To date, two years into the program, there has been a 93% success rate in discouraging graffiti on this infrastructure.

There will be some instances, if the location is inappropriate or inaccessible, where the use of a charcoal grey paint could help the infrastructure recede into the background of a space rather than commissioning artwork although some dark colours can cause location boxes to overheat, depending on their design. Similarly, landscaping treatments could be an effective option in these instances.

## **Budget and Program Delivery**

### **Budget**

An annual budget of \$15,000 is proposed for a 3 year pilot program (2020/21 - 2022/23) to enable a program of delivering artwork on stobie poles and utility boxes across the city. This annual budget will cover the costs of design, installation and materials. In some instances, the community arts projects may include the cost of a professional artist working with a community group. The budget would enable the development of approximately 10 - 15 stobie poles or utility boxes per year depending on mix and method of delivery. The budget will be reviewed in the third year to determine effectiveness and viability for an on-going program.

A cost for on-going maintenance of the artwork on stobie poles and utility boxes will apply and be covered by existing budgets. It is estimated that this will be relatively low for a regular (quarterly) clean, however, this would need to be monitored as artworks are developed across the city utilising this infrastructure.

The annual program will be developed in consultation with Ward Councillors, responding to obtrusive infrastructure, that which is attracting graffiti, in areas where community are wishing to activate local places, along with the established Council streetscape program and other precinct developments. This will support the inclusion of artwork on this infrastructure in the following ways:

- **Council delivered infrastructure projects**

Art work on stobie poles and utility boxes can be considered in the development of streetscapes, walking and cycling trails and any precinct development. The number of stobie pole treatments will vary depending on the design. For instance, a precinct may include treatment on all of the poles in the area, based on a theme or simply 'bookend' the development. Artworks can be developed by commissioning a professional artist or through the delivery of a community arts project as described below.

- **Community arts projects**

Community groups or neighbourhoods where local activation is of benefit (i.e. around local schools, places of significance etc.), or where the infrastructure is an eye sore to the community, will be delivered through community based art projects to encourage skills development, neighbourhood connection and localised place activation. Both DPTI Rail Care and NBN Co. are open to the idea of community groups developing artworks on utility boxes and, as outlined above, SAPN encourage community art on stobie poles. Depending on the project, a professional artist may be engaged to work with the community to assist with the stages of the project.

## **Conclusion**

An annual budget of \$15,000, to be reviewed after three years, will enable the development of small public artworks on stobie poles and utility boxes across the city. The development of public artwork on this infrastructure is a cost effective way of adding vibrancy, interest, way finding and activation to public streetscapes and spaces, whilst discouraging graffiti and unsightly infrastructure.

## **Attachment**

#	Attachment	Type
1	Attachment 1 - SAPN Stobie Pole Guidelines	PDF File
2	Attachment 2 Examples of existing DPTI Rail Care location boxes with artworks.	PDF File
3	Attachment 3 Examples of artwork on NBN utility boxes	PDF File

### Attachment 1 Guidelines for Artwork on Stobie Poles

SA Power Networks (SAPN) provide the following guidelines for artwork on stobie poles.

The process is that the applicant emails SAPN with the location of the pole they wish to paint and they will be sent an approval letter containing the relevant information on where to go next.

The following conditions must also be adhered to:

- You will need to seek approval from the local Council for your proposal.
- **Please note that the attachment of commercial advertising material is not permitted on any SA Power Networks e.g. business name or logo, political material, local messages or directions or any other material likely to offend.**
- The artwork **shall not** be placed on any pole carrying a pole mounted transformer.
- The artwork **shall not** be placed on any transmission pole.
- The artwork **shall not** conceal or obstruct any signs, identification numbers or any major SA Power Networks equipment mounted on the poles.
- Approval is provided on the information available at the time of application and SA Power Networks reserves the right to withdraw the approval if equipment is added to the pole in the interim period.
- SA Power Networks does not recognise any copyright or other claim of ownership of the painted material nor does the existence of the painted material give the applicant any rights over or ownership of the stobie poles.
- SA Power Networks does not accept any liability for replacing the art work on painted the poles when the poles are repaired or replaced in the normal course of system operating requirements.
- The applicant will agree to indemnify SA Power Networks against any actions resulting from the painting.
- The painted image shall not be higher than 2.0 metres from ground level.
- You will need to take full responsibility for any safety considerations related to the painting of the pole and I would like to particularly draw your attention to the use high visibility clothing, traffic control, the use of an attentive observer and other considerations deemed necessary for working in close proximity to a roadway.

Further information can be found at:

<https://www.sapowernetworks.com.au/data/2962/network-information-for-contractors-and-customers-nicc-210-signage-and-banners-on-sa-power-networks-assets/>

**Attachment 2: Examples of existing DPTI Rail Care location boxes with artworks.**



Location Boxes at Marino Rocks commissioned by DPTI Rail Care.

Artwork by emerging artist, Blake Lovas. Image by DPTI Rail Care

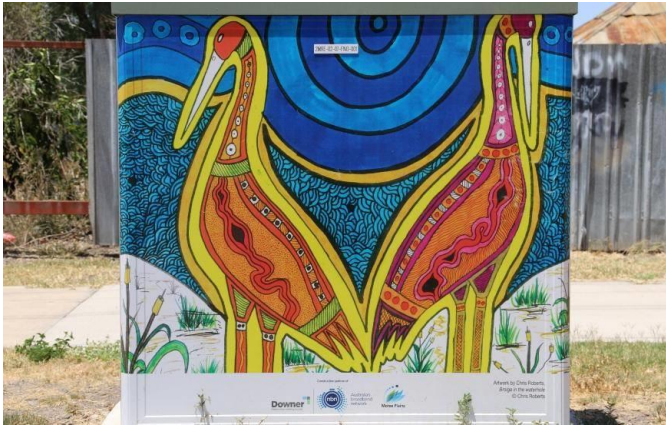


Location Boxes at Glanville Railway Station commissioned by DPTI Rail Care.

Artwork by Sarah-Jane Cook. Image by DPTI Rail Care.



Attachment 3: Examples of NBN vinyl wrapped boxes interstate.



NBN box in Moree, NSW.



Dubbo, NSW. Artwork developed through a competition with local primary school children.

Images NBN



Albury City NSW has been wrapping this street infrastructure in vinyl designs that represent different aspects of Albury, its history, its flora and fauna, and its people. Art developed by community groups, schools and artists. Images Albury City

## Shopping Trolley Amenity By-Law

<b>Originating Officer</b>	Team Leader Community Safety - Luke Manuel
<b>Corporate Manager</b>	Manager Development and Regulatory Services - Warwick Deller-Coombs
<b>General Manager</b>	Acting General Manager City Development - Fiona Harvey
<b>Report Reference</b>	GC190924R06

### REPORT OBJECTIVE

The purpose of this report is to provide Council with two options for a draft Shopping Trolley Amenity By-law which will require retailers to identify and keep shopping trolleys within a shopping precinct and general powers for authorised officers to enforce and administer the By-law. Option one includes the power to take action against individuals where as option two does not.

### EXECUTIVE SUMMARY

At the General Council Meeting on 28 May 2019, Council made the following resolution:

1. *Endorses Administration to commence the development of a By-law to deal with abandoned shopping trolleys, with a draft By-law to be brought back for consideration at the 27 August 2019 General Council meeting. (GC190528R11)*

This report provides Council with two options to consider for a draft Shopping Trolley Amenity By-law No. 8 2019 to endorse for community consultation. Both draft By-law option one and two include general provisions for the management of shopping trolleys. These provisions include the requirement for a retailer with 25 or more shopping trolleys to keep them within their shopping centre precinct, using a trolley containment system, mandatory trolley identification and the display of deterrent notices at the exits to retailers premises and the ability to issue removal notices for individual trolleys found on land. Council will be able to expiate or prosecute retailers whose trolleys are found outside of a shopping centre precinct if no containment system is in operation, if they fail to comply with an individual removal notice, or if they fail to properly identify their trolleys.

The key difference between the two options is that option one has a provision giving Council the ability to take enforcement action against individuals who had removed shopping trolleys from shopping centre precincts without authorisation of the relevant retailer. Option two does not have this power.

In July 2019 the Environmental Protection Authority (EPA) released a discussion paper outlining a review of the Local Nuisance and Litter Control Act 2016. The discussion paper covers various issues relating to the Act including the potential to introduce a shopping trolley management scheme similar to that proposed in this By-law.

The draft Shopping Trolley Amenity By-law 2019 (Option 1) is attached as Appendix 1 and the draft Shopping Trolley Amenity By-law 2019 (Option 2) is attached as Appendix 2.

The process for creating a By-law takes approximately 6 months after Council's endorsement for consultation. An outline of the legislative process involved is attached as Appendix 3 to this report.

## RECOMMENDATION

That Council endorse one of the following:

### Option 1:

1. **Endorses the proposed draft By-law 1 Shopping Trolley Amenity By-law 2019 By-law No.8 2019 as attached at Appendix 1 to this report to proceed to community consultation.**

### Option 2:

1. **Endorses the proposed draft By-law 2 Shopping Trolley Amenity By-law 2019 By-law No.8 2019 as attached at Appendix 2 to this report to proceed to community consultation.**

## DISCUSSION

### Draft By-law Options

Two draft By-laws have been developed for Council to consider. The Chosen option will be known as the Shopping Trolley Amenity By-law 2019. The draft By-laws are essentially the same with draft By-law 1 containing a provision giving Council the ability to take enforcement action against individuals who had removed shopping trolleys from shopping centre precincts without authorisation of the relevant retailer and option 2 excluding this provision.

The provisions found in both draft By-laws are similar to those found in interstate Councils and jurisdictions. Retailers will be required to do a number of things, including identifying all of their trolley fleet, keeping shopping trolleys within a shopping centre precinct and utilising a trolley containment system. Council will be able to issue removal notices for individual trolleys found on land which will require the owner (retailer) to remove within 48 hours. Offence provisions will apply to the retailer if these requirements are not complied with.

Retailers with a fleet of less than 25 will not be required to implement a containment system however they will still be required to comply with the identification requirements and Council will be able to serve individual trolley removal notices on these retailers. Both By-law options give Council the discretion to exempt a retailer if appropriate. A three (3) month grace period is proposed from the date of By-law implementation to allow retailers to meet their obligations and provide a period of education for the community.

Administration is proposing the fleet number of 25 based on interstate examples of similar By-laws. With the retailers we have been in contact with, there are 3 Foodland shopping centres that would have between 10-20 trolleys in use.

Draft By-law 1 will create the power for Council officers to direct the return of a shopping trolley when they locate a person removing or who has already removed a trolley from the shopping precinct. This will be done by issuing a verbal and/or written direction to the person. Offence provisions will apply to the person if they fail to comply with the direction.

Both draft By-law options do not contain any powers covering the removal or seizure of trolleys and disposal powers. The Council's ability to take action to deal with trolleys left in the public realm will be done through the current practice of reporting a trolley to the relevant retailers collection contractor for removal as per the current practice. This may result in shopping trolleys remaining in the public realm on a much longer, or potentially ongoing basis, even after they have been identified by the Council as being in a particular location in contravention of the By-law.

Under the By-law, a retailer will be required to place at the exits of its premises a statement that contains the following wording:

*"Under the City of Marion Shopping Trolley Amenity By-law 2019 fines can apply for taking, using or leaving a shopping trolley outside this shopping centre precinct."*

Community consultation will be conducted in accordance with the legislative process and requirements for creating By-laws (as outlined in Appendix 3). The proposed draft By-law must be made available for public inspection at the Council's offices and on the Council's website (in accordance with Section 249(1) (a) of the Local Government Act). Notice must also to be given in a newspaper circulating in the area of the Council.

Council's Community Safety Inspectors (CSI's) administer Council's By-laws.

### **Timeline**

The following table provides a high level timeline. It should be noted that the indicative dates may change depending on the outcomes of community and stakeholder engagement.

<b>Key Actions</b>	<b>Indicative Dates</b>
Council endorsement of draft by-law to undertake community consultation	24 September 2019
Community consultation on the endorsed draft By-law (minimum of 21 days)	December 2019
<b>Hold Point:</b> Council considers consultation outcomes and endorses whether to proceed	January 2020
Council undertakes the following: obtain a Certificate of Validity; develop a report re the affect upon the National Competition Policy; report to State Parliament's Legislative Review Committee	February 2020 - April 2020
By-law presented to Council for final endorsement	May 2020
Gazettal of By-law	June 2020
Commencement of By-law	4 months from the date of Gazettal of the By-law

### **Summary**

Dumped trolleys are a safety issue for City of Marion community. Introduction of a Trolley By-law will provide provisions for the management of shopping trolleys and put the onus on retailers to better manage their trolleys.

### **Additional Information**

The following information is provided in addition to matters raised in the report, that help explain some of the technicalities of the By-law.

### **Serving notices (Section 5.4.2 of both draft By-laws: "serving the removal notice in accordance with the Local Government Act 1999")**

The Local Government Act sets out how Notices are to be served and the Act does not include service by email. Under the Electronic Communications Act 2000, however, parties can consent to send and receive correspondence between each other via email. Legal advice has indicated that this does not need to be included in the By-law.

For practical application, it is envisaged that a removal notice will be attached to the trolley and this be followed up by email to the retailer.

### **Expiation Fee and maximum penalty**

The maximum expiation fee that can be set for Council By-laws is \$187.50. It is recommended that the maximum fee be applied for this By-law, which is consistent with the enforcement of our other By-laws.

Under the Local Government Act, the maximum penalty (that is, that a court can impose upon a conviction of an offence) is \$750.

### **Continuing offences (eg if a shopping trolley is left outside the retailer's shopping centre precinct for a further 48 hours after the initial 48 hours)**

More than 1 expiation notice cannot be issued for an offence.

The provision for a continuing offence is under Council's By-Law No. 1 – Permits and Penalties. There is currently no provision under Council's By-Law No. 1 – Permits and Penalties for an expiation to be imposed for a continuing offence.

The provision for a continuing offence only applies where a person or business has been convicted in court and a penalty has been imposed by the court. In such a circumstance, there is provision for the court to impose a further penalty of up to \$750.

A change could be made to Council's By-Law No. 1 – Permits and Penalties during Council's next review of all By-laws (which is 2021 – 2022).

### **Definition of shopping trolley (Section 3.10 of both draft By-laws)**

A plastic trolley can be determined to be a shopping trolley under Section 3.10.2 of the By-law. The power to declare plastic trolleys (or other trolleys) as a "shopping centre trolley" for the purpose of Section 3.10 of both By-laws can be delegated to a staff member once delegations under the By-law are set up.

## **Attachment**

#	Attachment	Type
1	Appendix 1 - Shopping Trolley Amenity By-Law 1	PDF File
2	Appendix 2 - Shopping Trolley Amenity By-Law 2	PDF File
3	Appendix 3 - Process for making a By-law	PDF File



## CITY OF MARION

*By-law made under the Local Government Act 1999*

### **Shopping Trolley Amenity By-law 2019**

#### **By-law No. 8 of 2019**

*To protect and enhance the amenity of the area of the Council, suppress nuisance caused by the use of shopping trolleys on roads, local government land and private land and otherwise for the convenience, comfort and safety of the Council's community.*

#### **Part 1 – Preliminary**

##### **1. Short Title**

This by-law may be cited as the *Shopping Trolley Amenity By-law 2019*.

##### **2. Commencement**

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

##### **3. Definitions**

In this By-law:

- 3.1 **authorised person** has the same meaning as in the *Local Government Act 1999*;
- 3.2 **authorised token** means any object designed to release a trolley from a coin deposit and release system that has been approved by the Council on application by a retailer;
- 3.3 **coin deposit and release system** means a coin-operated lock that operates with the insertion of an Australian currency one dollar or two dollar coin or equivalent authorised token;
- 3.4 **premises** includes:
  - 3.4.1 land;
  - 3.4.2 a part of any premises or land;
- 3.5 **removal notice location** means:
  - 3.5.1 the place mentioned in a removal notice where the trolley was found;
  - and

- 3.5.2 any place outside a retailer's shopping centre precinct that can be clearly seen from the place mentioned in the removal notice;
- 3.6 **retailer** means a person who provides shopping trolleys for use in the retailer's premises;
- 3.7 **retailer's shopping centre precinct**, for a retailer's shopping trolley, means the shopping centre precinct where the retailer's premises that are identified on the trolley are located;
- 3.8 **shopping centre**, for retail premises which provide shopping trolleys for use in the premises, means:
- 3.8.1 if the premises occupy a single building—the retail premises; or
- 3.8.2 if the premises are in a shopping centre, shopping mall, shopping court or shopping arcade—the centre, mall, court or arcade;
- 3.9 **shopping centre precinct** means:
- 3.9.1 an area consisting of:
- 3.9.1.1 a shopping centre; and
- 3.9.1.2 any car park provided for the use of customers of the shopping centre; and
- 3.9.1.3 any area, including a road or other public place, between the shopping centre and the car park; and
- 3.9.1.4 any other area provided for the use of customers of the shopping centre immediately adjacent to the shopping centre; or
- 3.9.2 an area determined by the Council to constitute a shopping centre precinct for the purposes of this by-law;
- 3.10 **shopping trolley** means:
- 3.10.1 a predominantly metal trolley incorporating a basket that cannot be removed; or
- 3.10.2 a trolley or handcart determined by the Council to constitute a shopping trolley for the purposes of this by-law;
- 3.11 **trolley containment system** means:
- 3.11.1 a wheel lock system;
- 3.11.2 a coin deposit and release system; or
- 3.11.3 such other system as the Council may determine to prevent shopping trolleys being removed from a shopping centre precinct, and to

facilitate the return of the shopping trolleys to a designated location within the precinct;

- 3.12 **wheel lock system** means a disabling device which makes the trolley inoperable, including by locking the wheels of the shopping trolley, if it is removed from a retailer's shopping centre precinct.

## Part 2 – Management of Shopping Trolleys

### 4. Retailer to keep Shopping Trolleys within Shopping Centre Precinct

- 4.1 A retailer must keep a shopping trolley, which has been identified as belonging to the retailer under this by-law, within the retailer's shopping centre precinct.
- 4.2 This paragraph does prevent a shopping trolley that is not within the retailer's shopping centre precinct being:
- 4.2.1 on premises owned or leased by the retailer or a person authorised by the retailer to keep the trolley;
  - 4.2.2 in the possession of the retailer or a person authorised by the retailer to be in possession of the trolley; or
  - 4.2.3 in a shopping centre precinct other than the retailer's shopping centre precinct.
- 4.3 This paragraph does not apply if:
- 4.3.1 a trolley containment system is in operation at the retailer's shopping centre precinct;
  - 4.3.2 the number of trolleys provided by the retailer at the retailer's shopping centre precinct is less than 25; or
  - 4.3.3 the retailer has obtained an exemption from the Council from the operation of this paragraph.
- 4.4 For the avoidance of doubt, nothing in this paragraph prevents an authorised person from giving a retailer a removal notice under paragraph 5 of this by-law.

### 5. Notice to Remove Individual Shopping Trolley

- 5.1 If a shopping trolley is found in a place outside the retailer's shopping centre precinct an authorised person may give a retailer a notice (a **removal notice**) requiring the retailer to remove the shopping trolley from the removal notice location specified in the removal notice within the period specified in the removal notice.
- 5.2 A removal notice issued under paragraph 5.1 of this by-law:
- 5.2.1 is to be complied with within 48 hours after the time the removal notice is given (or such other time as has been specified in the notice);
  - 5.2.2 must specify:

- 5.2.2.1 the time and date the removal notice is given;
- 5.2.2.2 the place where the shopping trolley was found;
- 5.2.2.3 it is an offence against this by-law to fail to comply with the removal notice or remove the notice without authorisation;
- 5.2.2.4 the expiation fee and maximum penalty applicable under this by-law for failing to comply with the notice or removing the notice without authorisation;
- 5.2.2.5 the Council's contact details in relation to the removal notice.
- 5.3 A retailer must comply with a removal notice issued under paragraph 5.1 of this by-law.
- 5.4 A removal notice may be given by the authorised person:
  - 5.4.1 either:
    - 5.4.1.1 securely attaching the removal notice, addressed to the retailer, to the shopping trolley in a conspicuous position; and
    - 5.4.1.2 calling the contact telephone number stated on the trolley as required under this by-law and giving the information in the removal notice to the retailer; or
  - 5.4.2 serving the removal notice in accordance with the *Local Government Act 1999*.
- 5.5 For the purposes of this by-law, a removal notice is taken to have been given to a retailer under paragraph 5.4.1 of this by-law:
  - 5.5.1 at the time and date the telephone call is made and the information is given to:
    - 5.5.1.1 a person who answers the telephone call; or
    - 5.5.1.2 a telephone answering or recording device; or
  - 5.5.2 if a reasonable attempt was made to give the information to the retailer by telephone.
- 5.6 A person, other than a retailer or a person authorised by a retailer, must not remove or interfere with a removal notice attached to a shopping trolley under this by-law.

## 6. Direction to Return Shopping Trolley

- 6.1 If an authorised person believes on reasonable grounds that a person:

- 6.1.1 has taken a retailer's shopping trolley from the retailer's shopping centre precinct;
- 6.1.2 is using a retailer's shopping trolley in a place outside the retailer's shopping centre precinct; or
- 6.1.3 has left a retailer's shopping trolley at a place outside the retailer's shopping centre precinct,

the authorised person may give the person a direction (an **on-the-spot direction**) to return the shopping trolley to the retailer's premises identified on the trolley.

6.2 An on-the-spot direction issued under paragraph 6.1 of this by-law:

- 6.2.1 is to be complied with within such reasonable time as specified by the authorised person;
- 6.2.2 must include:
  - 6.2.2.1 a warning it is an offence against this by-law not to comply with the direction;
  - 6.2.2.2 the expiation fee and maximum penalty applicable under this by-law for failing to comply with the direction; and
  - 6.2.2.3 the Council's contact details;

6.3 A person must comply with an on-the-spot direction issued under paragraph 6.1 of this by-law.

6.4 Nothing in this paragraph empowers an authorised person to issue an on-the-spot direction under this paragraph to:

- 6.4.1 the retailer identified on the trolley; or
- 6.4.2 a person authorised by the retailer to deal with the trolley in the manner specified in paragraphs 6.1.1 or 6.1.2.

### Part 3 – Notification Requirements

#### 7. Shopping Trolley Removal Notification

A retailer must place prominently at or near each customer exit in the retailer's premises a notice that:

- 7.1 contains the following statement:
 

‘Under the City of Marion's *Shopping Trolley Amenity By-law 2019* fines can apply for taking, using or leaving a shopping trolley outside this shopping centre precinct.’
- 7.2 describes the retailer's shopping centre precinct;

7.3 contains anything else required by a determination of the Council under this paragraph; and

7.4 can be seen and read easily by a person leaving the retailer's premises.

## **8. Identification of Shopping Trolleys**

A retailer must display on each of the retailer's shopping trolleys the following information:

8.1 the retailer's legal name;

8.2 the address of the retailer's premises at which the retailer keeps the trolley; and

8.3 the contact telephone number of:

8.3.1 the retailer; or

8.3.2 a person authorised by the retailer to collect the trolley.

## **Part 3 – Miscellaneous**

### **9. Exemptions**

9.1 A retailer may apply in writing to a Council for an exemption from the application of paragraph 4 of this by-law.

9.2 The Council may, in its absolute discretion, determine to exempt a retailer from the application of paragraph 4 of this by-law in respect of all shopping trolleys or particular types of shopping trolleys, either temporarily or permanently.

9.3 A retailer must not include information in an application made under this paragraph that is false or misleading in a material particular.

### **10. Requirement to Publish Determinations Online**

If the Council makes a determination under paragraph 3.9.2, 3.10.2, 3.11.3 or 7.3 of this by-law, the Council must give notice of the making of that determination on a website determined by the Council's Chief Executive Officer.

The foregoing by-law was duly made and passed at a meeting of the Council of the Corporation of the City of Marion held on the       day of       2019 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....  
Mr Adrian Skull  
Chief Executive Officer



## CITY OF MARION

*By-law made under the Local Government Act 1999*

### Shopping Trolley Amenity By-law 2019

#### By-law No. 8 of 2019

*To protect and enhance the amenity of the area of the Council, suppress nuisance caused by the use of shopping trolleys on roads, local government land and private land and otherwise for the convenience, comfort and safety of the Council's community.*

#### Part 1 – Preliminary

##### 1. Short Title

This by-law may be cited as the *Shopping Trolley Amenity By-law 2019*.

##### 2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

##### 3. Definitions

In this By-law:

- 3.1 **authorised person** has the same meaning as in the *Local Government Act 1999*;
- 3.2 **authorised token** means any object designed to release a trolley from a coin deposit and release system that has been approved by the Council on application by a retailer;
- 3.3 **coin deposit and release system** means a coin-operated lock that operates with the insertion of an Australian currency one dollar or two dollar coin or equivalent authorised token;
- 3.4 **premises** includes:
  - 3.4.1 land;
  - 3.4.2 a part of any premises or land;
- 3.5 **removal notice location** means:
  - 3.5.1 the place mentioned in a removal notice where the trolley was found;
  - and

- 3.5.2 any place outside a retailer's shopping centre precinct that can be clearly seen from the place mentioned in the removal notice;
- 3.6 **retailer** means a person who provides shopping trolleys for use in the retailer's premises;
- 3.7 **retailer's shopping centre precinct**, for a retailer's shopping trolley, means the shopping centre precinct where the retailer's premises that are identified on the trolley are located;
- 3.8 **shopping centre**, for retail premises which provide shopping trolleys for use in the premises, means:
- 3.8.1 if the premises occupy a single building—the retail premises; or
- 3.8.2 if the premises are in a shopping centre, shopping mall, shopping court or shopping arcade—the centre, mall, court or arcade;
- 3.9 **shopping centre precinct** means:
- 3.9.1 an area consisting of:
- 3.9.1.1 a shopping centre; and
- 3.9.1.2 any car park provided for the use of customers of the shopping centre; and
- 3.9.1.3 any area, including a road or other public place, between the shopping centre and the car park; and
- 3.9.1.4 any other area provided for the use of customers of the shopping centre immediately adjacent to the shopping centre; or
- 3.9.2 an area determined by the Council to constitute a shopping centre precinct for the purposes of this by-law;
- 3.10 **shopping trolley** means:
- 3.10.1 a predominantly metal trolley incorporating a basket that cannot be removed; or
- 3.10.2 a trolley or handcart determined by the Council to constitute a shopping trolley for the purposes of this by-law;
- 3.11 **trolley containment system** means:
- 3.11.1 a wheel lock system;
- 3.11.2 a coin deposit and release system; or
- 3.11.3 such other system as the Council may determine to prevent shopping trolleys being removed from a shopping centre precinct, and to

facilitate the return of the shopping trolleys to a designated location within the precinct;

- 3.12 **wheel lock system** means a disabling device which makes the trolley inoperable, including by locking the wheels of the shopping trolley, if it is removed from a retailer's shopping centre precinct.

## Part 2 – Management of Shopping Trolleys

### 4. Retailer to keep Shopping Trolleys within Shopping Centre Precinct

- 4.1 A retailer must keep a shopping trolley, which has been identified as belonging to the retailer under this by-law, within the retailer's shopping centre precinct.
- 4.2 This paragraph does prevent a shopping trolley that is not within the retailer's shopping centre precinct being:
- 4.2.1 on premises owned or leased by the retailer or a person authorised by the retailer to keep the trolley;
  - 4.2.2 in the possession of the retailer or a person authorised by the retailer to be in possession of the trolley; or
  - 4.2.3 in a shopping centre precinct other than the retailer's shopping centre precinct.
- 4.3 This paragraph does not apply if:
- 4.3.1 a trolley containment system is in operation at the retailer's shopping centre precinct;
  - 4.3.2 the number of trolleys provided by the retailer at the retailer's shopping centre precinct is less than 25; or
  - 4.3.3 the retailer has obtained an exemption from the Council from the operation of this paragraph.
- 4.4 For the avoidance of doubt, nothing in this paragraph prevents an authorised person from giving a retailer a removal notice under paragraph 5 of this by-law.

### 5. Notice to Remove Individual Shopping Trolley

- 5.1 If a shopping trolley is found in a place outside the retailer's shopping centre precinct an authorised person may give a retailer a notice (a **removal notice**) requiring the retailer to remove the shopping trolley from the removal notice location specified in the removal notice within the period specified in the removal notice.
- 5.2 A removal notice issued under paragraph 5.1 of this by-law:
- 5.2.1 must be complied with within 48 hours after the time the removal notice is given (or such other time as has been specified in the notice);
  - 5.2.2 must specify:

- 5.2.2.1 the time and date the removal notice is given;
  - 5.2.2.2 the place where the shopping trolley was found;
  - 5.2.2.3 it is an offence against this by-law to fail to comply with the removal notice or remove the notice without authorisation;
  - 5.2.2.4 the expiation fee and maximum penalty applicable under this by-law for failing to comply with the notice or removing the notice without authorisation;
  - 5.2.2.5 the Council's contact details in relation to the removal notice.
- 5.3 A retailer must comply with a removal notice issued under paragraph 5.1 of this by-law.
- 5.4 A removal notice may be given by the authorised person:
  - 5.4.1 either:
    - 5.4.1.1 securely attaching the removal notice, addressed to the retailer, to the shopping trolley in a conspicuous position; and
    - 5.4.1.2 calling the contact telephone number stated on the trolley as required under this by-law and giving the information in the removal notice to the retailer; or
  - 5.4.2 serving the removal notice in accordance with the *Local Government Act 1999*.
- 5.5 For the purposes of this by-law, a removal notice is taken to have been given to a retailer under paragraph 5.4.1 of this by-law:
  - 5.5.1 at the time and date the telephone call is made and the information is given to:
    - 5.5.1.1 a person who answers the telephone call; or
    - 5.5.1.2 a telephone answering or recording device; or
  - 5.5.2 if a reasonable attempt was made to give the information to the retailer by telephone.
- 5.6 A person, other than a retailer or a person authorised by a retailer, must not remove or interfere with a removal notice attached to a shopping trolley under this by-law.

### **Part 3 – Notification Requirements**

#### **6. Shopping Trolley Removal Notification**

A retailer must place prominently at or near each customer exit in the retailer's premises a notice that:

6.1 contains the following statement:

‘Under the City of Marion’s *Shopping Trolley Amenity By-law 2019* enforcement action can be taken in respect of shopping trolleys left outside of this shopping centre precinct.’

6.2 describes the retailer's shopping centre precinct;

6.3 contains anything else required by a determination of the Council under this paragraph; and

6.4 can be seen and read easily by a person leaving the retailer's premises.

#### **7. Identification of Shopping Trolleys**

A retailer must display on each of the retailer's shopping trolleys the following information:

7.1 the retailer's legal name;

7.2 the address of the retailer's premises at which the retailer keeps the trolley; and

7.3 the contact telephone number of:

7.3.1 the retailer; or

7.3.2 a person authorised by the retailer to collect the trolley.

### **Part 3 – Miscellaneous**

#### **8. Exemptions**

8.1 A retailer may apply in writing to a Council for an exemption from the application of paragraph 4 of this by-law.

8.2 The Council may, in its absolute discretion, determine to exempt a retailer from the application of paragraph 4 of this by-law in respect of all shopping trolleys or particular types of shopping trolleys, either temporarily or permanently.

8.3 A retailer must not include information in an application made under this paragraph that is false or misleading in a material particular.

#### **9. Requirement to Publish Determinations Online**

If the Council makes a determination under paragraph 3.9.2, 3.10.2, 3.11.3 or 6.3 of this by-law, the Council must give notice of the making of that determination on a website determined by the Council's Chief Executive Officer.

The foregoing by-law was duly made and passed at a meeting of the Council of the Corporation of the City of Marion held on the       day of       2019 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

.....  
Mr Adrian Skull  
Chief Executive Officer

## **Appendix 2**

### **Process for Making a By-law**

Following Council's endorsement of a proposed draft By-Law, the following process must occur to meet legislative requirements:

- 1.** Community consultation must be undertaken for no less than 21 days. The proposed draft By-law will be made available for public inspection at the Council's offices and on the Council's website (in accordance with Section 249(1)(a) of the Local Government Act). Notice also to be given in a newspaper circulating in the area of the Council.
- 2.** After the referral process and public consultation, the proposed draft By-law will be reviewed and all feedback considered. A Certificate of Validity is then required from a legal practitioner issued under Section 249(4) of the Local Government Act, certifying that the respective By-law can be made by virtue of the powers available to the Council under the Act and that the By-laws are not in conflict with of the Local Government Act.

Also at this time two reports are required:

- a.** A report for the By-law that identifies its affect upon National Competition Policy as required under Section 247(c) of the Local Government Act; and
  - b.** A report to the Legislative Review Committee in respect of the By-law explaining the detail and purpose of the By-law and commenting on the National Competition Policy implications (if any).
- 3.** The By-law may then be made during a meeting of the Council where two thirds of the Members of Council are present, and, where an absolute majority supports the associated resolution. In making the By-law, the Council must have regard to the National Competition Policy Report, any submissions received as a result of the referral/public consultation process and to the certificates of validity.
  - 4.** A copy of the By-law must then be published without delay in the Government Gazette and the By-law will commence four months from the date the By-law is gazetted (refer section 249(5) of the Local Government Act). A notice of the making of the By-law must also be published in a newspaper circulating within the Council's area in accordance with Section 249(7) of the Local Government Act.
  - 5.** Pursuant to Section 10 of the Subordinate Legislation Act 1978, the Council must arrange for the By-law (accompanied by the previously prepared reports to the Legislative Review Committee) to be delivered to the Legislative Review Committee within six parliamentary sitting days after the By-law has been adopted. The Council should advise of the expected Gazettal date of the By-law in the covering letter to the Secretary of the Legislative Review Committee.

## Youth Engagement and Consultation Report

<b>Originating Officer</b>	Youth Development Officer - Julie Higgins
<b>Corporate Manager</b>	Manager Community Connections - Liz Byrne
<b>General Manager</b>	General Manager City Services - Tony Lines
<b>Report Reference</b>	GC190924R07

### REPORT OBJECTIVE

The City of Marion has recently conducted a city-wide Youth Engagement and Consultation Project 'Voice It, Create It, Do It' over a 3-month period. This report highlights the findings and will help to inform how Council can work with young people aged 12-25 years during the next 2-3 years.

This report also highlights how young people would like to be involved in leadership opportunities and participation groups and includes 3 options for consideration in response to a Motion on Notice at a General Council meeting (GC190312M02).

### EXECUTIVE SUMMARY

This report provides Council with detailed findings of the 'Voice It, Create It, Do It' Youth Engagement and Consultation Project.

This project was conducted in partnership with Youth Affairs Council of South Australia (YACSA) and the engagement and consultation took place throughout May, June and July 2019. The project connected with over 400 young people, 50 service providers including youth sector staff, local teachers, Elected Members and City of Marion staff.

Throughout this project young people had the opportunity to contribute their voice, attitudes and opinions through various mediums and opportunities.

The findings have been analysed and drafted into the Voice It Youth Engagement Report 2019.

### RECOMMENDATION

**That Council:**

- 1. Notes the report provided by Youth Affairs Council SA (YACSA) (Appendix 1).**
- 2. Notes that Administration will utilise the findings from the YACSA report to help inform current and future youth priorities throughout the City of Marion.**
- 3. Adopts option X relating to youth leadership opportunities and participation groups (Appendix 2).**
- 4. Endorses the ongoing funding allocation for .X FTE required for option X, noting \$X will be incorporated into the 2019/20 budget through the quarterly budget review process.**

### GENERAL ANALYSIS

**Liveable:** Young people want their city to be accessible and safe with a strong sense of community. A city that celebrates diversity, youth arts and promotes a healthy and inclusive community.

<b>Engaged:</b>	Young people are community minded and value being part of a group/organisation that works together to build strong, safe and connected communities and neighbourhoods.
<b>Prosperous:</b>	Young people are seeking more opportunities, hands-on experience and pathways around entrepreneurship and seek education around sustainable business practices that foster ideas and skills to start and manage a business.
<b>Connected:</b>	Young people want a community where being connected both digitally and socially are important and vital for the future. Safe and affordable transport, roads and paths that are dedicated to bikes, scooters and foot traffic.
<b>Additional Resource Impact</b>	Introduction of a youth leadership group, in whatever format, would require a change to Council's current youth development operating model, relevant funding and an increase of FTE.
<b>Current Budget Allocation</b>	The Youth Development Grants and Partnership program has an annual budget of \$193,500 which includes \$120,000 being available for grants and \$73,500 for external and internal youth partnership programs, events and/or projects.
<b>Proposed Future Budget Allocation:</b>	Money supporting the current Youth Development model is included in the long term financial plan. 0.6 FTE is currently allocated to support this work.

## DISCUSSION

The Youth Development Grants and Partnership model was endorsed by Council in December 2015 (GC081215R07) and the first round was offered to the community in May 2016. The model has evolved each year following recommendations and feedback from Council, administration and the community. A 0.6 FTE position is allocated to this model and is responsible for overseeing the Grants and Partnership program, working across Council, and with community organisations and not-for-profit organisations as needed on identified youth related needs.

This approach allows for local organisations and services to identify projects they feel meet a local need, utilising their experience, expertise and existing connections within the City of Marion. The Youth Development Grants and Partnership model has also attracted new youth organisations and services that have previously not operated within the City of Marion, resulting in greater opportunities and connections for young people living in the City of Marion.

An increase of youth programs, projects and events across the City has been evident and has provided diverse opportunities for many young people. A number of City of Marion locations and sites have been brought to life with youth events, weekly programs and youth activities, delivered by our partner and grant funded organisations.

The City of Marion Vibrant Communities team (Youth Development) planned to undertake a city-wide youth engagement and consultation project in mid 2019 to connect and hear the voices of young people living or connected to the City of Marion. The purpose of these planned engagement sessions was to ensure our funding, partnerships and work within the community are meeting identified needs, passions, concerns of young people and to assist with future planning in our community.

The last time Council consulted with a large group of young people was in July 2015 at a Youth Forum held at the Cultural Centre.

The 'Voice It, Create It, Do It' project aimed to consult with diverse groups of young people ensuring that Council has current and relevant local data to inform our work within the City of Marion.

The following methods and opportunities were undertaken:

- A youth survey was created on the Making Marion engagement platform
- YACSA and City of Marion staff visited local schools
- Pop-up sessions were held at Westfield Marion
- We visited local skate parks, community centres and youth groups

Young people were asked a number of questions about their community including:

- How they participate
- What would make their community better
- Would they like more leadership opportunities
- Where they spend time
- Do they feel safe in their community

The collective data has been analysed and used to draft the Voice It Youth Engagement Report and has informed the following three options for future youth leadership and participation options (full descriptions in appendix 2):

1. Status Quo - Continue working with funded programs and partnership initiatives.
2. Status Quo and work strategically and collaboratively with youth across council, in the community and at a regional level.
3. Status Quo and work strategically and collaboratively with youth across council, in the community and at a regional level, and establish a Youth Collective Committee.

The YACSA report (Appendix 1) will inform how the City of Marion works with and considers young people as key contributors to their community.

**Appendix 1** presents the Voice It Youth Engagement Report.

**Appendix 2** presents three options for future youth leadership and participation opportunities for Council to consider.

**Appendix 3** presents additional information in the form of raw data from the survey and engagement sessions.

## Attachment

#	Attachment	Type
1	Appendix 1 Voice It Youth Engagement Report	PDF File
2	Appendix 2 Options for Youth Leadership	PDF File
3	Appendix 3 City of Marion_Youth Consultation. Raw Data	PDF File

# City of Marion

## Youth Engagement Report

Prepared by the Youth Affairs Council of South Australia



**youth affairs council**  
OF SOUTH AUSTRALIA

# Contents

<a href="#">1.0 Introduction</a>	3
<a href="#">2.0 Demographics</a>	3
<a href="#">3.0 Policy context</a>	3
<a href="#">4.0 Methodology</a>	4
<a href="#">4.1 Steering Committee</a>	4
<a href="#">4.2 School Consultation Workshops</a>	4
<a href="#">4.3 Pop-up Engagement and Polling Booth</a>	4
<a href="#">4.4 Partnership Breakfast</a>	5
<a href="#">4.5 Youth Forum</a>	6
<a href="#">4.6 Making Marion Youth Survey</a>	7
<a href="#">5.0 Participants</a>	7
<a href="#">6.0 Findings</a>	8
<a href="#">6.1 Liveable</a>	8
<a href="#">6.2 Valuing Nature</a>	9
<a href="#">6.3 Engaged</a>	9
<a href="#">6.4 Prosperous</a>	10
<a href="#">6.5 Innovative</a>	10
<a href="#">6.6 Connected</a>	11
<a href="#">7.0 Considerations for Council</a>	12
<a href="#">8.0 Further information</a>	13

## 1.0 Introduction

The City of Marion Youth Development Program is delivered through an annual grants and partnership model currently valued at \$193,500. The grants are designed to support organisations to deliver diverse, innovative and inclusive opportunities for young people aged 12-25 years.

City of Marion partnered with the Youth Affairs Council of South Australia (YACSA), the peak body representing the interests of young people aged 12-25 years and organisations and networks throughout the non-government youth sector, to conduct a city-wide youth engagement and consultation project with young people.

The findings from the consultation will provide Council with current and relevant data that will help to direct services and programs in line with identified interests, needs and gaps. These findings will also provide the knowledge to develop and build key partnerships with other organisations in the community.

The project, ***Voice It! Create It! Do It!*** engaged with young people within the City of Marion and were asked to share their priorities, passions, experiences and concerns. A variety of consultation methods across various locations were used to enhance participation. A total of 445 responses were received.

This report outlines the consultation process, findings from the workshops, youth forum and online survey. It also includes information gathered at the Partnership Breakfast attended by local service providers and key stakeholders.

## 2.0 Demographics

The City of Marion is one of South Australia's larger metropolitan Councils with a population of 92,308 people of which 16,893 are young people aged 12-25 years (15.4%) from diverse social and cultural backgrounds.

The City of Marion is located about 10km south-west of the Adelaide CBD and covers 55 square kms stretching from the Glenelg tramline in the North to Hallett Cove in the South.

## 3.0 Policy context

The City of Marion [Strategic Plan 2017-2027](#) was endorsed by Council in June 2017 and, alongside the [Business Plan 2019-2023](#) provides guidance to Council and staff, including the Youth Development Officer, when making both long- and short-term decisions for the community.

Council's [Community Vision: Towards 2040](#) underpins the Strategic Plan and includes a commitment to fostering emerging leaders and actively engaging young people. This document provides the foundation for the findings and discussion in this report.

## 4.0 Methodology

A range of consultation methods and locations were utilised throughout the project to gather the thoughts, opinions and concerns of young people and stakeholders across the City of Marion.

### 4.1 Steering Committee

A steering committee of young people between the ages of 12–25 years was formed, this group helped to guide the project. The committee was comprised of young people from diverse backgrounds and ages who had previously expressed an interest in leadership roles and a passion for their local community. The steering group met weekly in the six weeks leading up to the Youth Forum to unpack experiences, concerns and priorities for young people within the City of Marion and to inform the consultation process and online survey.

*"Being on the steering committee was a wonderful opportunity to share my thoughts and learn how to structure a conversation with the community in a fun and engaging way. I would definitely be interested in participating again! It was a fantastic experience that I would recommend to others."*  
Steering Committee Member

Young people are the experts in their own lives. Activities, services, policies, and communities who are more responsive to young people's needs can be more effective and relevant. Resources can be better targeted when young people are involved in decisions that affect them.

### 4.2 School Consultation Workshops

A total of 80 young people participated in consultation workshops facilitated by YACSA and the City of Marion at the following schools;

- Seaview High School
- Hallett Cove R-12 School
- Hallett Cove South Primary School.

Students were asked to identify what they liked about the City of Marion, what they would change and how they would like to be involved in youth-related events and activities. Students worked in small groups and contributed to a larger discussion of the findings with many of these students also completing the online survey.

### 4.3 Pop-up Engagement and Polling Booth

City of Marion hosted three pop-up engagements in June including one at Oaklands Recreation Plaza and two at Westfield Marion Shopping Centre. The pop-up engagements included a free "come and try DJ workshop" and a polling booth which attracted over 100 responses to the question, "What would make your community better?"

There are a variety of ways young people can be engaged ranging from formal, structured processes to less formal approaches. Going to where young people study, work, play and socialise was an important underpinning in the consultation process.

#### 4.4 Partnership Breakfast

A Partnership Breakfast hosted by the City of Marion and YACSA was held on Tuesday the 2<sup>nd</sup> of July 2019. Guest speaker Helen Connolly, Commissioner for Children and Young People, presented key findings from her *Youthful Cities Report* and discussed how the findings could inform City of Marion's work with young people.

The breakfast was attended by 31 stakeholders including two Elected Members and members of the *Voice It! Create It! Do It!* Steering Committee. During the breakfast, attendees completed a brief survey and had the opportunity to network and discuss issues and priorities for young people.

A range of organisations and program areas were represented at the breakfast including:

- Flexible Learning Options (FLO)
- Indigenous Youth Services
- Youth Arts
- City of Marion
- Government Youth Services
- Sport and Leisure
- Transition to work programs
- Schools

The survey invited attendees to identify current issues impacting their client group(s), whether there were any gaps in service provision within the City of Marion and what (if any) barriers prevent effective partnerships between workers, services and programs. The themes outlined were as follows:

##### ***Current issues impacting client group***

- Mental health
- Transport
- Lack of youth spaces and consistent and accessible services
- Young people participating in the decisions that affect them

##### ***Identified gaps in service provision***

- Safe and accessible spaces for young people
- Transport
- Accessible and holistic services, particularly after school hours
- Easily accessible information about service pathways, programs, events and opportunities for young people.

##### ***Identified barriers to working in partnership***

- Competitive funding models
- Competing workloads and priorities
- Underfunding, lack of time and resources

## 4.5 Youth Forum

A Youth Forum was held on Tuesday the 2<sup>nd</sup> of July 2019 immediately following the Partnership Breakfast. The event was attended by 71 young people between the ages of 12-18 years from the following schools and Flexible Learning Options Program.

- Hallett Cove R-12 School
- Hallett Cove South Primary School
- Ascot Park Primary School
- Warradale Primary School
- Seaview High School
- Flexible Learning Options (FLO) students from Relationships Australia.

The forum was a fun, educational and energetic event that provided a unique opportunity for young people to connect with others from across the City of Marion.

Young people worked collectively with various youth organisations to unpack and discuss topics including climate change and the environment, personal safety, innovation and the future and what would make the City of Marion a better place for young people.

Young people participated in six workshop activities throughout the forum;

1. **Natural Resources and the Environment** - Hosted by City of Marion's Natural Resource Management Officer, the workshop generated innovative solutions to environmental concerns.
2. **Safety with the Sammy D Foundation** - Participants discussed how to make safe and informed decisions in their community.
3. **Wellbeing and Empowerment Space** - Kurna Elder, Aunty Suzanne Russell explored cultural connection and empowerment through Kurna narrative.
4. **Creating Ethical Change** - Young people worked with facilitators to create discussions and awareness around plastic-free July and the impact this can have on our community. The hands on session included making reusable beeswax wraps and screen printing organic cotton t-shirts designed by local young artists.
5. **Innovation and Council** - The Vibrant Communities Team worked with each group to unpack the six themes in the City of Marion's Community Vision towards 2040 and how these are interpreted by young people.
6. **Youth Affairs Council South Australia** - YACSA conducted a consultation workshop to identify what young people like about the City of Marion, what they would change, and how they would like to be involved in youth-related events and activities.

### **Youth Panel**

The Youth Forum concluded with a panel of inspirational young leaders from diverse fields who answered questions devised by young people throughout the day. The panel included:

- Doha Kahn – Schools Strike for Climate SA Coordinator
- Nicola Moore – Engagement Officer, Commissioner for Children and Young People
- Matthew Shilling – City of Marion Elected Member
- Skye – Creator of Light TV

## 4.6 Making Marion Youth Survey

The Steering Committee worked alongside the City of Marion to identify survey questions on the topics of community participation, accessibility, safety, leadership, volunteer roles, youth programs and events. The survey was published on the Making Marion community consultation website and was distributed to schools, advertised on roadside banners, via the City of Marion Youth Development Facebook page and in spaces young people frequent. The survey attracted 132 responses.

## 5.0 Participants

A total of 445 responses were received throughout the project.

YACSA led engagement (Hallett Cove reception to year 12)	20
YACSA led engagement (Seaview High School)	30
Survey and engagement (Hallett Cove Primary School)	30
Polling booth responses and engagement (Westfield Marion)	100
Survey and verbal responses (Oaklands Skatepark)	10
Survey and verbal responses (Barista accreditation workshop)	14
Partnership breakfast	31
Youth Forum (schools event)	71
Making Marion online survey	132
Steering committee	7
<b>Total</b>	<b>445</b>

## 6.0 Findings

The following presents a thematic summary of the information provided by participants across the consultation process, against the six themes of Community Vision: Towards 2040.

### 6.1 Liveable

*By 2040 our city will be well planned, safe and welcoming, with high quality and environmentally sensitive housing, and where cultural diversity, arts, heritage and healthy lifestyles are celebrated.*

Young people expressed a strong sense of connection to community and local spaces, including, playgrounds, parks, sporting and recreational facilities, shopping precincts, cafés and restaurants. These are considered important spaces to congregate, socialise, relax and have fun.

Safe community complexes for vulnerable community members, especially the homeless, as well as environmentally conscious smart houses and businesses were also important to young people.

Free education, community programs and events, live music, arts and theatre spaces, community gardens, markets, book clubs, places to play sport, upgraded shopping precincts and public facilities, increased bike accessibility, including more bike lanes, are all areas young people feel passionate about.

Young people suggested better lighting and better environmental design would also assist them to feel welcome and safer when using public spaces.

*"Provide spaces and opportunities for young people to learn, grow and be themselves."*  
Making Marion Youth Survey respondent

#### **Key findings:**

- Young people want to be engaged in planning processes for recreation, sporting, community facilities, and public spaces.
- Young people want to access public spaces that are safe, welcoming and affordable
- Young people would like more youth specific events, programs and activities across the Council area.

## 6.2 Valuing Nature

*By 2040 our city will be deeply connected with nature to enhance peoples' lives, while minimising the impact on the climate and protecting the natural environment.*

Young people are conscious of climate change and want more education to be able to increase awareness in their community about the preservation of the environment and to better care for the planet. Litter was identified as an issue, and young people would like a ban on single use plastics, more bins, cleaner streets, greater levels of recycling incentives and more environmentally sustainable choices.

Young people would also like to see more green spaces, tree planting opportunities, gardens for bees, environmental community events, more clean-up days and greater care for animals.

*"I would like to be involved in seminars and community events to educate about sustainability and regeneration of the environment."*

Youth Forum participant

### **Key findings:**

- Young people want to be more informed about climate change and the ways in which individuals, businesses, services and government can reduce their carbon footprint.
- Young people want cleaner streets and more bins.
- Young people would like greater incentives for recycling and sustainability.

## 6.3 Engaged

*By 2040 our city will be a community where people are engaged, empowered to make decisions, and work together to build strong neighbourhoods.*

Young people are community minded and believe that working together as a community is important. They would like greater numbers of cheap and free opportunities to engage with their community, to make more friends and get to know and care for their neighbours.

Young people also want to be consulted on youth-related events, programs, activities and infrastructure decisions made by Council. Young people suggested that this participation or engagement could be in the form of surveys, direct consultation, community meetings, or connections between Council and student representative councils (SRC's) and Flexible Learning Options (FLO) programs.

The best way to communicate with young people is via social media, direct email, posters and banner in places young people frequent, community meetings, school newsletters, Representative Councils and other youth specific agencies.

Stakeholders from the partnership breakfast encouraged Council to continue working with key youth organisations in the area to strengthen community connections and social cohesion.

**Key findings:**

- Young people want to participate in decisions that affect them, including planning and development of youth-related events, programs, and activities.
- Young people want to be informed in the community and at school through a variety of mechanisms including in person and online.
- Young people want access to free youth-specific arts and cultural events, programs, and activities.

## 6.4 Prosperous

*By 2040 our city will be a diverse and clean economy that attracts investment and jobs, and creates exports in sustainable business precincts while providing access to education and skills development.*

Young people want more opportunities, hands-on experience and pathways for employment. They would like more education and support regarding entrepreneurship with workshops to develop sustainable business practices to foster ideas and learn the skills to start or manage a business.

*"Provide opportunities for employment, leadership, wellbeing and different experiences for the future."*

Making Marion Youth Survey respondent

**Key findings:**

- Young people want information and support to create entrepreneurial and sustainable business opportunities and practices.
- Young people want access to local work experience and employment opportunities.

## 6.5 Innovative

*By 2040 our city will be a leader in embracing and developing new ideas and technology to create a vibrant community with opportunities for all.*

Young people are innovators and would like more opportunities to present their ideas, trial new ways of doing things and explore solutions to help people. Young people want more public "makerspaces" for the sharing of ideas and business start-ups, small business programs and collaborations to support their ideas and solutions.

*"Help us build our futures, to feel comfortable within ourselves and feeling safe and accepted within our communities."*

Youth Forum participant

**Key findings:**

- Young people want Council to develop a "makerspace" for young people to share tools, technology and ideas.
- Young people want to share their ideas and explore solutions to better their community.

## 6.6 Connected

*By 2040 our city will be linked by a quality road, footpath and public transport network that brings people together socially, and harnesses technology to enable them to access services and facilities.*

Young people want fast internet speeds and free Wi-Fi to stay connected to the digital environment. Digital community notice display boards promoting community programs, events, activities and more opportunities to volunteer would also be valued.

Young people expressed a need for safe, welcoming and free spaces to meet, socialise with friends and family to connect with their community. Young people also urge for better planning around more regular, safe and affordable public transport, bike accessibility and safer roads.

*"Council's role is to bridge the gap between the generations and create a more cohesive community that values and invests into its young people."*

Making Marion Youth Survey respondent

### **Key findings**

- Young people want greater access to public Wi-Fi and digital community notice boards to keep them informed about events, programs, activities and opportunities like volunteering.
- Young people want safe, welcoming and free spaces to meet and socialise, play sport, express themselves artistically and to connect with their community.
- Young people want safer, affordable and reliable public transport with more bike tracks/lanes.

## 7.0 Considerations

### **How could young people be considered and consulted on major project and policy work?**

- Explore how and when to engage young people regarding major projects and developments.
- Explore potential for young people to co-design policy, programs and services that affect them and will impact them in years to come.
- Explore options to provide timely opportunities for collaboration and connection to Council through existing leadership groups and student voice committees.
- Work with young people to improve current sites, locations and buildings in regards to safety and inclusivity.

### **How could strong connections with external organisations continue to be built and established?**

- Seek opportunities to connect and collaborate with key organisations in the community.
- Identify youth sector, schools and educational sites to connect with existing youth steering/leadership committees.
- Seek opportunities to connect and collaborate with key organisations in the community, sharing the youth report findings.
- Connect with existing youth leadership, student voice or other youth led groups.
- Promote grant and partnership program as a funding option in line with key findings.

### **How might Council develop new initiatives regarding youth specific culture, spaces, events?**

- Explore options for engaging young people in the identification and design of new initiatives.
- Explore internal and external funding options for new initiatives.
- Identify opportunities around current council events where young people could contribute and provide ideas for youth specific engagement, involvement and participation.

### **How could best practice youth engagement be implemented across Council?**

- Share the Youth Report finding with other teams and departments, encouraging a youth lens when planning any new initiatives, projects or events.
- Explore options for youth engagement and participation training for key CoM staff and with other identified partners.
- Include young people where possible in key stages of planning, implementation and evaluation.
- Target partnership funding to align and address the key findings.
- Using the Harts Ladder of Participation, continue to strive for a higher level of authentic participation.

## 8.0 Further information

The following is a selection of relevant documents, policies and information that guides, informs or impacts working with young people in the City of Marion.

### Documents:

Commissioner for Children and Young People [Youthful Cities Report](#)  
*Connolly, H. Youthful Cities Report (2019), Adelaide SA*

Mission Australia [Youth Survey](#)  
*Findings from the Youth Survey (2018). Sydney, NSW: Mission Australia.*

Youth Affairs Council of South Australia and the Department of Human Services [Better Together: practical guide to effective engagement with young people](#)  
*Findings from the Youth Engagement Guide (2018), Adelaide, SA: DCP, DCSI, YACSA*

United Nations [Convention on the Rights of the Child](#)  
UN General Assembly, *Convention on the Rights of the Child*, (1989), United Nations, Treaty Series, vol. 1577, p. 3,

### Websites:

City of Marion - [City of Marion](#)

Local Government Association - [Local Government Association](#)

Youth Affairs Council of South Australia - [YACSA](#)

South Australian Government - [South Australian Government](#)

Option/Model 1	Description	Advantages	Disadvantages
<ul style="list-style-type: none"> <li><b>Status Quo</b></li> </ul> <p>Continue working with grant funded programs and partnership initiatives including those that offer youth leadership and development opportunities. Use the current findings from the YACSA report to direct and prioritise funding.</p> <p><b>Cost/Resource</b></p> <p>Level 4 - within existing resources and budget</p>	<p>The current model has supported a number of leadership opportunities led by grant funded or partnership organisations, some examples are:</p> <p><b>Youth Parliament</b> – each year young people living in the City of Marion can apply for funding to participate in this program.</p> <p><b>Mpower ME</b> – A partnership funded program that was held over 8 weeks with a focus on personal development and holistic wellbeing.</p> <p><b>Voice It Create It Do It Youth Committee</b> – Specifically developed to assist and direct the engagement and consultation of this project.</p> <p><b>Champions 4 Change (C4C) Leadership Workshop Butterfly Foundation</b> – This was a grant funded program that worked with schools to nominate leaders to participate in this training.</p> <p><b>Australian Youth Climate Coalition</b></p> <p>AYCC used a peer-to-peer leadership education model to empower young people in the City of Marion with the skills and confidence to lead climate solutions in their community</p>	<p>Community organisations identify leadership opportunities they feel meet a current, local/relevant need.</p> <p>No change to FTE</p>	<p>Not progressing the model in line with current findings and suggested '<b>considerations</b>' in the report.</p> <p>Young people have stated throughout the engagement that they would like to have more opportunity to provide input on major projects, events and other priorities across Council.</p>

Option/Model 2	Description	Advantages	Disadvantages
<ul style="list-style-type: none"> <li><b>Status Quo and Work strategically and collaboratively with youth across Council</b></li> </ul> <p>Addressing the current findings and seeking opportunities for young people in the community and at a regional level.</p> <p><b>Cost/Resource</b> Increased FTE 0.2FTE Level 4 \$17,882 p.a.</p>	<p><b>All of Option 1 including:</b></p> <p>Work across Council with other teams to discuss the current youth findings and data to determine how young people could be involved in key projects, for example;</p> <ul style="list-style-type: none"> <li>Working with the environment team scoping a regional event, led by young people supported by staff from various Councils.</li> <li>Working with the outdoor pool staff to work on youth led events and program from this space</li> <li>Conduct training around youth participation and engagement and how to meaningfully and appropriately engage with young people.</li> </ul> <p>Work closer with City of Marion schools and youth organisations that already have established youth committees, sharing the youth report findings and discussing the '<b>considerations</b>' and actions.</p> <p>Advocate the findings from the YACSA report. Develop some clear actions from the '<b>Considerations</b>' working with other councils and sector networks such as:</p> <ul style="list-style-type: none"> <li>LGA youth network</li> <li>Southern Youth Network Collective</li> <li>Neighbouring Councils</li> <li>Southern Youth Roundtable</li> </ul> <p>Hold YOUTH focus groups inviting young people and stakeholders from across council and the community as discussed above. These can be held in conjunction with other teams, Elected Members, community organisations and can be planned on a needs basis, targeting young people that have a specific interest.</p> <p>For example</p> <ul style="list-style-type: none"> <li>Mitchell Park redevelopment</li> <li>Capella Drive skate park</li> <li>Smart Cities project</li> <li>Edwardstown Precinct</li> </ul>	<p><b>All of Option 1 including:</b></p> <p>Contemporary and innovate approach that would complement our current model.</p> <p>Diverse groups of young people could provide input on the same topic providing a broader 'youth voice'.</p> <p>Young people with a particular passion are more likely to be engaged in a focus group relevant to their area of interest.</p> <p>The focus groups would have start and end dates and would not require ongoing commitments.</p> <p>Young people indicated that they are time poor, this model would not require any additional commitment if they already participate in a representative group e.g. school SRC's</p>	<p><b>All of Option 1 including:</b></p> <p>Relies on other organisations such as schools and youth organisations to be open to a City of Marion staff member participating in their committees and raising items for the agendas based on current need/interest.</p>

Option/Model 3	Description	Advantages	Disadvantages
<p>• <b>Status Quo and Work strategically and collaboratively with youth, and with the establishment of a Youth Collective Committee</b></p> <p>This group would be a small group of young people (possibly from other already functioning groups) that could provide support, advice and direction to staff, Elected Members and other community organisations.</p> <p><b>Cost/Resource</b></p> <p>Increased FTE 0.5 FTE for 1<sup>st</sup> year then 0.4 FTE ongoing</p> <p><b>Based on 2019/20 FTE 0.5</b> Level 3 \$40,450 p.a. Level 4 \$44,705 p.a.</p> <p><b>FTE 0.4</b> Level 3 \$32,360 p.a. Level 4 \$35,764 p.a.</p> <p><i>Level would be directed by HR through external assessment of PD</i></p>	<p><b>All of Option 1 and 2 including:</b></p> <p>A group of young people between 12-25 years that would meet regularly to discuss topical matters from across the community.</p> <p>This group would represent young people and could provide advice and recommendations to Council. How this information is provided to Council would depend on the agreed model.</p> <ul style="list-style-type: none"> <li>• Formal (section 41) - this would be in line with the provisions of the Local Government Act (1999)</li> <li>• Informal – The group would still have minutes and agendas and could schedule to be on the General Council meeting agenda to report to Council as agreed/needed.</li> </ul> <p>Meetings would usually be held monthly or in line with the focus groups.</p>	<p><b>All of Option 1 and 2 Including:</b></p> <p>This would be a great experience for a small group of young people to actively engage with Council and have the opportunity to collectively work on and advocate on community matters.</p> <p>Young people could build relationships with Elected Members and attend Council meetings if and when required.</p> <p>This model would be genuinely engaging young people with meaningful and relevant participation. When looking at any youth participation framework model this would be best practice (refer Harts Ladder Framework).</p>	<p><b>All of Option 1 and 2 Including:</b></p> <p>Funding for the implementation of Council YACs was previously supported by Office for Youth, this funding is no longer available and has since seen many traditional Council YAC's cease operation.</p> <p>The success of the committee would rely on the commitment and enthusiasm of the group.</p>

## 9.1 Hallett Cove R-12 Consultation Workshop Results

### Demographic details

<b>Students:</b> 15	<b>Aboriginal or Torres Strait Islander</b> Yes: 0 No: 15	<b>Suburb lived in</b> Hallett Cove (x6) Morphett Vale (x2) Hackham Huntfield Heights Aldinga Port Noarlunga Sheidow Park Unsure
<b>Age</b> 12-14: 14 15-17: 1	<b>Born in Australia</b> Yes: 11 No: 3 (England x2, Scotland)	
<b>Gender</b> Female: 7 Male: 8	<b>Language at home</b> English: 14 Other: 0	

Sheet	Like to hang out	Unsafe or unwelcome
1	Westfield Marion Shopping Centre Marion outdoor pool Marion leisure and fitness centre Cove Football Oval Restaurants Marion shopping centre Bad park next to school My house Bike path Soccer oval Westfield Marion Shopping Centre Event Cinemas McDonalds Hungry Jacks Ascot Bowling Club Café's BMX Track Pool	Hallett Cove Skate Park <ul style="list-style-type: none"> <li>No lights</li> <li>Broken glass</li> <li>Not big enough</li> </ul> Bike paths <ul style="list-style-type: none"> <li>Lights</li> </ul> The rocks on the beach I don't feel unsafe because I'm at home, dance or school I walk everywhere and I feel safe
2	Hallett Cove Beach Marion Outdoor Pool Westfield Marion Shopping Centre Marion Leisure and Fitness Centre Gloria Jeans (at Marion) O'Halloran Hill Recreation Park	Train stations (and bus stops) <ul style="list-style-type: none"> <li>Sketchy people</li> <li>Drunk people</li> <li>Alcohol issue</li> <li>Drug dealers</li> <li>Crazy people</li> <li>People ride bikes/skateboards on the station</li> </ul> Westfield Marion Shopping Centre The indoor swimming centre <ul style="list-style-type: none"> <li>Easy to get lost</li> </ul> Places I don't know People that abuse rights, alcohol, drugs and violence
3	Home	People <ul style="list-style-type: none"> <li>Drunk</li> </ul>

		<ul style="list-style-type: none"> <li>• Drugs</li> <li>• Abusive</li> <li>• Annoying</li> </ul> Any road Any nights
4	Westfield Marion Shopping Centre Beach City BMX Track McDonalds Dylan's house Marion Indoor Swimming Centre Brighton Noarlunga swimming pool Hallett Cover Shops (is not good) Home Cove FC Oval Hallett Cove Shopping Centre Train Hallett Cove Library Glenelg	Some guy following me at the tunnels near Cove FC Hallett Cove Shops is not a good shops ( <i>sic</i> ) My house Dylan had to put barb wire on fence ( <i>sic</i> ) Tunnels under freeway: <ul style="list-style-type: none"> <li>• Glass</li> <li>• Broken lights</li> <li>• Graffiti</li> </ul> Train station: <ul style="list-style-type: none"> <li>• Drugs</li> <li>• Drunk people</li> <li>• Glass</li> <li>• Homeless people</li> </ul>
5	Hallett Cove Shopping Centre Westfield Marion Shopping Centre Beach Ascot Park Bowling Club Café's Cove Civic Centre Marion Outdoor Pool Westfield Marion Shopping Centre South Australiana Aquatic and Leisure Centre Marion Outdoor Pool Hallett Cove Boardwalk Hallett Cove Beach Church Restaurants Marion Sports and Community Club Restaurants	Hallett Cove BMX Track <ul style="list-style-type: none"> <li>• Drugs</li> <li>• Alcohol</li> <li>• Light flies</li> </ul> Restaurants Church Hallett Cover Skate Park Gym Pools

***If you could change/do/create one thing***

- Fix the Hallett Cove Shopping Centre
  - Open more shops
  - Needs Subway
- Hireable bike paths near the start of the bike path or near the train station
- Basketball facility
- More big sports areas
- Cheap swimming pool (near Hallett Cove)
- Hallett Cove shops - Open back up
- Upgrade Hallett Cove shop
- Fix Hallett Cove shops
- A place for teens to hang out with:

- Movies
- Food court
- Hover boards
- Clothes shops
- Arcades
- Bowling
- Laser Tag
- Taco Bell
- Chipotle
- Starbucks
- Deilicia
- Volleyball court
- Make an agistment for my horses, and have an arena and riding lessons
- Ice skating rink
- Need to be able to fly internationally from Adelaide: build more planes
- Theme parks in Adelaide
- Improve Cove Shopping Centre – more shops
- Swimming pool
- Multipurpose courts
- Tennis court
- Volleyball court
- A theatre
- Ice skating rink
- Acting school
- Outside movie theatre
- Local swimming pool
- Starbucks
- 99c store
- Lolly shop in Marion
- Road safer by including wider bike lanes
- Train
- Lights at bus stops
- Making sure bus stops buttons actually work
- Security guards at train stations to make sure people are safe
- Lights on pathways
- Train doors shouldn't open so quickly
- Gateways at train stations so people don't (sic) fall onto the tracks and so people actually pay
- Add a pool
- Add an animal shelter
- Homeless shelter
- 10 pin bowling club
- Cinema
- Candy store (really needed)
- City bike store
- Public toilet
- Pool in Hallett Cove R-12 school
- Nature playground
- Water World
- Public transport
- Statue of founder of City of Marion
- Sunflower field
- Roller coaster park
- Huge waterfall
- Animal shelter

- Soup kitchen
- Lush bath bomb shop
- Huge water park
- Pool at Hallett Cove School
- Bowling alley
- Cinema (like at Marion)
- Save the turtles club
- Underwater World
- Paintball

**Identify which locations on the list you have never been to/heard of.**

Hallett Cove Boardwalk		Hallett Cove Railway Station'		Cultural Centre Library	<b>2</b>
O'Halloran Hill Recreation park		South Australian Aquatic and Leisure Centre		Marion Outdoor Pool	
Capella Drive Oval and Skate Park	<b>1</b>	Marion Sports and Community Club	<b>1</b>	Cooinda Neighbourhood Centre	<b>2</b>
Cove Sports and Community Club	<b>1</b>	Marion Outdoor Pool		Living Kurna Cultural Centre	<b>3</b>
Hallett Cove BMX track		Marion leisure and Fitness Centre		Oaklands skate park	<b>2</b>
Cove Civic Centre		Marion Golf Park	<b>1</b>	Warradale Railway Station	<b>1</b>
Trott Park Neighbourhood Centre	<b>2</b>	Ascot Park Bowling Club		Clovelly Park railway Station	<b>2</b>
Hallett Cove Beach		Westfield Marion shopping centre		Marino Rocks Beach	<b>1</b>
Plympton Sport and recreation Club	<b>2</b>	Ascot Park Railway Station		Church	<b>1</b>
Glandore Sports and Community Club	<b>3</b>	Mitchell park Sports and Community Club		Gym	<b>1</b>
Castle Plaza	<b>1</b>	Edwardstown Soldiers' Memorial Recreation Ground		Café's	
Park Holme Library	<b>2</b>	Morphettville Racecourse	<b>2</b>	Restaurants	
Park Holme Train station	<b>2</b>	Mitchell Park Neighbourhood Centre	<b>2</b>	Mitchell Park Railway Station	<b>1</b>
Glandore Community Centre	<b>2</b>	Tonsley Railway Station	<b>1</b>	Tonsley Innovation district	<b>3</b>

**How do you know/find out about what's on and happening in your area? What's the best way for the City of Marion to tell you what's happening in your community?**

Consensus included social media and word of mouth.

- Insta
- Facebook
- Word of mouth
- Radio
- City of Marion Newspaper

When asked if they had been on the Marion website, zero said yes.

When asked if they knew about City of Marion Youth Facebook group, zero said yes.

When asked if they would be interested in liking or checking out the Facebook page, minimal said yes.

Some students seemed encouraged by the idea of council sharing events and news through the school.

## 9.2 Seaview High School Consultation Workshop Results

### Demographic details

#### Students:

21

(19 completed surveys)

#### Age

12-14: 8

15-17: 10

18-20: 1

#### Gender

Female: 13

Male: 6

#### Aboriginal or Torres Strait Islander

Yes: 0

No: 19

#### Born in Australia

Yes: 14

No: 5 (India x2, Italy, Zimbabwe, England)

#### Language at home

English: 16

Other: 4 (Hindi, Shona, Italian)

#### Suburb lived in

Seacombe Gardens (x3)

Sheidow Park (x3)

Dover Gardens (x2)

Hallett Cove (x2)

Seacliff (x2)

Warradale (x2)

Darlington

Edwardstown

Marion

Seacliff Park

Seaview Downs

Sheet	Like to hang out	Unsafe or unwelcome
1	Café's Hallett Cove Boardwalk O'Hally Rec Park [sic] Hallett's BMX Cove Civic Centre Beach Golf Park Westfield Marion Shopping Centre Train stations Outdoor pool Parks Riding bikes	Marion bus stops <ul style="list-style-type: none"> <li>• Shit happens.</li> <li>• Junkies.</li> <li>• The staircase – people hang out there</li> </ul> Morphett Road <ul style="list-style-type: none"> <li>• Government housing.</li> <li>• Feels unsafe and needs to be removed.</li> </ul>
2	Hallett Cove Boardwalk <ul style="list-style-type: none"> <li>• Fun activity to do with my family</li> </ul> Marion Leisure and Fitness Centre <ul style="list-style-type: none"> <li>• It's cheap for students</li> </ul> Wesley Netball Club Home Marion Outdoor Pool Westfield Marion Shopping Centre	At the bus stop <ul style="list-style-type: none"> <li>• alone and someone else rocks up</li> </ul> Walking to Hallett Cove Shopping Centre next to the big hill. <ul style="list-style-type: none"> <li>• Sometimes I see sketchy people</li> </ul> Some small avenues in the dark <ul style="list-style-type: none"> <li>• I feel unsafe</li> <li>• It's too dark in the night</li> </ul> On the bus <ul style="list-style-type: none"> <li>• I met some strangers (may be on drugs).</li> <li>• They bothered me. I feel sooo unsafe</li> </ul> Any petrol station Walking home Unit housing blocks Drugs/alcohol/violence Westfield Marion under carpark Drug deals in Dover gardens Unsafe at night

		The park at the end of Scarborough Tce School teachers make it safe but some students defy that. And I know that in a lot of situations I'm not welcome.
3	<p>Beach</p> <p>Maccas</p> <ul style="list-style-type: none"> <li>• Food</li> </ul> <p>Hallett Cove Boardwalk</p> <p>Outdoor pool</p> <p>Aquatic Centre</p> <p>O'Halloran Hill Rec Park</p> <ul style="list-style-type: none"> <li>• Convenient</li> </ul> <p>Parks</p> <ul style="list-style-type: none"> <li>• Close to home</li> </ul> <p>Train stations</p> <ul style="list-style-type: none"> <li>• To get to places</li> </ul> <p>Edwardstown Football Club</p> <ul style="list-style-type: none"> <li>• Events</li> <li>• Food</li> <li>• Anzac Day</li> <li>• Nice place</li> <li>• Community feel</li> </ul> <p>Gallery M</p> <ul style="list-style-type: none"> <li>• The Art</li> </ul> <p>Westfield Marion Shopping Centre</p> <ul style="list-style-type: none"> <li>• Everything there</li> <li>• Food</li> <li>• Always something to do</li> </ul> <p>Marion Cultural Centre</p> <p>Oaklands Wetland</p> <ul style="list-style-type: none"> <li>• Nature</li> </ul> <p>Café's</p> <ul style="list-style-type: none"> <li>• Family time</li> <li>• Coffee</li> <li>• Supporting local business</li> </ul> <p>Restaurants</p> <p>Dance</p> <p>Westfield Marion Shopping Centre</p> <ul style="list-style-type: none"> <li>• Everything is there</li> </ul> <p>Cultural Centre</p> <ul style="list-style-type: none"> <li>• Events</li> <li>• Community feels</li> </ul> <p>Westfield Marion Shopping Centre</p> <ul style="list-style-type: none"> <li>• Everything is there</li> </ul> <p>Marion Outdoor Pool</p> <p>Culture Centre</p> <p>Hallett Cove Beach</p> <p>O'Halloran Hill Recreational Park</p> <p>Castle Plaza</p> <p>The Park</p> <p>Boardwalk</p>	<p>Skate park</p> <ul style="list-style-type: none"> <li>• Rebellious people</li> </ul> <p>Train station</p> <ul style="list-style-type: none"> <li>• Very public</li> <li>• Lots of people</li> </ul> <p>Some places have more potential to have unsafe people</p> <ul style="list-style-type: none"> <li>• At the end of the day it's the people that make us feel unsafe</li> </ul> <p>The bus stop!! In Marion!!</p> <p>Streets</p> <ul style="list-style-type: none"> <li>• When it's dark</li> <li>• Need more lights</li> </ul> <p>Some parks</p> <p>Oaklands wetlands</p> <p>South Road</p> <p>Night time walking in the dark</p>

	<ul style="list-style-type: none"> <li>• Uplifting</li> <li>• Active</li> </ul> <p>Café's</p> <ul style="list-style-type: none"> <li>• Food</li> <li>• People</li> </ul> <p>Local park</p> <ul style="list-style-type: none"> <li>• Fun</li> <li>• Convenient</li> </ul> <p>Restaurants</p>	
4	<p>Cove Civic Centre Marino Rocks Beach Westfield Marion Shopping Centre Castle Plaza Cultural Centre Library Hallett Cove Beach Aquatic Centre Oaklands Skatepark Capella Drive Oval &amp; skatepark Hallett Cove Boardwalk Marion Outdoor Pool Boardwalk Restaurants Gym</p> <p><u>Why these spaces:</u></p> <ul style="list-style-type: none"> <li>• Books</li> <li>• Easy to get to</li> <li>• People</li> <li>• Shops</li> <li>• New</li> <li>• Fun</li> <li>• Convenient</li> <li>• Exercise</li> </ul>	<p>Dark</p> <p>Westfield Marion Shopping Centre bus interchange</p> <p>Warradale Station</p> <ul style="list-style-type: none"> <li>• The underpass needs to be safer</li> <li>• Especially in the dark</li> </ul>
5	<p>Dover Square Reserve Marion Outdoor Pool Gym Mitchell Park Railway Restaurants Westfield Marion Shopping Centre Dog Parks Easy to get to places</p> <ul style="list-style-type: none"> <li>• Cheap/free</li> </ul> <p>Cheap places</p>	<p>Westfield Marion Shopping Centre</p> <ul style="list-style-type: none"> <li>• We feel unsafe due to some people who are there (all the time)</li> </ul> <p>Parks in back streets</p> <ul style="list-style-type: none"> <li>• Drunk people at night</li> </ul>

**If you could do/create/change one thing:**

- SOL
  - [www.mesosolshare.com](http://www.mesosolshare.com)
  - Solar sharing
- Apartment complexes with community gardens
- Tree planting

- Traffic lights where there are trains passing. There should be a bridge over it or under so people don't waste their time waiting
- More cinemas
- Community spaces with gardens and halls hanging out
- More arcades
- Students don't pay for bus tickets because students are going to school and back home
- More trees, community garden
- Make the community more connected
- More places for teens
- Support for homeless
- Somewhere fun to hang out
- Free gym
- More beach clean-up guys
- Rebuild of old unit blocks into new housing
- Hotels in the Marion area
- Lights in small avenues
  - Darkness = unsafe
- Council events + festivals
- Markets
- Outdoor cinema
- Theme park – Adelaide attraction
- Hallett Cove Shopping Centre to have more shops
  - Clothing shops
  - Restaurants
  - Gym
- More public pools
- New parks
- New shopping centre (Seacliff) via tennis court
- Community Centre at Seacliff
- A space for live music
- Youth shopping/activity centre – Under 18
  - Youth work there
- Basketball rings
- Parks
- Indoor activities
- Theme parks
- Indoor spaces to be in the winter
- Easier ways to participate in volunteering and the community
- Free food + drink

## 9.3 Pop-up Engagements Results

### **Q. What would make your community better? – Westfield Marion**

- More youth Events
- Cheaper driving lessons
- Transport
- Gucci store
- Transport
- Better shops
- Expensive brands
- Less drugs
- A different way to get your licence, not written test
- Transport 13
- Cleaner streets
- Better police to talk to kids
- Climate change
- Pollution, waste, litter (especially in schools)
- Hallett Cove shops – no good/no shops
- Better shops down south for young people
- Climate change/environmental issues
- Less homeless dogs
- More carpark spaces in Westfield Marion
- Bring back dirt bike jumps
- Surf wave pool
- More music
- More youth events
- Awareness for safety
- More happiness
- Improve transport A-B
- We should have clean up services for beaches and pollution
- More charities and funds for sustainability
- Spread peace and love between the world
- Prevention of racism
- Eliminate poverty
- Dirt bike track in Marion
- Whales, Sea Shepherd helping others to look after and be kind
- More engaging and free school holiday workshops for teens
- Less litter
- A cleaner community
- A safer community
- More lighting behind skate park – Oaklands
- Cheaper transport
- Safe places for young people with mental health
- Free events
- No drugs
- More inclusivity
- No litter
- Recycling systems at schools compost more options
- Better people – education, environment
- Westfield stairs – bus stops (drug use/unsafe)

- Hard to find apprenticeships
- More equality
- People expressing themselves better
- No plastic
- No single use plastics, food, wastage, supermarkets out of date items being chucked
- More events
- Cheaper shoes
- Experience – catch 22 for entering the workforce
- More activities for young people
- Less expectation on young people
- No oil in the bight
- More love
- A more tolerant community
- Less littering
- Engaged community
- Everything is too expensive as a young person
- Jobs – being taken advantage of. I wouldn't know what to do to complain
- More music
- Environment
- Predators and not being safe
- Single use plastics waste in the ocean and on beaches
- Peer support
- Leadership
- Everyone helping each other
- Community with neighbours

## 9.4 Partnership Breakfast Survey Responses

2 July 2019

### **Q1 Briefly describe your role & client group.**

- Marion LIFE youth facilitator – primary/high school students 10-18 years
- Meridian Vocational College CEO – training to young people aged 18 onwards
- City of Marion Youth Program – young people
- Young people in Youth Steering Group
- City of Marion Elected Member – 10,296 Southern Hill voters
- Youth Arts + Creative Enterprise
- Transition to work – unemployed people aged 15-21
- Flexible Learning Options – disengaged high school students
- Tenant engagement – housing
- Head of Youth Work – students (higher education)
- Sk8 therapy – young people
- Facility manager – young people 12-25 years
- Assisted organising Voice It
- State Manager at a youth organisation
- Aboriginal youth + non-indigenous youth
- SA Aquatic + Leisure Centre Assistant Manager – all age groups
- KLCC coordinator – Aboriginal youth and school groups
- Youth art facilitator working - young people interested in art (4 – 25 years)

- Community development
- Department of Human Services, Youth Inclusion Intervention Coordinator – Disengaged youth, extreme/harmful behaviours
- Steering group
- South Australia Aquatic and Leisure Centre, Community Outreach
- Elected Member for Council – all members of the South Hills Ward
- Program manager – school children (Year 6 – 12) + at risk young people
- Youth Empowerment manager – young people aged 5-25 living across SA
- Social Work Placement Student in YMCA Youth Empowerment Team – young people aged 8-16. Focus on trauma-aware service provision
- Marion LIFE Community Service Director

## **Q2 What are the current issues impacting your client group?**

- Consistency of service (great services to start but then stop due to funding conclusions)
- Workshopping skills they don't learn in schools or at least be aware of skills they can learn
- Assumption certain social skills are equipped but they aren't e.g. organising play in recess/lunch breaks
- Housing
- Employment
- Cooking skills
- Access to nutritional food
- Access to support services
- Getting bored and losing focus
- Need more youth spaces (board games, relaxation areas)
- "How to adult" classes at Onkaparinga (very popular)
- Not aware of things, need to be promoted more
- Mental health is an issue – as an 18-year-old you are treated as an adult when you are still a "youth"
- Lack of youth spaces
- Need more awareness to young people about opportunities, courses, workshops, etc.
- Transport
- Opening times
- Not enough youth welcoming spaces
- Not enough "how to adult" classes
- Access to opportunities/mentorships/leadership
- Connection
- Transport
- Drivers licences – difficult to get
- Not a lot of opportunities or entry-level jobs
- Stigma about young people being unemployed/not finishing work
- Mental illness
- Casual drugs/alcohol consumption
- Mental health
- Drugs
- Public perception
- Employment options
- Cost of education
- DV
- Internal policies
- Transport

- Collaboration with DCP
- Financial
- Anti-social behaviour
- Property condition
- Work/study/life balance
- Access to affordable housing
- Study supports (finance)
- Cultural narratives that legitimise violence to young people
- Neoliberal discourse that perpetuates inequalities
- Affordability – mixed socio-economical communities
- Available facilities (safe for use + maintenance)
- Parental ignorance
- More education on what skate park use is
- Seeking affordable opportunities to perform live music at all ages venues
- Seeking opportunities to connect as they determine (safe, comfortable places)
- Seeking opportunities to contribute to decision making
- Red tape/ bureaucracy in organisations/ gov + non gov
- Areas around Marion are not safe, such as speed bumps near Ascot Park Train Station
- Connection! Practice, not programs fix this! Give them the skills to build and maintain relationships – have a voice! Not programs alone!
- They are disconnected – from themselves, their community and mainstream systems! Young people find it unwelcoming
- We need organisations using practice not programs. We need to share our practice with the young people so they can replicate it in their own lives
- Closure of Warriparinga KLCC being proposed by counsellors of City of Marion
- Determining relevant services to engage youth
- Resources
- Liaising with young to understand needs
- Stronger partnerships (youth)
- Funding
- Capturing youth voice
- Consistency of services
- Mental health
- Activities, homelessness, food (lack of)
- Need for activities, transport
- Resourcing
- Lack of invested partners
- Commitment of service providers
- Accessibility to platforms to share their passions and recognition of potential pathways
- Resourcing
- Recognising/gathering the voice of youth
- Isolated from community/schools due to complex behaviours, acting out
- No inclusive practice to restore relationships
- Places to hang
- Reliability of attendance
- Funds available to service clients
- The spaces available for young people are closed and they have no access after school hours
- Lack of positive adult role models
- Access to free pro-social activities
- Out of home care options based in their local area (i.e. currently have to relocate suburbs)
- Access + transport

- Age appropriate places to just hang out comfortably, where you feel welcome
- Disconnection: where is there a central place of connection for young people in the City of Marion to come together, hang out, give back, contribute, feel welcome? Westfield Marion?
- Representation: where and how are young people the face of the City of Marion?
- Effects of trauma often result in young people being labelled as “difficult” or “bad”. Impacts on their capability to meet their development needs to reach their potential

### **Q3 Are there any gaps in service provision?**

- Safe spaces
- Afterhours
- Communication to young people about services
- Job supports – finding and maintaining stability in jobs
- Workshops – life skills (eg budgeting, car maintenance, resilience, entrepreneur opportunities, sustainability)
- Mentors/Youth Workers
- An app to connect community activities
- Transport
- Driver’s licence programs – significant investment
- Support accommodation
- Funding
- Outreach psychologists
- Transport
- Accessibility, services coming together to work co-located
- Long term participant driven youth strategy
- Recognition of our services – skate boarders’ image
- Access
- Red tape is a barrier
- Service provision isn’t necessarily the only option
- Need to create safe places
- Enough money to deliver initiatives without the need for cost recovery
- Young people influencing/being accessible in all services
- Needs to be more art by kids
- Practice is a huge gap! Need outreach after hours to get to hot spots, build relationships and connect young people and the community
- Willingness, understanding of CoM counsellors to value KLCC and the healing that we provide to all!
- Yes, always opportunity
- Funding/need for more partnerships
- Lack of youth training/support
- Time, resources, money
- Adelaide has a booming digital media industry (Technicolour, RSP etc) but a lack of youth education on relevant skills. Art is very focussed on current education
- Depends on what the service is trying to deliver
- Intervention cohort lack access
- Services may exist, but pathways/access not always clear (i.e. volunteer opportunities)
- Youth Advisory Group
- Keeping clients motivated to attend
- Drug and alcohol service for young people under 18
- Independent living skills support

- Feedback from young adults that since 'Marion Youth' was defunded years ago, they don't know where to go and who represents them and their voice
- Funding year to year
- Lack of trauma-aware service providers

#### **Q4 Are there any barriers to working in partnership?**

- Strategic alignment (need to all be on the same page)
- Transport
- Access to programs
- Connections to community
- Funding/partnership programs
- Mental health
- Communication
- Openness
- Young people are also entrepreneurs and business owners – usually insurance is a big issue. We need to be giving young people leadership opportunities to foster their development as experts in their field – and pay them to do so
- Competition/competitive tendering
- Time
- Policies + agency
- Competitive tendering
- Information sharing
- Red tape
- Competitive tendering for youth services
- Underfunded services squeezing out time/energy for partnerships/collaboration
- Councils unsure where our program sits due to our diverse programs
- Youth
- Sports, Rec
- Disability service
- Community service
- Don't have enough resources to develop, foster and maintain relationships with young people
- Culture within structures
- Young people to inform strategy
- Funding guidelines
- More connectedness and organisations using consistent predictable practice so young people understand consistency
- Use practice to build and maintain healthy relationships
- Threats against Warriparinga of closure – we will not have a place to call home
- Denial of cultural inheritance to heal, be, our survival. CoM only see money, and not the value of people who richly give to the community
- Resources
- Time, resources, money
- Lack of resources
- Time
- Workload
- Time, resources, money
- The direction we work under
- Only time, and space to network – perhaps a problem in people's busy schedule, rather than a structural issue
- Knowledge of the program "opens doors"

- Need a one stop shop!! An app or website for what service are available in the community
- Timing of programs
- Transport
- Managing competing priorities
- When applying for grants in partnership, both parties need administrative support which pushes up price of joint projects
- Further seed funding for not-for-profit charities running effective programs for young people
- Motivation for service providers to invest in being trauma-aware

## 9.5 Youth Forum Results

2<sup>nd</sup> July 2019

**Q. If you could think/do/create/change one thing in your community, what would that be? And why?**

- Older kid playgrounds – I feel as though I shouldn't go on a playground because I'm "too old".
- Theme park
- Haunted houses x2
- Hospital
- Money
- Inside house pool
- Free Concert
- Make a climbing park, with trees, equipment
- Make a tree climb centre
- Lambo shop x2
- Artificial soccer pitches x3
- Water slides
- Upgrade sport facilities
- Ski, liluzl (illegible)
- Huge sports centre – for all sports, indoor and out
- Make bee & butterfly gardens
- More Cleland wildlife themed places
- Make large nature play areas in our community
- Big parks
- Tunnel/underground play area
- Underground bounce area
- Build more netball courts
- Change the bus times/ try make the buses more reliable
- Soccer pitches (with permanent nets) for the community
- Upgrade sport stuff
- More schools connected to sporting clubs e.g. buses transport
- Grow more trees
- Create more bike paths/tracks with more nature
- I would make more botanical gardens for the community
- Update roads for public safety
- Food! (events)
- More parks
- Rage cages multipurpose sports

- A kids gym. Like what adults have but without age restrictions. Youth obesity is a big issue.
- Public vote for what happens in our community
- More school transport
- More community ports
- Oaklands road skate park
- New gym (more space)
- Being nice
- Have 500 thousand dollars
- Skate park
- Have basketball court
- Basketball court
- I would build a space for kids to be honest about how they're feeling. Almost like free mental-health counselling. Because these days I think every kids needs help.
- Lots of food
- More dog parks
- Free music
- New soccer goals
- Better playground – more adventure, construction, special places and gathering and collecting.
- Please who help the environment should get \$5- \$10 and show proof
- Help people in need
- Mitchell street reserve playground
- Home Ec/cooking
- Daven Port St park playground bring back
- More sports + events
- Start a compony
- Free food for the homeless
- Social media
- more free activities
- make a charity
- more atitishai (illegible) grape candy
- more racher (illegible) playgrounds
- nerf war
- cooking comps.
- More exotic playgrounds
- More lights down darker streets
- Pool in Hallett Cove
- Markets
- Pet & homeless shelters
- gyms for eating
- Bike & nerf battles
- Carnivals Lego nerf battles
- Urban farms
- Lego stalls and Lego/Meccano activities
- Being connected more with schools
- Being more environmentally friendly – educating people – waste management program – reduce plastic waste - Using paper straws at cafes/restaurants etc
- Youth council
- Things to do in the holidays
- More stationary
- More parks and have more activities at the parks.
- Youth friendly gym

- Moonlight Cinema @ Hallett cove Beach
- STEM maker space
- More local markets (fresh food & things)
- More shopping centres
- Biodegradable Lolly pop wrappers
- 3<sup>Rd</sup> Story @ Marion
- Police spote senter (illegible)
- Camps
- Youth shopping centre
- Cheap youth café
- A space ship
- A house of mirrors
- Fix the environment
- Have a rent-a-pet for people who can't have them or are in need of an animal companion.
- Clean up programs
- More bands/songs
- G'day Greetings are compulsory
- We should hold a community pet show for shelter animals to promote adoption.
- More dive-in cinemas
- Fun Fair
- Shelters – pet shelter too
- Giant statue
- Another museum
- On the boarder shooting everyone down. Turrets. A border between Marion road and my street.
- Will is hydrogen
- Shelters for the homeless!!
- More RSPCAs
- Different languages at schools (pig latten)
- More h20/drink Fountains
- Botanical gardens
- More sports at school
- Churches
- Homeless shelters
- Allow climbing trees
- Dog parks
- More funding for assistance dogs \* Anxiety
- igpay atilay (illegible) classes
- Skate parks
- Less aquariums
- Mansion theme park
- Huge waterslide
- Big pool
- More places to top up your metro card
- Disneyland
- Lambo stack
- More sports clubs

**Q. Thinking about these things and other events or activities City of Marion do, how would you like to be involved?**

- Help design, advertise, make & create!
- Research

- STAY WITH THE PLAN! (if the choice is unanimous)
- The adults need to talk to the people who are actually going to use it. Otherwise it could be a waste and not be used.
- Be part of the planning process
- Get kids opinion before creating
- Advertising
- Community discussion followed by vote
- We would work at the sports centre and design it & keep it running
- Young sportsman's meeting to hear ideas and make it better
- I would survey a lot of kids to average out what everyone wants and what everyone needs.
- Help spread awareness about SHELTERS by posters/online websites (STEM?)
- Charity fundraisers to raise money to help with shelters
- Buy farmers left over plantations give it to the homeless
- Help plant plantations
- Discussing it
- Help design processes for playgrounds – climbing and jumping, because if we were the ones using it we should know what we want.
- Peoples opinions
- Building some things
- Animated drawings
- Construction manager
- Draw the designs
- Test dummy
- Create a design and improvise
- Offering schools grounds for events & volunteering (i.e. markets or car shows) on a website
- Volunteering
- Seminars and community events to educate about Sustainability and regeneration of the environment
- Make websites or posters and share with the community
- Asking other schools for their ideas
- SRC connecting with Marion Council
- Youth Council – environmental council
- Attend events
- Attend and help create the local pools and markets
- Free volunteering at Homeless and pet shelters
- Use school oval for charity fun raising e.g. charity carwash
- More free kid workshops
- Activities with the community – do something for a day
- Leadership group at Marion Flo Hub
- Have a vote
- Do activities with other schools
- Have a wepest (illegible) to say yes I want nothing to happen
- Be in control
- Go to the council – discuss a plan
- A website
- Free volunteering but when joining
- Planning meeting in schools
- SRC connecting with council to produce a plan for community garden
- Then take them to council
- Weso (illegible) markets
- NACL

- HCL
- Volunteering
- Fostering
- To say were to pot it
- Building for kids
- Ask to help
- Big pro test
- Have sports day out
- Ideas for play spaces for council
- Getting information to vote on them
- Bu being able to know what's going on in my community
- Children have rights to be heard
- Nature play spaces [free] (forest play)
- Keep expressing my opinion
- Telling people about the event (telling people, posters)
- Community meeting
- Community meetings
- Feel safe by having more security around the area we live in
- Surveys for young kids
- Have voting at community places such as libraries and other community areas 😊
- Kids competitions and a prize for the winner

**What is the best way that City of Marion can inform and provide information to you about local youth related events or activities?**

***Electronically***

Out of 27 young people who stated they would like to be informed electronically:

- 73% said via social media
- 23% said via email
- 4% said via website

Of those who identified social media:

- 58% requested Instagram
- 25% requested YouTube
- 17% requested Facebook

***In Public (collated responses)***

- Public spaces
- Door knocking
- Posters + banners
- Shops and schools
- Mascots around the shops
- Flyers/brochures with all information about the event
- Posters on the train

***At school (collated responses)***

- Through SRC
- Advertisements (posters etc.)
- school assemblies
- Council staff coming to school and talking about it
- Newsletters

- Case managers at FLO

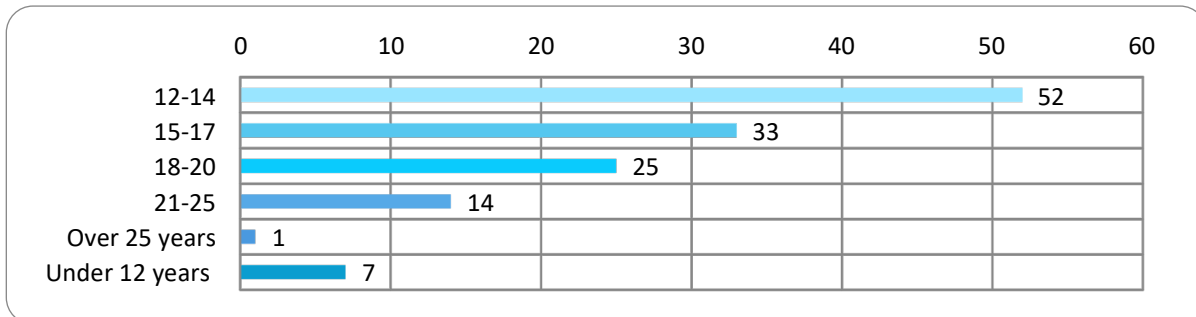
***Other spaces (collated responses)***

- Direct mail
- Newspapers
- Church
- Skywriting
- Council newsletter
- TV
- Via parents

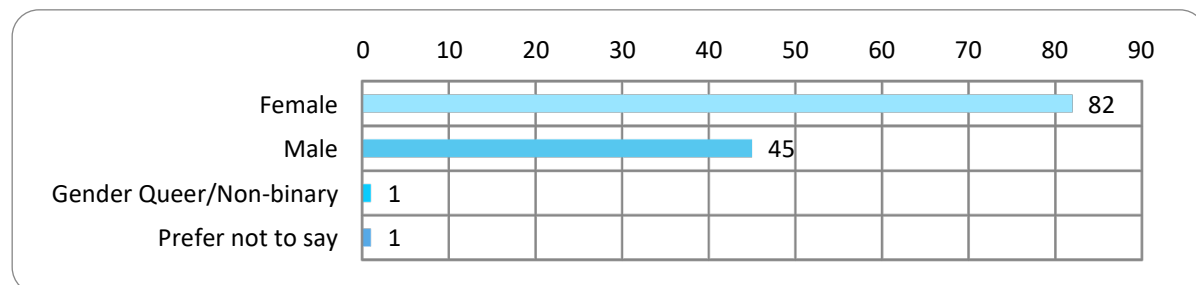
## 9.6 Youth Survey Results

The survey was completed by 132 individuals and closed on the 18<sup>th</sup> of July 2019.

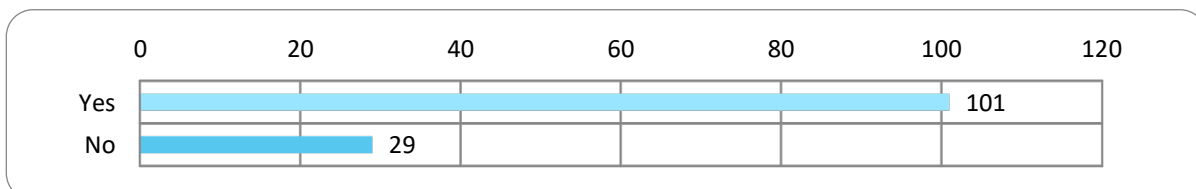
### Q1. What is your age:



### Q2 How do you identify?



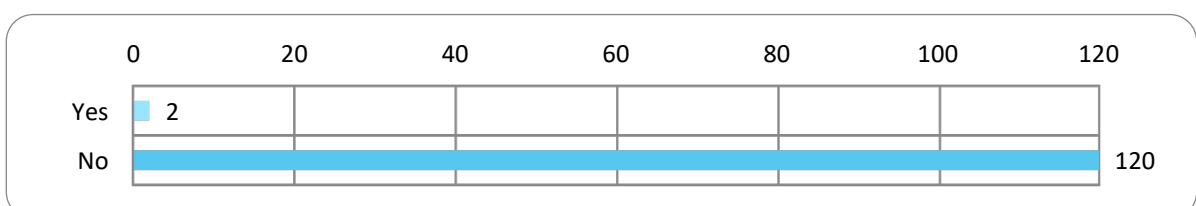
### Q3 Were you born in Australia?



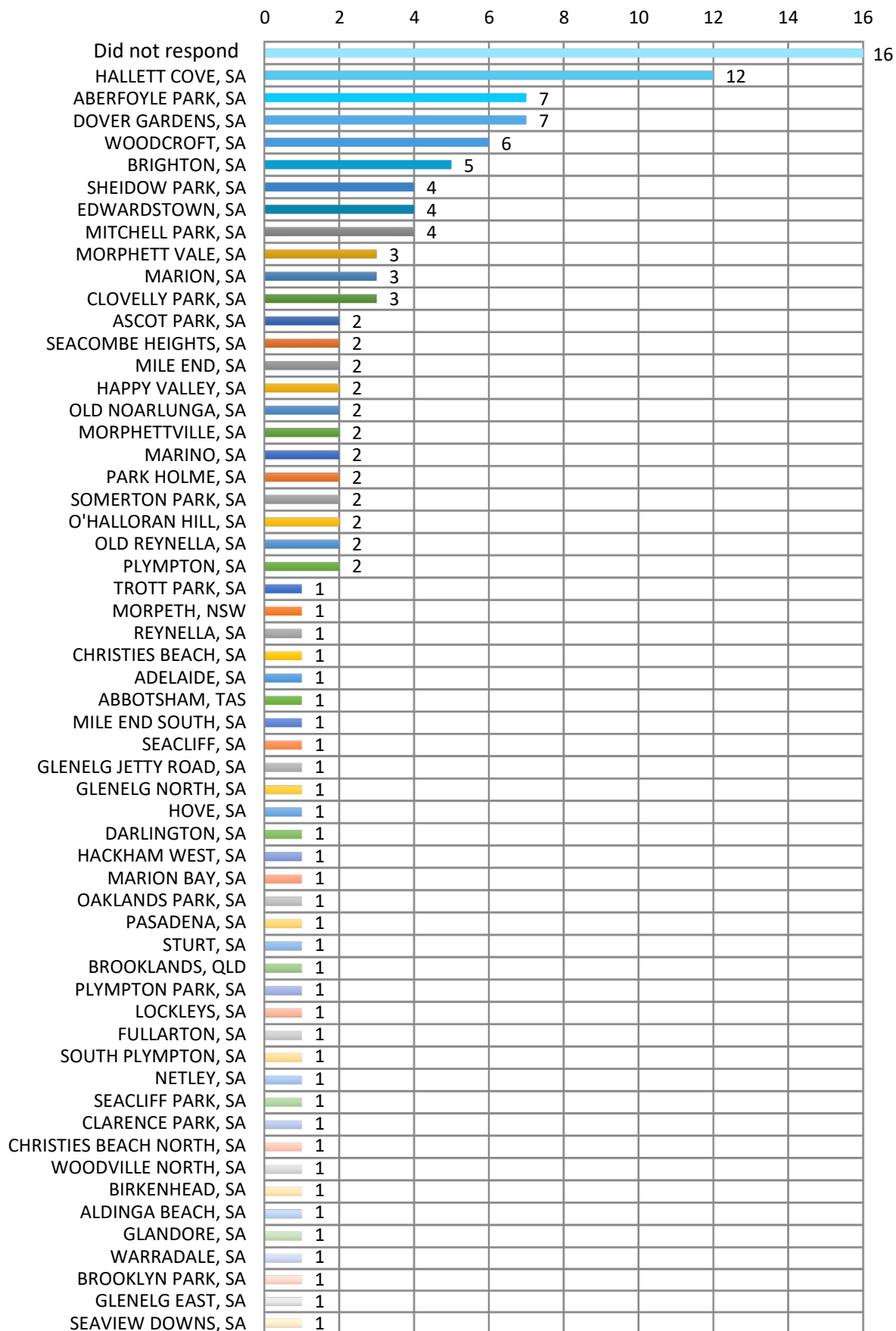
### Q4 What language do you speak at home?

- |                       |     |                        |   |
|-----------------------|-----|------------------------|---|
| • Afrikaans           | 1   | • English & Persian    | 1 |
| • English             | 104 | • English & Portuguese | 1 |
| • English & Arabic    | 1   | • English and Tagalog  | 1 |
| • English & Cantonese | 1   | • German               | 4 |
| • English & Italian   | 1   | • Nepalese             | 2 |
| • English & Greek     | 1   | • Russian              | 1 |

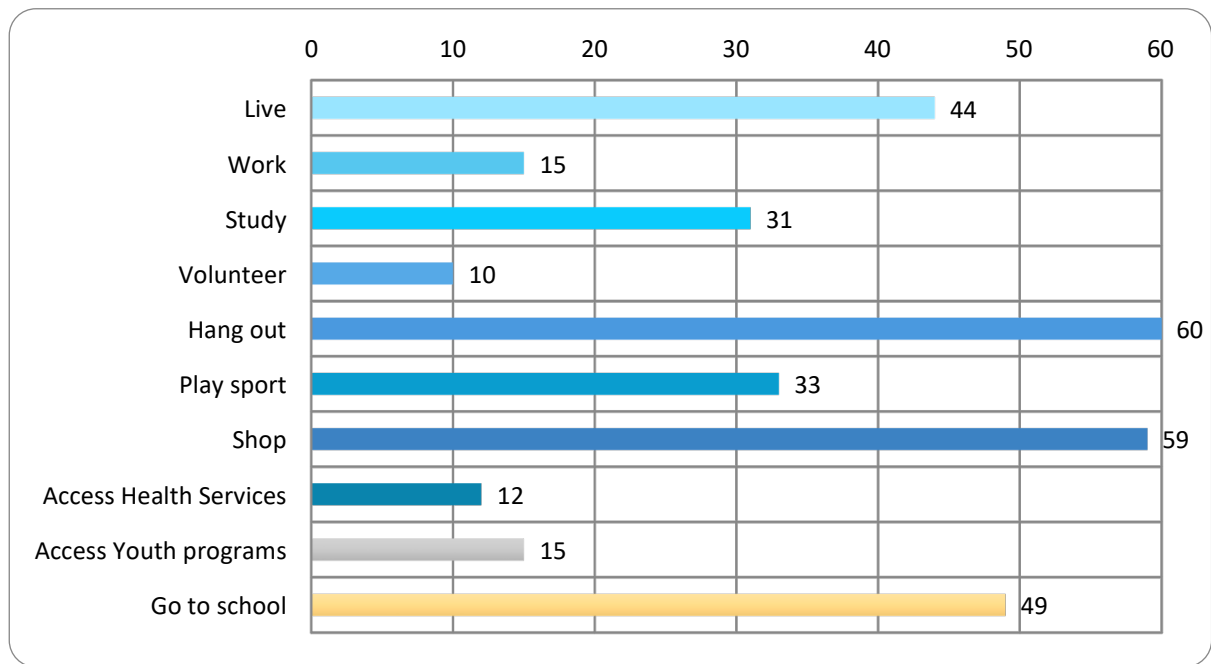
### Q5 Do you identify as being Aboriginal or Torres Strait Islander?



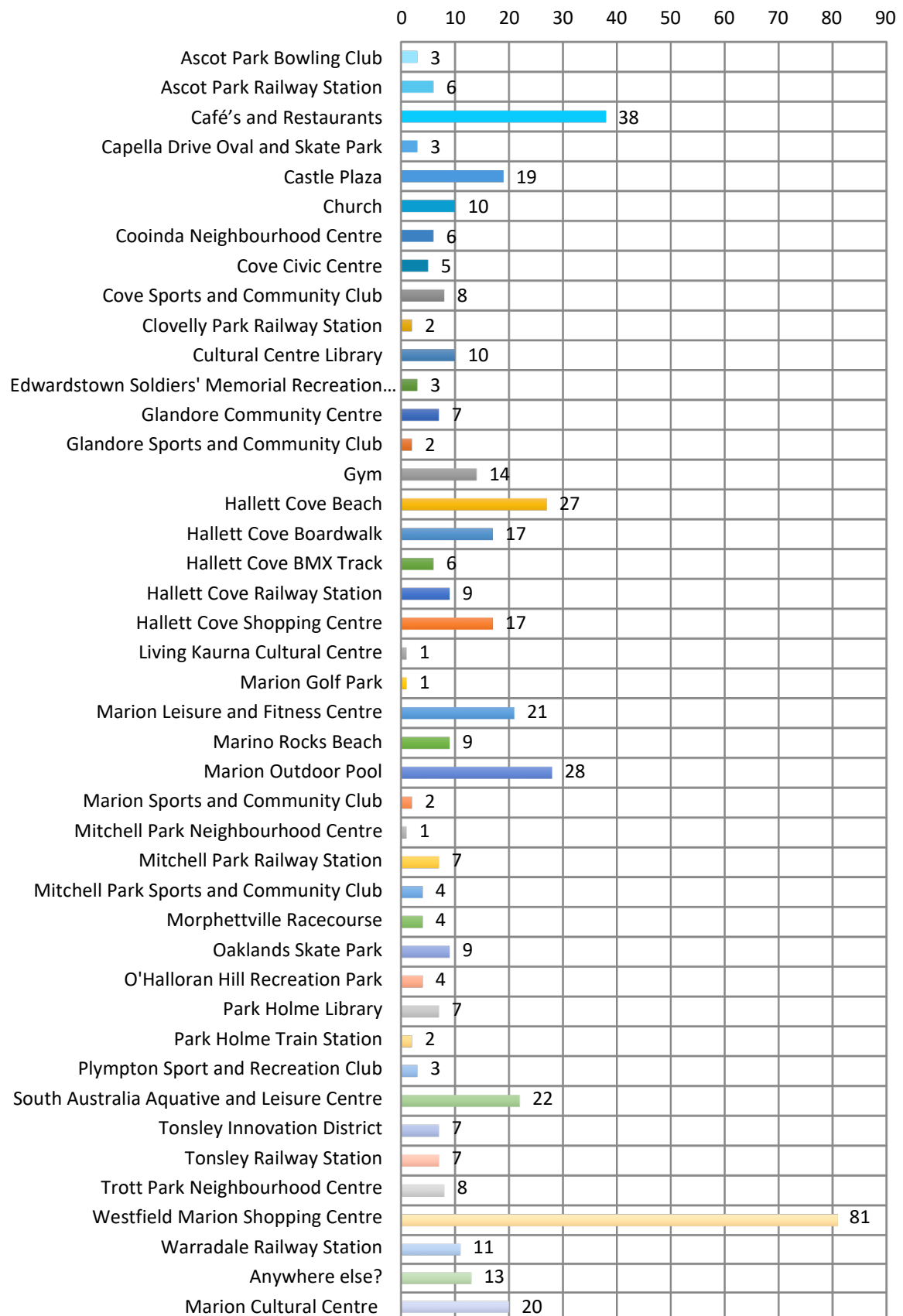
## Q.6 Which suburb do you live in?



**Q.7 How do you connect with the City of Marion?**



## Q.8 Where do you hang out/spend time in the City of Marion?

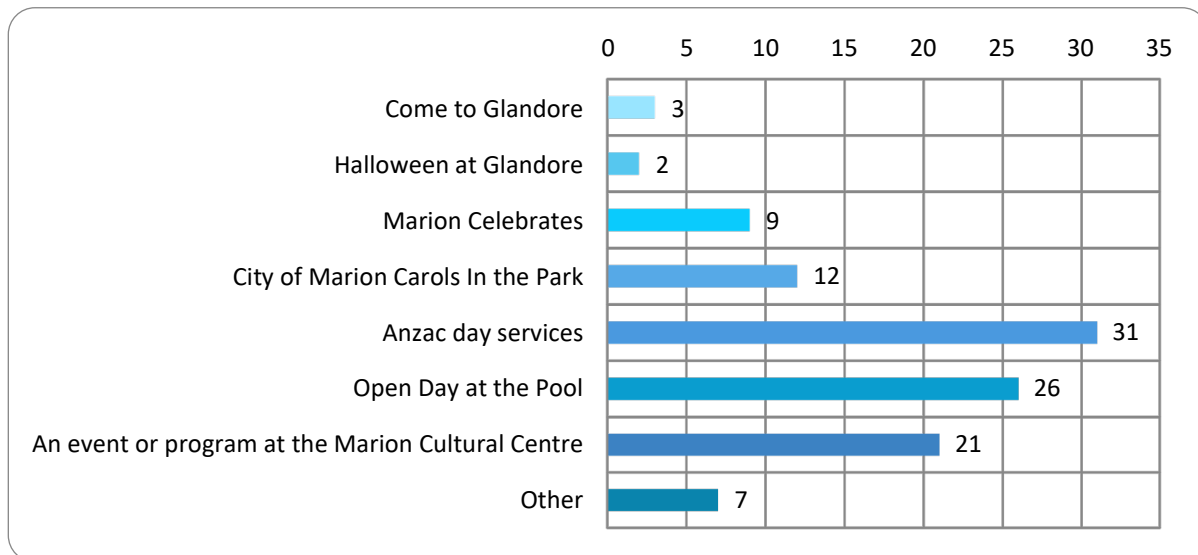


*Anywhere else?*

- YMCA Fitness Centre
- The beach
- Gallery M
- Edwardstown Football Club
- Dover Square Tennis Club
- Hazelmere Reserve
- McLaren Vale Football and Netball Club
- Sheidow Park

## EVENTS

### Q.9 Have you been to any of the following events?

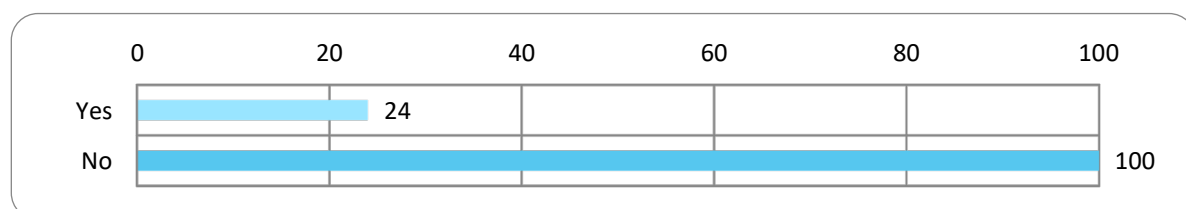


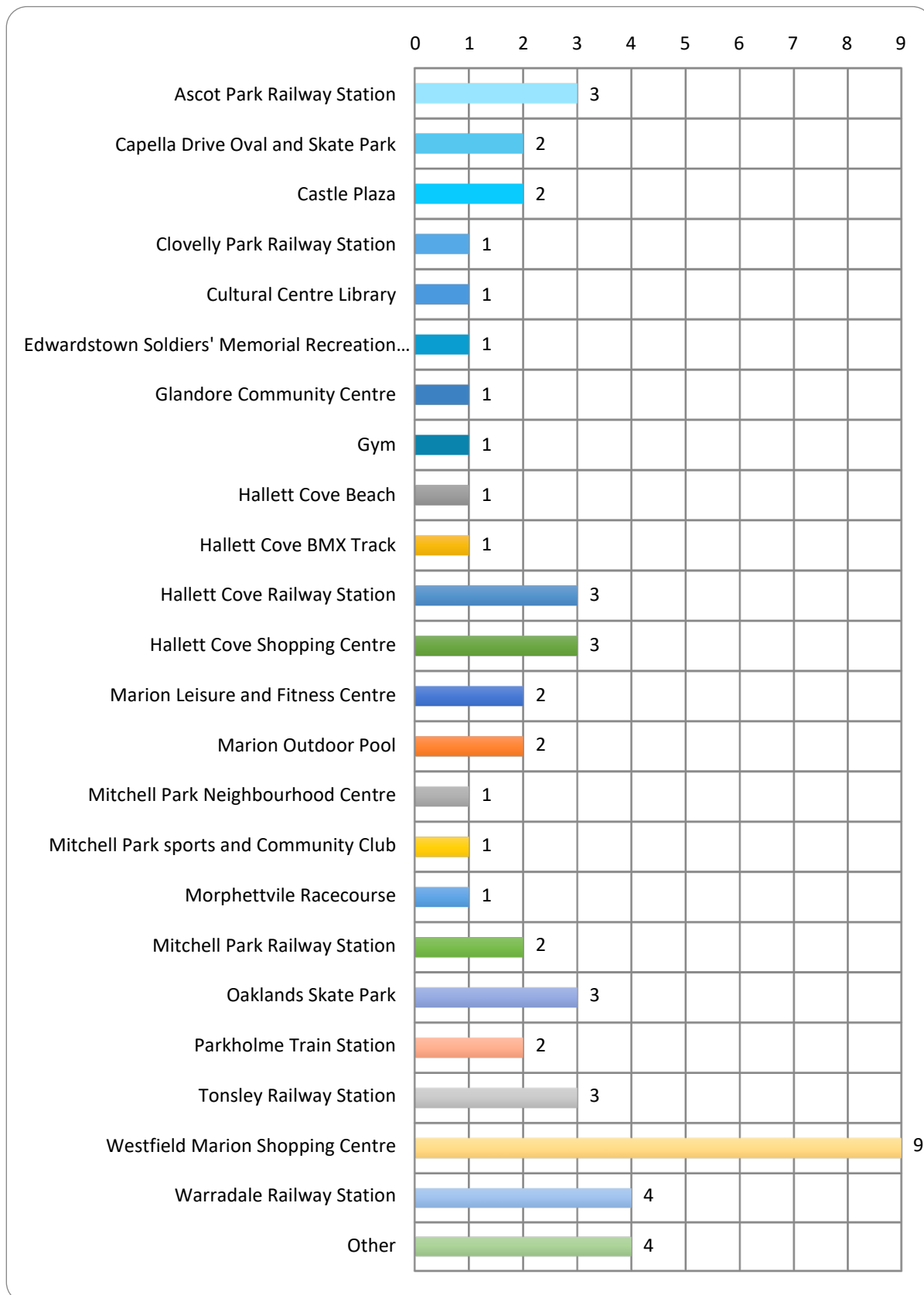
*Other, please explain:*

- Glandore t-shirt design
- Glandore Christmas Carols
- Shopping
- I had to go when it opened.

## SAFETY

### Q.10 Is there anywhere in the City of Marion that you feel unsafe/unwelcome?



**Q.11 Where do you feel unwelcome or unsafe as a young person (if any)?**

*Please describe:*

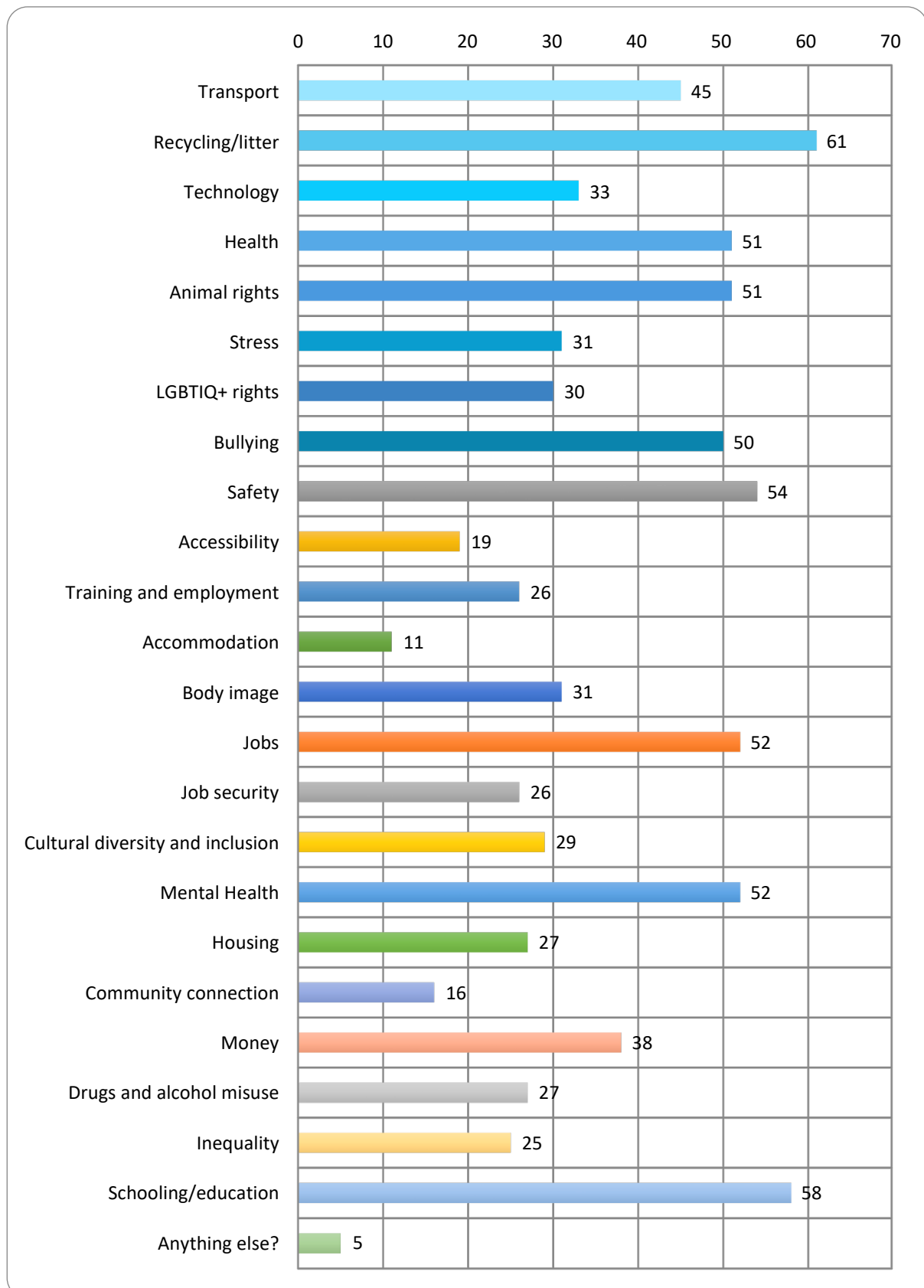
- Anywhere after dark. My street is dark and I live near the Oaklands Wetlands, where I think a woman was raped last year.
- Streets with poor lighting at night around Dover gardens. Anywhere with units I always feel a bit unsafe.
- Dim lit streets and parks around Dover gardens at night.
- At home.

*If yes, what could be improved in these places?*

- No derros.
- The people there.
- The train stations mainly ascot park and woodlands should be made to look a bit nicer and the speed bumps should be but back to the normal speed bumps Because I have almost been hit a couple of times and the under passers is scary the lights flickered.
- Scary at night.
- Be safer at night.
- Better shops.
- More secure places.
- Better shop and more lighting outside
- Make it safe.
- Sport.
- Making sure that every person under the age of 18 has a parent / carer supervising them.
- Better resources and being better maintained.
- Less graffiti.
- More lighting, but not fluorescent. More toilets, and bins.
- More, rubbish bins and less smokers. Plant more trees and have more safe houses, just in case.
- More lighting down darker streets.
- I have anxiety.
- More lighting down narrow streets and perhaps cameras at night in park areas.
- Support.
- Knock it down. That place sucks and it's all about horse racing which sucks. Please knock it down at your earliest convenience.

## IMPORTANT ISSUES

**Q. 12 Which of these issues/topics are the most important to you?**

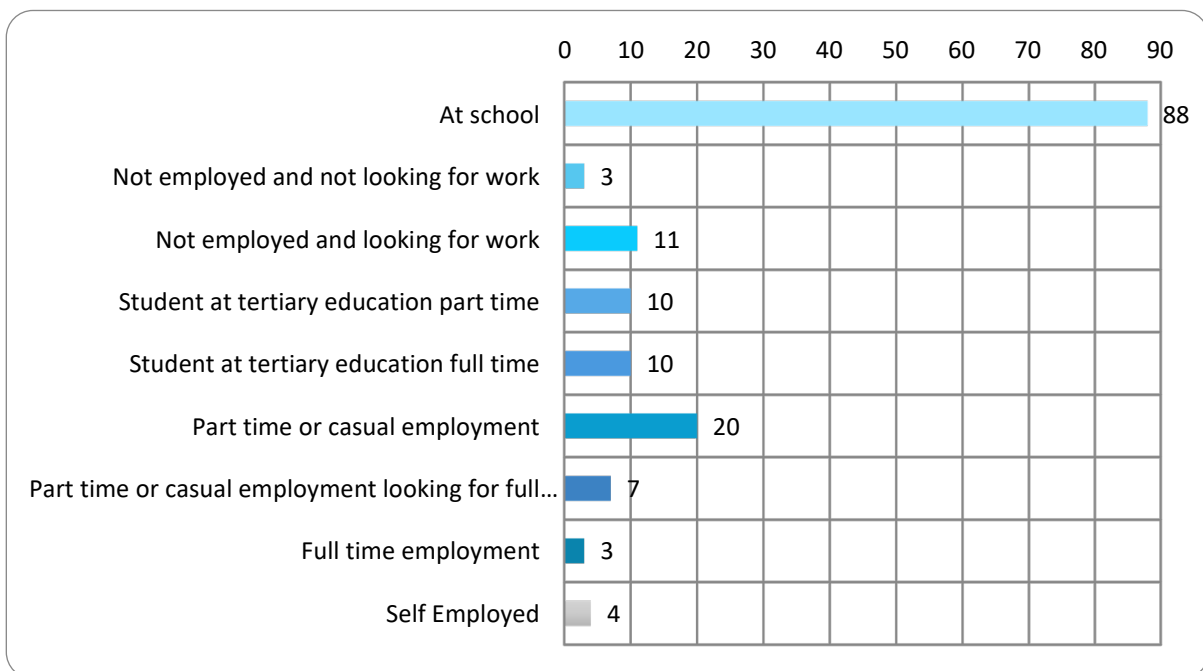


Anything else? Please explain:

- Social justice and politics.
- Children doing sport.
- Preservation of the natural environment.
- General shittery of horse racing. Seriously, shut it down. It sucks.
- Art galleries.

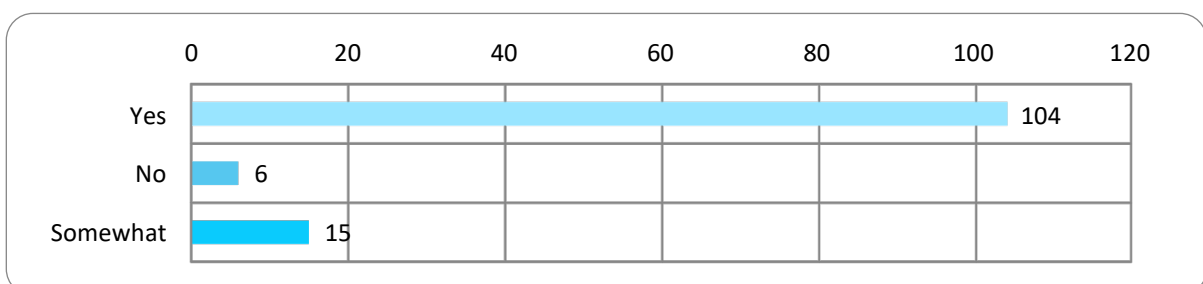
## EDUCATION AND EMPLOYMENT

### Q.13 Which best describes you?



## ACCESSIBILITY

**Q: 14 In the City of Marion can you easily access public spaces? eg parks, train stations, community centres, shopping centres.**



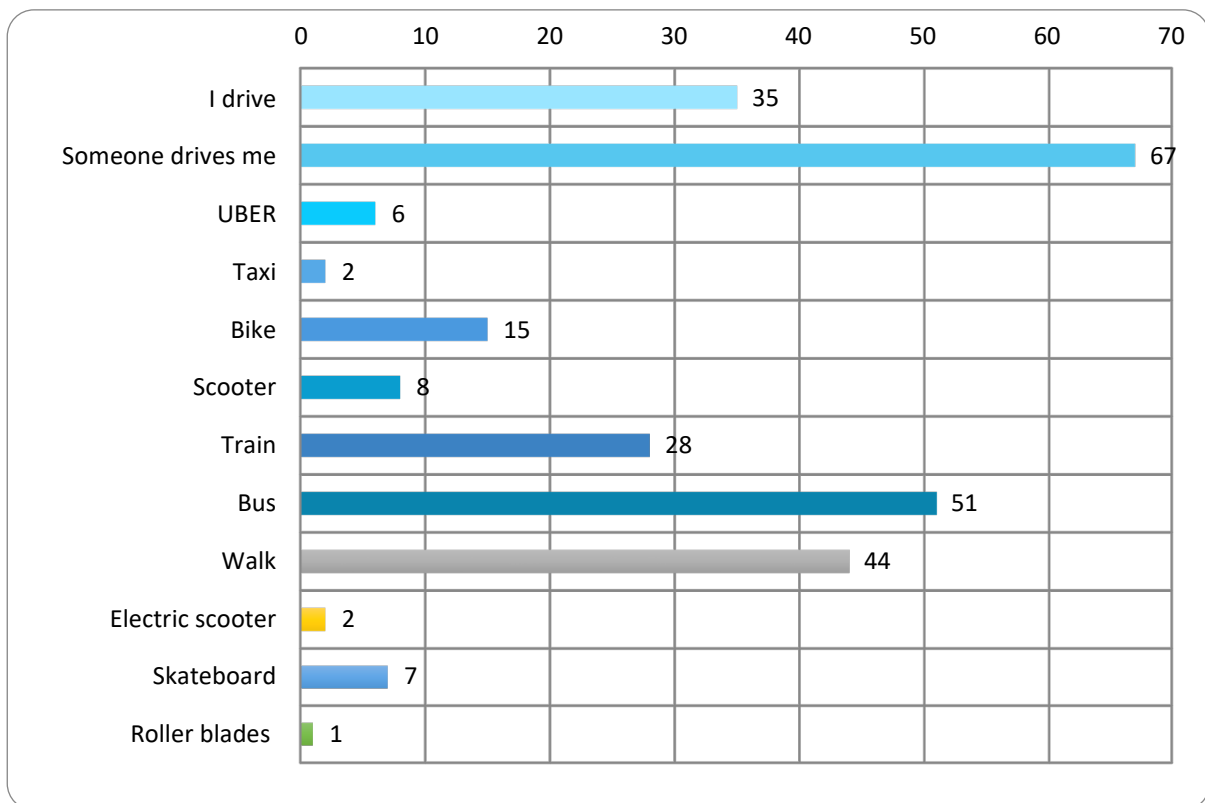
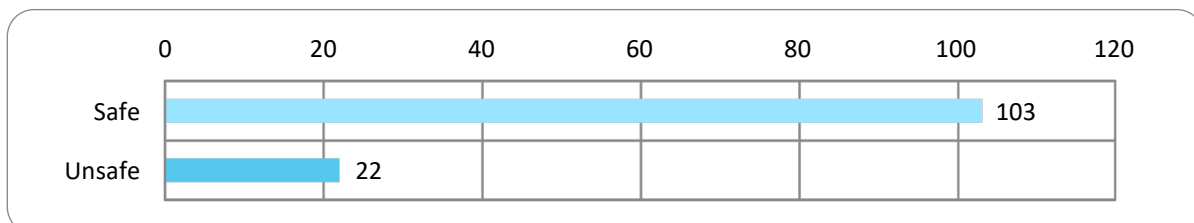
**Q. 15 Are there any spaces that you find it particularly hard to get to and from?**

- Bus to come closer.
- It's mostly full of people everywhere.
- I guess the beach.

**Q.16 What would make your community better?**

- A high quality skatepark in Hallett Cove area.
- Sporting areas and open spaces.
- A really open long space to ride my bike no bumps just straight all my friends complain.
- More skate Parks.
- Fundraiser.
- Food trucks.
- Playgrounds.
- Outdoor water park, park for older children.
- More skate parks.
- I think the garden space next to the ascot park train stop should stay there but made a bit smaller so you can fit two cars easily down there and I think that statue At the ascot park train stop should be taken away it looks bad and should put a new one there that is billet from the young stirring ground such as there are 3D squares one on top of each other's but some are of Centre And then they come back in line with each other and then it goes of centre again this represent That life is hard and some things stuff dose not go right but then we find a solution and everything is fixed and we go back on track that is why when the boxes lineup again that means your life is on track but when the box is off centre that means there is something bothering you or something wrong in your life but you always go back on track.
- Listen more to the community's needs and act upon them.
- Whatever they want.
- More facilities for the youth.
- Inclusiveness for all races and genders.
- Interacting with foreign kids and putting more cultures together (especially for kids ;).
- Maybe more youth programs/clubs for students to join. For example, drama club, gaming clubs etc.
- More variety in activities or stuff to do.
- No racism.
- More youth hang out spaces.
- Fundraisers.
- More parks.
- The community coming together to raise money for something that will contribute to the community and will make everyone happier.
- I play for south district under 14.
- more events at places where we can meet new people in our community so that we feel safer when we go out.
- More shelter for homeless people or food places that are free for homeless people.
- Better transport.
- Teamwork, Fairness, Kindness & Respect to everyone.
- I think trees and other flora are extremely important for suburban value, the environment and resident wellbeing. This will become a greater task for the local council as backyard sizes decrease and more residential trees are cut down.
- I would like to see bigger playgrounds, more open soccer fields for people to be able to go and play soccer whenever they want to.
- Proper greenery.
- Be great to others.

- More public transport options.
- No plastic.
- Resentful people.
- No plastic!!!
- Better recycling.
- Accessible peer support groups for youth.
- A youth advisory council for an insight from the youth.
- Creating a local bar that involves a good atmosphere for young people to socialise in. This would then help to create positive relationships within the community.
- More social events.
- More live music.
- Less food wastage because a lot of big supermarkets refuse a lot of fruit and veggies because they don't look good enough aren't long enough or aren't short enough so we could reduce food wastage.
- To find a new material other than plastic to reduce pollution both water and air.
- More trains and buses. There's rarely a bus where I need it and I have to walk long places to get to a bus stop or a train.
- Skate park at Glandore.
- More activities at the community centre at Glandore.
- More police at Marion.
- Sort out bus stop area at Marion.
- Safer places for young people.
- Cleaner areas and more bins.
- Marion buses in Hallett cove on the weekend.
- Free bus rides.
- Having more safe houses.
- Being more connected with them, more cool activities that are for young\people families rather than seniors. Steer parties like Glenelg more thing like Holdfast bay Markets, Ice Skating rink , pop up events.
- Hallett cove beach moonlight cinema or concert.
- The aesthetic of places is important to me if I'm to spend time in a place. Makes it welcoming and peaceful.
- Better utilisation of conservation parks.
- More reducing/reusing/recycling.
- Youth supports especially for mental health.
- More public toilets and drinking fountains.
- Fun and safe supervised youth spaces.
- Free Parking at hospitals and better care for patients.
- More working opportunities.
- More JB Hi Fi stores. That place is dope.
- More shops at the Hallett Cove Mall.
- I'm not sure, but street signs help with accessibility.

**Q.17 What is your main mode of transport?****Q.18 How do you feel when using public transport?**

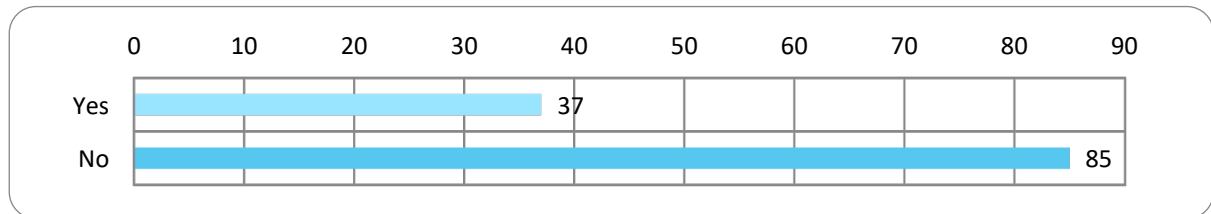
*Please tell us more:*

- Some days safe, others not so much.
- The ascot park area is ok but the underground pass is scary I think there should be security cameras in the underpass and should be replaced with better lights.
- Might get robbed or something bad.
- Weird people on almost every bus.
- Unsafe.
- Druggies.
- I think being a young woman and feeling unsafe with men who stare, make uncomfortable gestures.
- because I don't know anyone.
- well there are creepy people.
- I feel in the middle but if I have a parent or friend then I feel safe but if no I feel unsafe.
- Sometimes there are people that make me feel unsafe.
- I feel like I'm being glared at, or I'm being awkward.
- Them not being reliable, dangerous people, not clean.
- Not always, but sometimes late at night on the train.

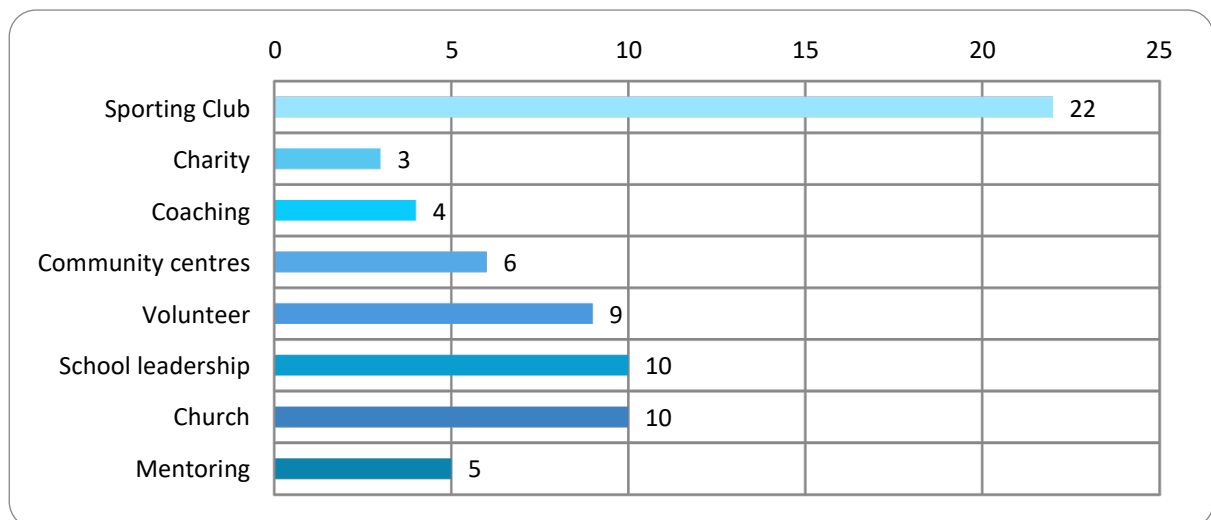
- Some people on buses can be a little sketchy. And I fear something might happen. But transport wise everything is fine.

## YOUR CONNECTION TO THE COMMUNITY

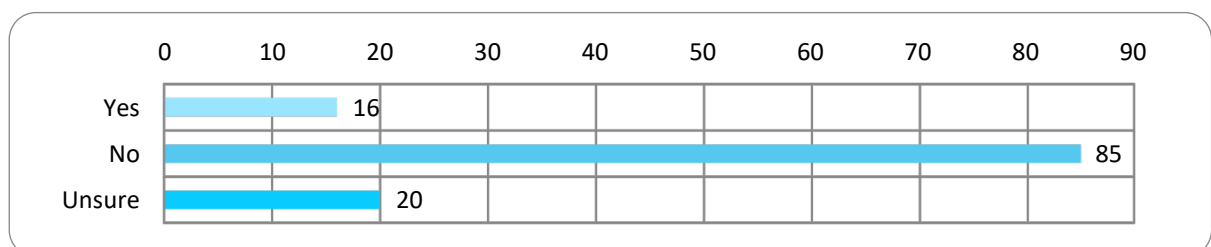
**Q.19 Do you actively participate in your community? E.g. take on a volunteer role in your club or participate in community events/programs?**



*If yes, please tick all that apply:*



**Q. 20 Are there any barriers that prevent you from actively participating in your community?**

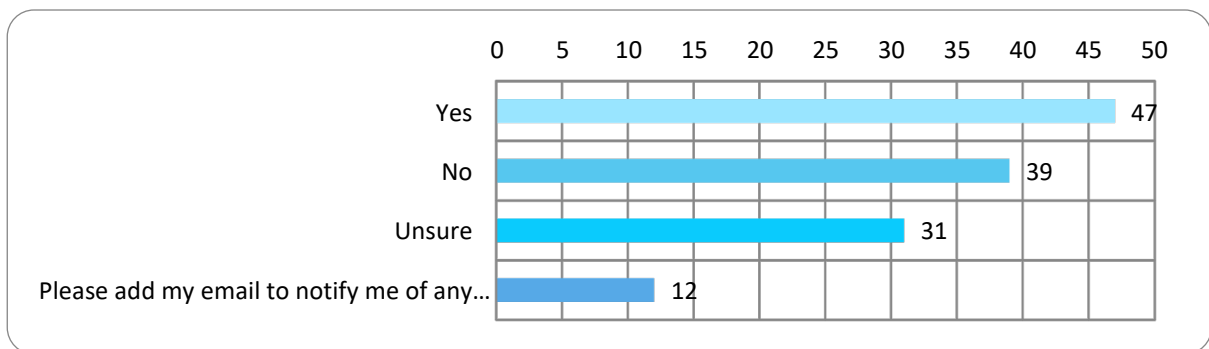


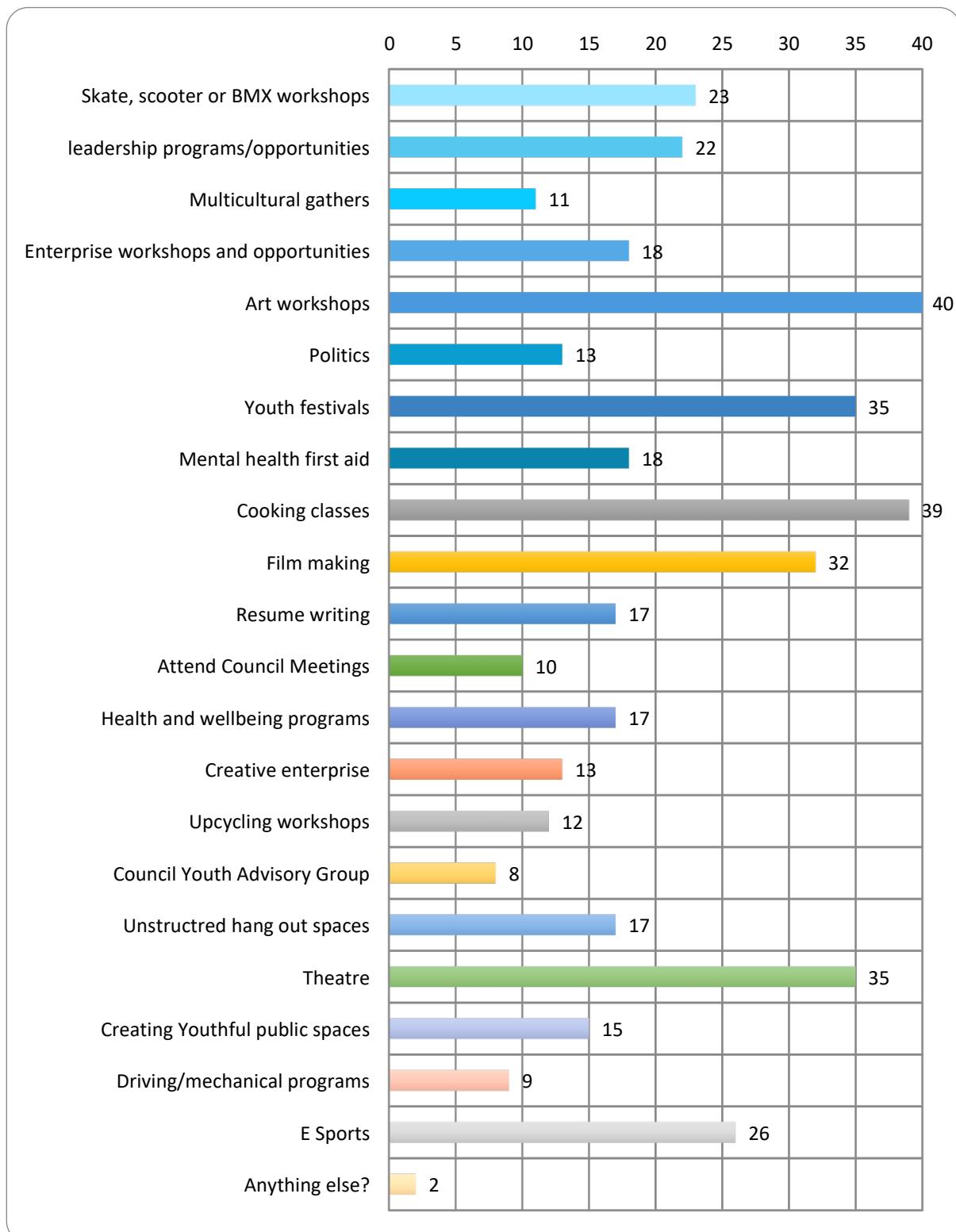
*Please tell us more:*

- Time.
- I don't know about these events.
- My parents don't let me go anywhere on my own.
- I can drive.
- Financial.
- Mental health.
- I think I'm busy with my study a lot of the time.

- I don't have much time with school etc.
- Homework.
- Well I don't know what you talking about.
- My family. They're my only means of transport, and they know how, where, and when I use my MetroCard. They've got to know everything about an event before I can go places - I'm pretty much stuck at home lol.
- I feel embarrassed.
- Busses cost money and don't go everywhere. Parents wont let me.
- Not knowing about them.
- My commitment to paid sports and jobs and other commitments leave me no free time.
- My own time restraints with extracurricular things and part time job.
- Getting engagement.

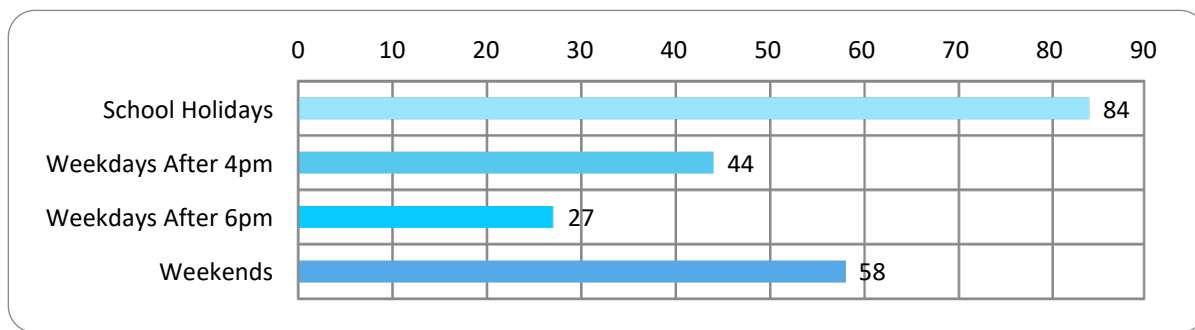
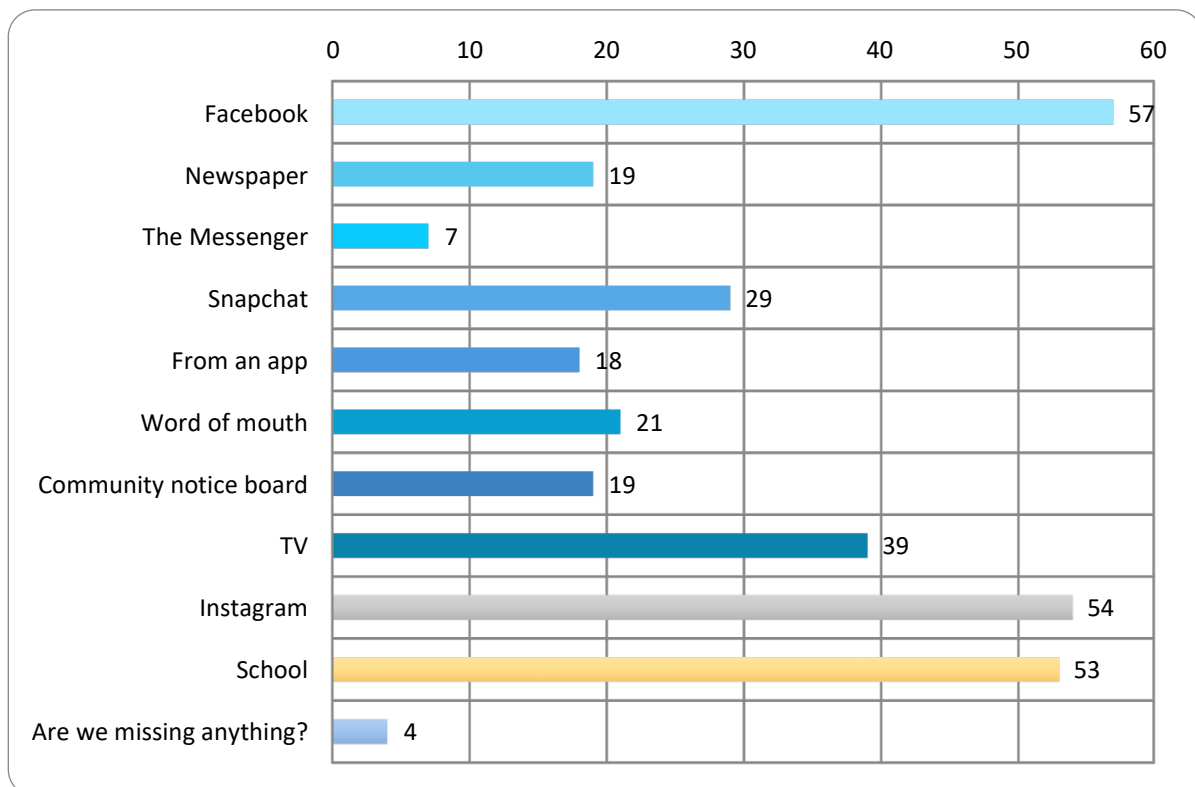
**Q. 21 Would you like the opportunity for more volunteer and leadership roles in your community?**



**Q.21 In the City of Marion, which activities or programs would you be most likely to attend?**

*Anything else? Please explain:*

- Gymnastics.
- Music workshops or music jam spaces.

**Q.22 If you were to attend a program, what would be the best time for you to do so?****CONTACT INFORMATION****Q.23 What's the best way for the City of Marion to tell you what's happening in your community?**

*Are we missing anything? Please explain:*

- Email
- University
- Google/YouTube adverts

**OPTIONAL****Q.24 What do you think Council's role is in supporting young people (12-25)?**

- Community event.
- More gathering areas for young people.
- Make sure we are all safe all the time.
- Coming to visit schools.
- Council's role is to bridge the gap between generations and create a cohesive community that values and invests into its young people.
- Making everybody feel safe and accepted.
- Not sure.
- I think to help us build our futures, to feel comfortable within ourselves and feeling safe and accepted within our communities.
- Places to feel safe and engaged, interaction with all activities, not excluded by finance.
- Helping people when they have problems.
- Programs for kids whose parents aren't around, meal nights, youth programs.
- Enabling youth to participate and learn, while providing security and safety.
- Funds?
- Support the people in need.
- They don't do they?
- Making sure they feel safe and have a right of speech.
- Providing a multitude of services. Improving public services.
- Creating a welcoming, positive environment for young people.
- Making sure they feel safe and provide employment for future generations.
- Providing opportunities for us to do things in our community.
- Make the community safer.
- Making them feel like they are valid, and their opinion is valued.
- Create places for them to hang out and try stop stereotypes affecting us.
- Making it safe and youth becoming more aware of their surroundings and applying real life skills that will help them in the future that they might not learn in school.
- Yes they support us by making changes to our future starting right now.
- Creating a closer connection to young people and the decisions made in council.
- Providing a safe environment and opportunities for growth.
- Providing spaces and opportunities for young people to learn, grow and be themselves.
- Give them the right support to aid in preventing drug, emotional and alcohol abuse. To help give them a feeling of self-worth. Not sure how best to do this. It's a very difficult task.
- Helping with providing training and courses that can lead into jobs.
- Opportunity's for employment, leadership, wellbeing and different experiences for the future.

## 9.7 Youth Survey

### Voice it Youth survey



The City of Marion is excited to launch our brand new campaign Voice It, Create It, Do It – a city wide, youth engagement and consultation project.

Are you aged between 12-25 years? We encourage you to voice your priorities, passions, experiences and concerns in the City of Marion. This information will be used to inform our Grants and Partnership Program and how Council will work and collaborate with young people in the future.

The City of Marion - in collaboration with the Youth Affairs Council of South Australia, the peak body that represents young people aged 12–25 years - is preparing to undertake this project with as many young people as possible.

#### VOICE IT

##### What is your age?

- ☐ Under 12 years
 ☐ 12-14
 ☐ 15-17
 ☐ 18-20
 ☐ 21-25  
☐ Over 25 years

##### How do you identify?

- ☐ Female
 ☐ Male
 ☐ Gender Queer/Non-binary
 ☐ Prefer not to say  
☐ Describe:

##### Were you born in Australia?

- ☐ Yes
 ☐ No

##### What language do you speak at home?

Please limit answer to 255 characters

Maximum characters 255

##### Do you identify as being Aboriginal or Torres Strait Islander?

- ☐ Yes
 ☐ No

**Which suburb do you live in?**

**How do you connect with the City of Marion?**

- ☐ Live   ☐ Work   ☐ Study   ☐ Volunteer   ☐ Hang out   ☐ Play sport  
☐ Shop   ☐ Access Health Services   ☐ Access Youth programs  
☐ Go to school

Select all options that apply

**Where do you hang out/spend time in the City of Marion?**

- ☐ Ascot Park Bowling Club   ☐ Ascot Park Railway Station  
☐ Café's and Restaurants   ☐ Capella Drive Oval and Skate Park   ☐ Castle Plaza  
☐ Church   ☐ Cooina Neighbourhood Centre   ☐ Cove Civic Centre  
☐ Cove Sports and Community Club   ☐ Clovelly Park Railway Station  
☐ Cultural Centre Library   ☐ Edwardstown Soldiers' Memorial Recreation Ground  
☐ Glandore Community Centre   ☐ Glandore Sports and Community Club  
☐ Gym   ☐ Hallett Cove Beach   ☐ Hallett Cove Boardwalk  
☐ Hallett Cove BMX Track   ☐ Hallett Cove Railway Station  
☐ Hallett Cove Shopping Centre   ☐ Living Kaurna Cultural Centre  
☐ Marion Cultural Centre   ☐ Marion Golf Park  
☐ Marion Leisure and Fitness Centre   ☐ Marino Rocks Beach  
☐ Marion Outdoor Pool   ☐ Marion Sports and Community Club  
☐ Mitchell Park Neighbourhood Centre   ☐ Mitchell Park Railway Station  
☐ Mitchell Park Sports and Community Club   ☐ Morphettville Racecourse  
☐ Oaklands Skate Park   ☐ O'Halloran Hill Recreation Park   ☐ Park Holme Library  
☐ Park Holme Train Station   ☐ Plympton Sport and Recreation Club  
☐ South Australia Aquatic and Leisure Centre   ☐ Tonsley Innovation District  
☐ Tonsley Railway Station   ☐ Trott Park Neighbourhood Centre  
☐ Westfield Marion Shopping Centre   ☐ Warradale Railway Station  
☐ Anywhere else?

**EVENTS****Have you been to any of the following events?**

- ☐ Come to Trott   ☐ Come to Glandore   ☐ Halloween at Glandore  
☐ Marion Celebrates   ☐ City of Marion Carols In the Park   ☐ Anzac day services  
☐ Open Day at the Pool   ☐ An event or program at the Marion Cultural Centre  
☐ Other

## SAFETY

**Is there anywhere in the City of Marion that you feel unsafe/unwelcome?**

☐ Yes ☐ No

**If yes, what could be improved in these places?**

Please limit answer to 255 characters

Maximum characters 255

## IMPORTANT ISSUES

**Which of these issues/topics are the most important to you?**

- ☐ Transport ☐ Recycling/litter ☐ Technology ☐ Health ☐ Animal rights  
☐ Stress ☐ LGBTIQ+ rights ☐ Bullying ☐ Safety ☐ Accessibility  
☐ Training and employment ☐ Accommodation ☐ Body image ☐ Jobs  
☐ Job security ☐ Cultural diversity and inclusion ☐ Mental Health  
☐ Housing ☐ Community connection ☐ Money  
☐ Drugs and alcohol misuse ☐ Inequality ☐ Schooling/education  
☐ Anything else?

Please select all that apply

## EDUCATION AND EMPLOYMENT

**Which best describes you?**

- ☐ At school ☐ Not employed and not looking for work  
☐ Not employed and looking for work ☐ Student at tertiary education part time  
☐ Student at tertiary education full time ☐ Part time or casual employment  
☐ Part time or casual employment looking for full time ☐ Full time employment  
☐ Self Employed

## ACCESSIBILITY

**In the City of Marion can you easily access public spaces? eg parks, train stations, community centres, shopping centres**

☐ Yes ☐ No ☐ Somewhat

**What would make your community better?****What is your main mode of transport?**

- ☐ I drive   ☐ Someone drives me   ☐ UBER   ☐ Taxi   ☐ Bike   ☐ Scooter  
☐ Train   ☐ Bus   ☐ Walk   ☐ Electric scooter   ☐ Skateboard  
☐ Wheelchair/mobility support   ☐ Roller blades

Select all that apply

**How do you feel when using public transport?**

- ☐ Safe   ☐ Unsafe

**YOUR CONNECTION TO THE COMMUNITY****Do you actively participate in your community? Eg take on a volunteer role in your club or participate in community events/programs?**

- ☐ Yes   ☐ No

**Are there any barriers that prevent you from actively participating in your community?**

- ☐ Yes   ☐ No   ☐ Unsure

**Would you like the opportunity for more volunteer and leadership roles in your community?**

- ☐ Yes   ☐ No   ☐ Unsure  
☐ Please add my email to notify me of any upcoming volunteer and leadership opportunities

**In the City of Marion, which activities or programs would you be most likely to attend?**

- ☐ Skate, scooter or BMX workshops    ☐ leadership programs/opportunities  
☐ Multicultural gathers    ☐ Enterprise workshops and opportunities  
☐ Art workshops    ☐ Politics    ☐ Youth festivals    ☐ Mental health first aid  
☐ Cooking classes    ☐ Film making    ☐ Resume writing  
☐ Attend Council Meetings    ☐ Health and wellbeing programs  
☐ Creative enterprise    ☐ Upcycling workshops    ☐ Council Youth Advisory Group  
☐ Unstructured hang out spaces    ☐ Theatre    ☐ Creating Youthful public spaces  
☐ Driving/mechanical programs    ☐ E Sports    ☐ Anything else?

Select all options that apply

**If you were to attend a program, what would be the best time for you to do so?**

- ☐ School Holidays    ☐ Weekdays After 4pm    ☐ Weekdays After 6pm  
☐ Weekends

**CONTACT INFORMATION**

**What's the best way for the City of Marion to tell you what's happening in your community?**

- ☐ Facebook    ☐ Newspaper    ☐ The Messenger    ☐ Snapchat  
☐ From an app    ☐ Word of mouth    ☐ Community notice board    ☐ TV  
☐ Instagram    ☐ School    ☐ Are we missing anything?

**If you would like to be notified for further opportunities, please leave your email so we can contact you about the relevant programs**

**(Optional)**

**What do you think Council's role is in supporting young people (12-25)?**

## Ben Pethick Reserve Playground Removal

<b>Originating Officer</b>	Open Space and Recreation Planner - Rebecca Deans
<b>Corporate Manager</b>	Manager City Activation - Greg Salmon
<b>General Manager</b>	Acting General Manager City Development - Fiona Harvey
<b>Report Reference</b>	GC190924R08

### REPORT OBJECTIVE

The objective of this report is to inform Council of the outcomes of the consultation on the potential removal of the playground at Ben Pethick Reserve, Marion.

### EXECUTIVE SUMMARY

The proposed removal of Ben Pethick Reserve playground was endorsed by Council as part of the 2009 Playspace Strategy. The play equipment at Ben Pethick Reserve was built in 1994 and has reached the end of its life.

Community consultation on the proposed removal of Ben Pethick Reserve occurred from the 23 July to 13th August 2019.

In line with the Playground Framework methodology, this report provides Council with the feedback provided during the consultation phase of the removal process.

The majority of respondents do not support the proposed removal with concerns surrounding:

- The removal of swings with no alternative toddler option nearby
- Mulch and picnic bench eroding the open space kick about area
- Nature play replicating the Oaklands Estate Reserve play equipment

Three options are proposed for the reserve, with the option to remove the playground, make good with turf and provide a swing set at the Oaklands Estate Reserve recommended.

### RECOMMENDATION

**That council:**

1. **Notes the consultation feedback as provided in Appendix 2.**
2. **Endorses proceeding with the removal of the playground equipment at Ben Pethick Reserve, and replacing with turf. No mulching, nature play equipment or picnic bench will be added. The removal will be timed after the installation of swings at Oaklands Estate Reserve.**
3. **Endorses installation of standard swings (double swing with baby swing and standard swing) at Oaklands Estate Reserve playground, at a cost of up to \$20,000 to be funded through the playground removal budget.**

### GENERAL ANALYSIS

<b>Liveable:</b>	The removal of Ben Pethick Reserve playground provides a natural open space kick about area for local residents use.
<b>Engaged:</b>	The community consultation on the Ben Pethick playground removal

engaged the community.

**Current Budget Allocation** \$55,000 has been budgeted for the two proposed playground removals for 19/20, this includes the removal of structures and landscaping (\$27,500 for each removal site). All three options presented can be carried out within the allocated budget.

**Whole of Life Costs:** Whole of life costs for maintenance of the reserve will remain the same as they are currently.

## DISCUSSION

### Ben Pethick Reserve Analysis

The removal of Ben Pethick Reserve playground would result in a gap in playground provision as per the Playground Framework Policy for residents located in the north-east corner between Oaklands Road and Marion Road, whereby residents living in this section will have greater than 500m to walk to their nearest playground. This would affect approximately 100 properties.

However, the upgraded playgrounds in the near vicinity are of a high quality and have all been upgraded to a high standard in recent years.

Appendix 3 illustrates the 500m catchments around existing playgrounds.

Other considerations when determining playground provision include:

- Age of children 0 – 14 years in the suburb
- Projected population increase
- Population density
- Square metres of Open Space per person
- Projected Open Space per person
- Surrounding playgrounds and their hierarchy

Analysis of data indicates that the suburb of Marion houses a low number of children in the 0-14 years of age range. The suburb is expected to experience moderate population growth, and this growth is expected to reduce the amount of open space provision per person by 2036.

Ben Pethick Reserve is within walking distance to the newly upgraded Oaklands Estate which includes playgrounds, skate park and a recreation plaza as well as walking trails and wetlands.

### Consultation

Community consultation was undertaken for the removal of Ben Pethick Reserve from 23 July until 13 August 2019.

The community was informed of the proposed removals through:

- A sign displayed at the site with project information, website link and contact details
- A letter box drop to surrounding neighbours, within approximately 200m of the reserve
- Information displayed on the Making Marion website with a link to make comment
- Social media post

The information flyer and the sign placed on site invited residents to provide comments during the consultation period and provided background information on Council's Playground Framework and service levels; explained the rationale for the proposed removals; and included a concept plan showing the minor landscaping works proposed (as shown in Appendix 1). Information on nearby playgrounds and 'Frequently Asked Questions' was also included.

### Consultation Outcomes

Feedback received throughout the consultation period is attached in Appendix 2.

The feedback is summarised as follows:

- 18 survey responses were received

- 13 people did not support the proposal
- 1 email was received supporting the proposal
- 1 phone call was received not supporting the proposal
- A letter from the Oaklands Estate Residents Association not supporting the proposal

### Condition of Playgrounds

An independent audit was undertaken in June 2018 where the condition of all playground equipment was rated, the risk to users evaluated and a play value given. The below table outlines the scores given for each playground proposed to be removed.

	Play Value Score (/5)	Priority for Removal (/5)	Equipment Risk Score (/25)	Equipment Condition Score (/10)
	1=high, 5=low	1=low, 5=high		
Ben Pethick	4	4	3.6	3.1
Cormorant Drive	3	3	5.5	2

#### Notes:

The scoring is subjective and applied by the external assessor. Priority for removal was a subjective score between 1 (low) to 5 (high) that the assessor assigned to each playground area based on their judgement of the area when inspected. The Play Value Score was a subjective score between 1 (very high) to 5 (very low) that the assessor assigned to each playground based on their judgement of the playground when inspected.

While the scores show the condition of the equipment does not pose a risk to users, the assessor indicated that the play equipment is in poor condition and has a high priority for removal. The recommendation to remove the equipment is based on the playground being old and outdated as opposed to being unsafe. Provision of playgrounds in this area is high.

### Policy and service provision implications

Playgrounds considered for removal have been identified based on the number of playgrounds in the local area, use of the playground, the provision of playgrounds across the Council area and the age and condition of the equipment.

Nearby playgrounds in the area include:

Oaklands Estate Reserve, 500m - Neighbourhood upgraded in 2018

Hendrie Street Reserve, 600m - Regional upgraded in 2018

Kenton Avenue Reserve, 1.5km - Neighbourhood upgraded in 2013

Rajah Street Reserve, 1.5km - Neighbourhood upgraded in 2014

### Ben Pethick Reserve Options

As feedback was received not supporting the proposed concept plan for Ben Pethick Reserve, 3 options can be presented. Option 3 is recommended.

#### Option 1

As a result of community feedback remove play equipment and make the area good with turf. Do not add mulching, nature play items or a picnic bench.

This will result in a saving from the removal budget as furniture items and nature play installations are not required.

#### Option 2

Remove the play equipment and replace with a new swing set suitable for toddlers.

This will retain the reserve as a playground, requiring ongoing maintenance and auditing at the current level.

This can be provided within the allocated playground removal budget.

### *Option 3*

Remove the play equipment and make good with turf. Do not add mulching, nature play items or a picnic bench. Install a suitable swing at Oaklands Estate Reserve playground. Removal of the existing play equipment can be undertaken at the same time a swing is installed at Oaklands Estate Reserve.

This option can be provided within the playground removal budget and responds to the feedback received about the Oaklands Estate Reserve playground.

## **Attachment**

#	Attachment	Type
1	Ben Pethick Consultation Flyer	PDF File
2	Ben Pethick Reserve Community Consultation Report	PDF File
3	Appendix 3 - Ben Pethick Removal catchment	PDF File

**We would like to know how you use Ben Pethick Reserve, Marion.**



The playground equipment at the reserve has reached the end of its life expectancy and needs to be removed.

The City of Marion has recently constructed a new playground at Oaklands Estate Reserve which will better service the local area.

We propose to replace the playground with:

- Picnic table
- Basic nature play elements e.g. rocks and logs
- Mulched garden beds beneath existing trees

**Do you have any comments on the proposal?**

**Do you have any other ideas to improve the reserve?**

**Consultation opens 23 July 2019, closing 13 August 2019**

Go to [www.makingmarion.com.au/ben-pethick-reserve](http://www.makingmarion.com.au/ben-pethick-reserve) to have your say and comment.

All feedback will be collated and a report provided to Council prior to works commencing.

## Frequently Asked Questions

### Why is the playground being removed?

The proposed removal of Ben Pethick Reserve playground was endorsed by Council as part of the 2009 Playspace Strategy. The strategy was reviewed in 2017, where Council endorsed the Playground Framework to ensure the community's playgrounds were well-designed, well-located, safe and fun for users. In the last 9 years, 50 playgrounds have been upgraded and an additional 7 are currently in the process of being designed or constructed. As part of the Framework, a number of playgrounds will be upgraded and some will be removed to ensure that:

- Current and future playgrounds are renewed at appropriate times to ensure safety of the community.
- Playgrounds are in an accessible location and spread as evenly as possible throughout the City of Marion – this may include removal of playgrounds due to oversupply in a particular area. Additionally, it may include new playgrounds to address a deficiency in an area.
- Council resources are used effectively, in line with Council's strategic objectives of keeping rates as low as possible whilst providing services that are fair and equitable throughout the City of Marion.

### Is there going to be new play equipment at the reserve?

As there are a number of playgrounds in the area, Council is not proposing to replace the play equipment at the reserve, however, the reserve will be reinstated to create attractive and usable open space.

### What is going to replace the play equipment?

The design proposes minor landscaping to replace the play equipment. We welcome your feedback on what Council can do at the reserve to make it enjoyable for users.

### What works can I expect to see happening at the reserve?

The existing play equipment will be removed from the reserve. Following this, the excavated area will be made good with mulch to ensure the reserve is a pleasant open space. Planting will be undertaken in the 2019 planting season.

### Where are the nearest playgrounds?

- **Oaklands Estate Reserve, Oaklands Park**  
(approx. 600 metres from Ben Pethick Reserve)
- **Hendrie Street Reserve, Park Holme**  
(approx. 600 metres from Ben Pethick Reserve)
- **Kenton Avenue Reserve, Oaklands Park**  
(approx. 1.5km from Ben Pethick Reserve)
- **Rajah Street Reserve, Oaklands Park**  
(approx. 1.5km from Ben Pethick Reserve)



# **Ben Pethick Reserve**

## **Proposed Playground Removal**

### Community Engagement Findings

August 2019

## Introduction

The proposed removal of Ben Pethick Reserve playground was endorsed by council as part of the 2009 Playspace Strategy. The strategy was reviewed in 2017, where Council endorsed the Playground Framework to ensure the community's playground were well – designed, well – located, safe and fun for users. In the last 9 years, 50 playgrounds have been upgraded and an additional 7 are currently in the process of being designed or constructed. As part of the Framework, a number of playgrounds will be upgraded and some will be removed to ensure that

- Current and future playgrounds are renewed at appropriate times to ensure safety of the community
- Playgrounds are in an accessible location and spread as evenly as possible through the City of Marion – this may include removal of playgrounds due to over supply in a particular area. Additionally it may include new playgrounds to address a deficiency in an area
- Council resources are used effectively, in line with Council's strategic objectives of keeping rates as low as possible whilst providing services that are fair and equitable throughout the City of Marion.

As there are a number of new playgrounds in the area, it was not proposed to replace the play equipment at the reserve, but to reinstate the reserve to create an attractive and useable open space.

A concept plan was send out to residents that proposed to replace the play equipment with

- Picnic table
- Basic nature play elements e.g rocks and logs
- Mulched garden beds beneath the existing trees.

Community consultation was undertaken over a three week period to 13 August 2019 including:

- A Making Marion online survey
- Postcards delivered to 279 households directing them to the online survey
- Signs installed at Ben Pethick Reserve.
- Social media marketing

The purpose of the engagement was to seek feedback from residents regarding the proposed concept plan.

The following report provides an analysis of the feedback received.

## Executive Summary

In summary, during the 3 week consultation period Council received:

- 18 completed surveys
- 1 emailed response
- 1 phone call
- 1 letter from the Oaklands Estate Residents' Association Inc

Of the 18 residents who responded to the survey **72% were not supportive of the proposed concept plan.**

The phone call received and the letter from the Oaklands Estate Residents' Association also did not support the proposed concept plan.

Comments provided an understanding of why residents did not support the proposed concept plan and have been grouped into the following categories:

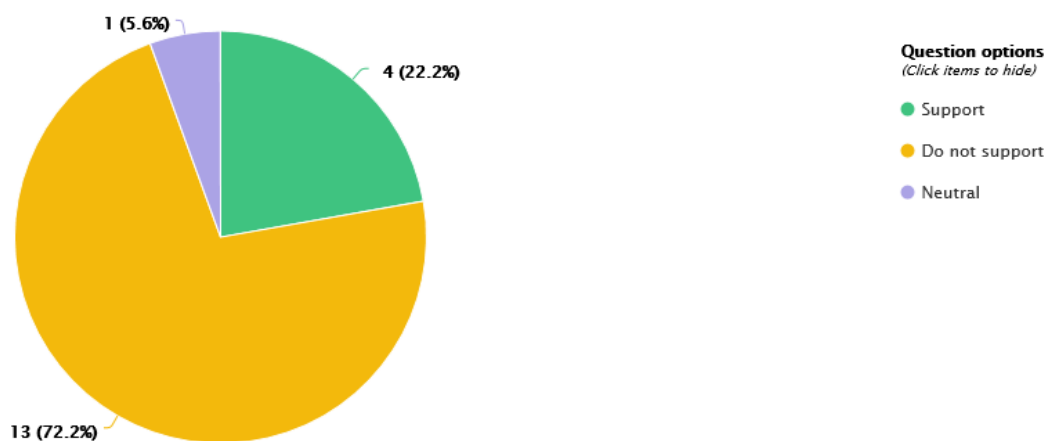
Do not support removing swings / no alternative toddler option nearby	13
Do not want mulching under trees / keep area open for kick about	6
Do not support the addition of a picnic table	4
Do not support the installation of nature play / rocks and logs	4

### Consultation Findings

Consultation was held over three weeks, closing on 13 August 2019.

#### Question 1

*What do you think of the proposal?*



*Question 2.*

*Do you have any other thoughts or comments to add?*

It appears that the decisions are already made. I support the picnic table but removing all play equipment ie swings is a shame as there is nothing for the children and toddlers. The Oaklands Reserve does not have suitable play equipment for young children. Why are we getting rid of all the swings..... forget rocks and logs...Also Ben Pethick Reserve is used by people kicking a ball. If you mulch around the trees this will restricted that activity.

Council staff are obviously not aware that this Reserve is used by a lot of children to kick footballs/other balls. If you install a picnic table, rocks and logs and mulch garden beds/plant them this will minimise the area available for play. Picnic table would be useless on such a small reserve - most people go to the Wetlands area for a picnic where there are barbecues and it is 2 minutes walk away. As for taking away the ONLY suitable play equipment for very young children, this is a travesty. The revamped play equipment in the Oaklands Estate Reserve is for older children....there is nothing there for young ones. Four push swings were removed and one round swing replaced them - little children who try to use this hang on for grim death for fear of falling off. The equipment in the Hendrie Street playground is in constant use and so crowded there is a line up waiting to use the equipment for smaller children. The other two playgrounds listed are 1.5 kms away which probably doesn't seem far if you don't have to walk it with young children, particularly on a hot day. If you do ultimately decide to take away these push swings it is imperative that you install replacements in the OER. Hopefully common sense will prevail and you will not ruin this Reserve.....it does not need any of the items proposed.

I live along side the park .The mothers that use the park with small children use it where the child is not in fear of bigger children or dogs not on leads as is in the new Oaklands park . They do not want rocks and logs as there children are still small. They want small swings not big round one that need pushing and hurt when there child gets hit . Please leave our park as is ,

We feel saddened to hear you are removing the swings. We have seen the equipment being removed from the playground gradually over the last few years and the space has gone from an area frequently used Bryan young families to fewer and fewer visitors because the council has not maintained the equipment.

What is is still used for is ball sports (ie kicking a footy) and now you want to put a picnic table right in the middle to stop that too?

Residents adjacent to the reserve are suffering from the actions of people making trouble on their way to and from the skate park (bins knocked over, standing in the middle of the road not letting cars through, abusive language), all of which neither the council or the police are able to act on. Please make sure you do not make this a place this group will be comfortable to spend more time in and increase their harassment of the residents.

We live just up the road at 26 Coolah Terrace and my grandchildren sometimes play there but the play equipment is a bit outdated now. Great idea to have natural play elements - maybe some big logs for kids to play on (safe) plus planting a few more trees. The Marion Council has done a great job in the past few years updating the wetlands/parks. It is good to know our rates are being used properly

Several of us grandparents use this reserve frequently with our toddler age grandchildren. The new Oaklands reserve - lovely and you have done a wonderful job, is not suited to under 2: the roap swing is too intimidating and the balance / climbing things too advanced:

Toddlers require the strap in rubber swings, they love the little spring car, I walk here regularly and have not found the swings or car to be at the end of their life- Please keep them for this age group - I did contact you re putting some in the new area but was ignored : as rate payers I think we should have a say in this matter.  
Thank you

I would think that exercise equipment (like around West Lakes) would be a good activity for young and old. Gives the older children / adults an activity also. Promotes exercise.

Hello; In total I do not support the changes to the available green space that is currently on Ben Pethick Reserve. Should the council find it necessary to remove the children's play equipment, which would appear to be due to Health and Safety concerns then so be it. Please however, do not reduce the lawned area by filling in with mulch. Of what use is it?? the available area is quite often used by parents and children to 'kick a footy' or 'hit a ball'. How can residents and others utilise the shade of these magnificent trees if the under area is strewn with mulch. I would dearly love to be informed of the 'why' as to removing understory areas of the trees.

Your reserve description has it suitable for 0-5 years which for many years has been the case. Hence it has been a reserve used by toddlers etc. We strongly request that toddler swings and a small slide be included. Particularly as they have been removed from new wetlands playground in favour of nature play. Ben Pethick Reserve is surrounded by and is near many houses that would to use these toddler facilities.

Whilst we were initially disappointed with the idea of the removal of the swings, as they are used at least once every day by the littlest people walking past with their parents/carers, we understand that the age of them makes it a necessity to retire them. The idea of a few climbing rocks and logs along with some low garden plantings sounds like a great idea to blend with the surrounding leafy green gardens. As long as the bench seats remain ( maybe replace the old one ) there is no need for a picnic table. People having picnics ( staying longer ) would go into the Oaklands Estate Reserve where there are toilets. Overall the plan seems sensible.

Please don't place 'smallish' rocks or stones as your 'natural element'. Mulch and logs, or very large rocks, will be fine. It's just that quite a few young skateboarders make their way from the skate park on Oaklands Rd to the train station or their homes via Coolah Terrace. This, of course, is no problem, but giving them easy access to projectiles would not be a great idea. Thanks

There is no slide and only 1 swing Oaklands Estate Reserve. The nearest slide is at Hendrie Street and as we have a toddler, crossing the main road is not preferable. We use the swings and the bouncy bike 2-3 times per week. We walk from Melanto tce to Coles regularly with our toddler and use the park on the way.

Still need swings etc for younger children /babies

The proposal sounds ok, but as you removed some swings in Oaklands park recently, I believe you should at least keep the same amount of swings at Ben Pethick reserve.

Please keep the same number of swings as the existing

Keep the same number of swings

We have been living in this estate for the past 45 years and have used this park frequently with our children and now our 2 young grandchildren. Whilst there has not been a lot of play equipment in this park over the years the one thing the kids always enjoy is the swings, where they will spend a lot of their time. As my children grew they were able to play ball games kicking the footy and soccer and playing cricket.

My young grandson loves to kick the footy and soccer ball now and we can do it without hindrance of falling over obstacles.

It seems to us and other neighbours that your planning department personnel have NO IDEA what young children require to play on and are intent on building teenage/adult so called play grounds. We need play equipment for the little kids.

**DO NOT GO AHEAD WITH THIS CRAPPY DEVELOPMENT.**

ALSO - I would also make comment on the Oaklands Estate Playground just completed.

When I took my grandson (aged 6) over to see the new development the first comment he made was ""where are my swings and playsets"" this is terrible stuff poppa there is nothing for the little kids - not coming to this park again.

It seems many kids have fallen off this new play equipment since it has been installed. So much for safety!!!!!!!!!!!!!!

**Email response**

Hi. Just to register our approval of the Marion Council plans do the Ben Pethick Reserve. We have lived close to the reserve since 1965. Our children and grandchildren as toddlers enjoyed the basic equipment there before moving on to the larger Oaklands Estate reserve, but in recent years use has declined. What is now proposed seems very appropriate for community needs, and also to maintain the memory of a great pioneer of the Oaklands Estate area. With best wishes

**Phone call**

Received 26/7/19  
Please leave lawn area an open space for kick about  
No picnic table is needed  
No rocks / logs, especially any smaller items that can be thrown  
Leave the reserve as is

<b>Written Response</b>
-------------------------



Established 1952

PO Box 259 Park Holme SA 5043 e-Mail: [info@oaklandsestate.org.au](mailto:info@oaklandsestate.org.au) [www.oaklandsestate.org.au](http://www.oaklandsestate.org.au)

9<sup>th</sup> August 2019

Ms Victoria Masterman  
Unit Manager Open Space and Recreation Planning  
City of Marion  
PO Box 21  
OAKLANDS PARK SA 5046

Dear Victoria

#### **BEN PETHICK RESERVE**

We refer to the consultation process being undertaken in respect to removal of playground equipment from Ben Pethick Reserve and write on behalf of our residents to express concerns.

This proposal has created much discussion within the surrounding area. Whilst it is acknowledged there are two playgrounds 600 metres from this Reserve and another two 1.5 kms away these primarily offer play opportunities for older children. The equipment presently available on Pethick Reserve is of a size used by younger children.

The four push swings have been removed from the Oaklands Estate Reserve and replaced with one basket swing not suitable for small children. The Hendrie Street playground is patronised to absolute maximum most days and younger children are often intimidated by so many others being present. The removal of the two push swings will be sorely felt by the residents who take their children/grandchildren to this location.

The proposal to install a picnic table seems a complete waste when there are several in the nearby Wetlands which also have a barbecue. If children are being directed to a playground 1.5 kms away then a walk past four houses to get to a picnic table is no hardship. However retaining the two bench seats is imperative.

Installation of nature play elements is a complete duplication of what has already been installed in the OER upgrade. Rocks and logs are dangerous for young children particularly the age group presently involved there, and will impact on the current usage of this amenity.

Many children – and adults - use this reserve to kick footballs and play cricket. Putting mulched garden beds and other obstacles beneath existing trees will reduce the area for this activity and plantings will be damaged.

Additionally, local residents have expressed concern that the open aspect of the total area will be lost. What is the purpose of installing the garden beds and what advantages are envisaged for residents?

Have Council staff considered the grounds staff who mow this Reserve as it will affect their operation. The mowing patterns and weed control needs will become more complicated. There would appear to be no financial advantage in the new management programme.

In summary the proposal put forward by Council does not meet the current usage of this Reserve. The changes mooted to this very functional reserve will only decrease activity which is contrary to what reserves are established to do.

Members of our Committee would be happy to meet personally with the staff undertaking this consultation to discuss better options.

We look forward to hearing from you.

Yours faithfully,

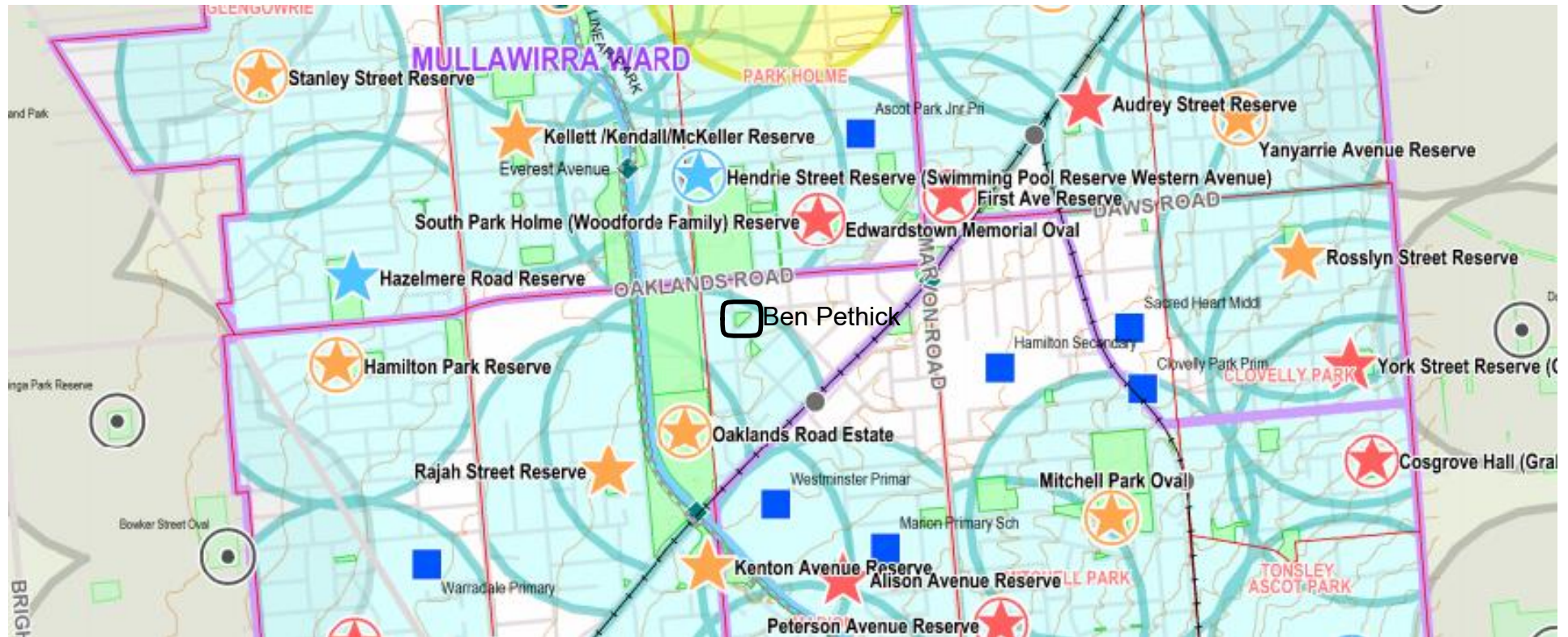


**President**  
Fred Hill

cc Mayor City of Marion, Kris Hanna  
Councillors Bruce Hull, Nathan Prior

## Appendix 3 – Playground Removal

500m catchment surrounding Ben Pethick Reserve.



## Coastal Walkway Audit - Project Update

<b>Originating Officer</b>	Acting Unit Manager Open Space and Recreation Planning - Renee Pitcher
<b>Corporate Manager</b>	Manager City Activation - Greg Salmon
<b>General Manager</b>	Acting General Manager City Development - Fiona Harvey
<b>Report Reference</b>	GC190924R09

### REPORT OBJECTIVE

To provide Council with an update on the Coastal Walkway investigations on structures that have been closed following the recommendation of a structural audit.

### EXECUTIVE SUMMARY

At the General Council meeting on 11 June 2019 (GC190611R12), Council noted a report outlining the draft findings of a condition and risk assessment of the Coastal Walkway, with the resolutions being:

*That Council:*

1. Notes the report.
2. Notes the structure closures as per the maps provided in Appendix 3.
3. Notes a report will be presented to Council in September 2019 with the outcomes of further investigations.

This report provides an overview of the interim outcomes of the investigations and planned actions moving forward to manage Council's Coastal Walkway asset. Considerations discussed in this report include:

- A project update on investigations, including a section that is now reopened,
- A review of the existing Coastal Walkway Asset Management Plan,
- Opportunities through the Coastal Climate Change monitoring program to extend investigations to include the impact of erosion on walkway structures,
- Further analysis of stormwater erosion issues,
- Continuing to provide the community with project updates as the project progresses,
- An outline of project opportunities including grant funding and renewal considerations.

A further report will be presented to Council on 26 November 2019, following the completion of all investigations. This report will also provide a draft high level Coastal Walkway Plan for Council's consideration.

### RECOMMENDATION

*That Council:*

1. Notes the report.

2. Notes the remaining investigations to be undertaken.
3. Notes a report will be presented to Council on 26 November on the draft Coastal Walkway Plan following the completion of the investigations.
4. Notes a reviewed Coastal Walkway Asset Management Plan will be provided to Council for adoption by November 2020.
5. Notes funding opportunities through the Federal and State Government grants which may attract a 50/50 co-contribution from Council.
6. Notes that a letter to the Premier from the Mayor will be drafted expressing Council's interest in funding and partnership opportunities for the state wide attraction.

<b>Liveable:</b>	Enhancement of community living, assists in creating vibrant community facilities and open spaces.
<b>Valuing Nature:</b>	Promotes biodiversity (plants and animals on public or private land, coastal area and marine development), and improves opportunities for people to play in open spaces and interact with nature.
<b>Engaged:</b>	Encourages the community to be engaged and empowered to influence the improvement of their own neighbourhood.
<b>Connected:</b>	Enhanced ability for social interaction, improves movement across the city, enhances walking path connections across the city.
<b>Other Funding Sources:</b>	Grant funding opportunities exist through the Open Space Grant Funding program for new/upgraded coastal infrastructure which supports strategic Coast Park initiatives or through Federal Government funding.

## DISCUSSION

### Background

The Coastal Walkway from Marino to Hallett Cove commenced construction in the mid to late 1990's. The walkway today is a highly valued and well used community asset which attracts visitors into the region and contributes to the liveability of the City.

The broader Adelaide Metropolitan Coast Park Plan extends along Adelaide's coastline from Sellicks Beach to North Haven, with the Marion Coastal Walkway providing an approximate 8km section between Marino and Hallett Cove.

In addition to the stunning geological formations, native coastal vegetation and sites of indigenous cultural significances, the City of Marion Coastal Walkway contains structures (stairways secured to cliff faces, boardwalks and bridges), pathways at ground level, lookouts and other surrounding public infrastructure such as bins, signs, artwork and benches.

The walkway was initially constructed with limited planning considerations to justify alignment and documented designs.

At the 11 September 2018, General Council meeting, Council endorsed the development of a Coast Park Plan for the length of the Marion coastline and that a report be received on the draft Coast Park Plan in mid-2019 for consideration, resourcing and community consultation.

In early 2019, as part of Council's ongoing assets audits of the Coastal Walkway and to inform the Coast Park Plan, Council engaged engineering consultancies to undertake a structural audit of all structures associated with the Coastal Walkway.

The purpose of the audit and subsequent report was to create a new asset database and identify any defects. This information would then be used to develop a Coastal Walkway Plan outlining structures that have been repaired and re-opened, cost estimates for renewal and potential re-alignment options.

Due to the outcomes of the draft audit report and safety being a priority for users, Council resources were allocated to close structures along the walkway that were deemed high risk until further investigation could take place. Subsequently, the outcomes of this investigation will inform the required Coastal Walkway Plan and review of Council's Asset Management Plan.

## **Investigations**

Twelve structures along the walkway were rated as high risk, due to the lack of information on the adequacy of the footings. It was recommended that intrusive investigations involving earthworks, geotechnical inspections and assessments be undertaken to determine the condition of repair and/or replacement options.

Site maps were prepared showing the location of the twelve high risk structures (refer to Appendix 1 - Site Maps).

The remaining design life was identified for each of the structure's features. Based on the risk rating and remaining design life, the consultants provided a criteria for future action, in most cases the closed structures were categorised as 'critical' with actions needing to take place at the earliest opportunity (0.5 – 1 year).

A Surveyor, Geotechnical Engineers and a Structural Engineer were engaged to undertake the required investigations. The following information was required to make a structural assessment on the footings of the closed structures:

- Post – diameter, height, depth below surface,
- Reinforcement bar into rock surface – diameter, length,
- Concrete pad/pile – diameter, depth,
- Founding material information,
- Slope percentage
- Slope stability assessment
- Working bearing capacity

Approximately 560 footings are being inspected across the twelve closed structures. Due to the age of the asset (20 -25 years old) it is likely Council will only gain another 5 – 10 years of the overall life of the asset. A Coastal Walkway Plan to manage these structures for the remaining 5 - 10 years will be developed.

At each stage of the investigations, Council staff and consultants are evaluating works through a cost benefit analysis to understand if it is cost effective to investigate, repair and / or replace.

To date investigations have included:

- All sites surveyed including the GPS location of each footing and the height of each post,
- Intrusive (destructive) investigations of footings at 5 sites progressing north to south,
- Non-intrusive testing methods (at select sites),
- Slope stability assessment which is progressing at each site including a desktop review of existing data gained through the Coastal Climate Change Adaptation project,
- An overall Structural Assessment based on the above data to determine if sections can be reopened, repaired or if replacement options should be considered.

Based on these investigations and repairs currently taking place, it is anticipated that two sites can be reopened.

These structures are located at: (refer to Appendix 1 - Site Maps)

- Marino Rocks Boat Ramp (CWT002) and
- Marine Parade, Marino (CWT003)

The consultants are systematically working through the closed sites and propose that the remaining investigations can be completed in the next 6 weeks. Following the investigations and any required repair works, sections will be systematically reopened where possible.

The location of some structures (spanning Grey Road Gully CWT012 and Kurnabinna Gully CWT014 and CWT015) have stairways secured to the cliff face, which presents a challenge for investigations and repair works. Where it is not possible to undertake these works and where the cost outweighs the remaining life of the asset, investigations will be redirected into alternate alignment opportunities and these sections will remain closed.

In the few instances where closed structures provide access to the foreshore (Murto Parade CWT004 and Kurnabinna Gully CWT014 and CWT015), it is recommended not to reinstate this access into the future (refer to Appendix 1 - Site Maps).

### **Coastal Walkway Plan**

A quantity surveyor will be engaged to provide Council with clear maintenance and renewal costs following the completion of the investigations. The proposed Coastal Walkway Plan will be presented to Council in November and will cover :

- Structures / sections that have been repaired and re-opened.
- Structures / sections where costs are estimated for repair / renewal and need Council consideration before progressing.
- Structures / sections which are deemed too dangerous / costly to investigate / repair / renew and therefore re-alignment options will be presented

### **Asset Management Plan**

A review of the existing City of Marion Coastal Walkway Asset Management Plan and the adoption of a revised Plan is required by November 2020.

An asset management plan details information about infrastructure assets including actions required to provide an agreed level of service in the most cost effective manner by understanding the trade-offs between cost, risk and performance over the short, medium and long-term. The Asset Management Plan will define the services to be provided, how the services will be provided now and in the future, and what funds are required to provide the services.

The development of an Asset Management Plan will occur simultaneously to the 5 -10 year Coastal Walkway Plan, with one document feeding into the other.

Most of the Coastal Walkway network was constructed with limited consideration of long-term renewal options and increases in maintenance required as the asset aged. Many of these assets are approaching the later years of their life and require replacement, levels of services from the assets are decreasing and maintenance costs increasing.

### **Coastal Climate Change**

At the General Council meeting on 23 July 2019, Council endorsed the Coastal Monitoring Plan for the City of Marion as a key program for implementation of the Coastal Climate Change Adaptation Plan. A draft Coastal Monitoring Program was presented which included:

- Biannual analysis of erosion / sand movement along Hallett Cove beach
- Biannual drone monitoring along the coastline following storms
- Permanent photo point monitoring of hot spots at Field River, Hallett Cove Beach and Marino Rocks
- Development of an annual coastal climate change risk summary.

The existing coastal climate change assessments identify several beach locations that will require protection from wave action in the future. The timing and method of protection will be informed through the annual monitoring program.

The impact of stormwater erosion on cliff tops was identified as an area of concern in the coastal climate change adaptation study. Currently stormwater erosion issues are thought to be primarily a result of urban development in the catchment. However, stormwater erosion of cliff tops is expected to worsen with climate change due to increased rainfall intensity, changed soil moisture, groundwater and more extreme land surface temperature fluctuations.

Monitoring of cliff top erosion as a result of stormwater will be included as part of the biannual coastal monitoring program. A dedicated stormwater management study is also required to understand future stormwater hazards and management options.

Given the impact of stormwater-based erosion on the Coastal Walkway structures, it is recommended that the existing planned biannual drone monitoring along the coastline following storms (part of climate change monitoring) is extended to also include investigation of the impact of any erosion on walkway structures.

A grant application is currently being prepared for Regional Coast Protection Funding from the State Government for a minimum 50% contribution to Council's coastal climate change monitoring plan. However it is not anticipated that monitoring of stormwater impacts on walkway structures would be eligible for this funding.

## **Storm Water and Erosion**

The coastal cliff environment is a fragile environment and is prone to constant change. Through the recent Audit, issues were observed with drainage, surface run-off, and stormwater erosion.

These storm water issues have had extreme impact on the existing structures footings and surrounding environment. There are numerous areas across the network where extensive and severe erosion has been identified. An increase in extreme weather, along with increased use of the footpath network will continue to exacerbate these erosion issues.

*The audit consultants recommend that “a wider stormwater modelling of area that also identifies mechanisms to mitigate run off; should be coupled with an effective planting strategy”.*

Addressing the impact of storm water erosion issues needs to be considered for the Coastal Walkway project moving forward as this has an immediate effect on the existing trail and any future renewal opportunities.

The following works are required to further understand and monitor the effect of stormwater erosion:

- Review of Council owned stormwater infrastructure along the coast,
- Review of inappropriate stormwater discharge from private properties.

Council will undertake further detailed site analysis to assess stormwater asset condition and where required determine the level of remedial works, including scour and structural protection measures. Should works be required, the projects will be included in Council's stormwater drainage matrix for future consideration and budgeting.

## COMMUNICATIONS

A proactive communications approach has been undertaken to inform the community and broader stakeholders of any decisions of Council and will continue to keep them up to date with developments.

The emphasis has been on informing users that as a safety precaution a section of the Coastal Walkway is closed while investigations and repairs are taking place. While diversions along the walkway are in place, the vast majority of the trail is open to enjoy.

Residents and stakeholders have received project updates via letter and information flyers, while signage with maps have been placed at key locations. Information has been placed on Council's website, posted on social media and advertisements (with maps) placed in the Messenger.

Council has received a large amount of feedback from residents and the broader community in relation to the closures, which has reiterated the importance of this asset. The majority of feedback provided has been around how valued the asset is and queries as to when it will be reopened.

As investigations continue, further information updates will be provided to keep the community informed as the project progresses.

## RISKS

A proactive risk management approach has been undertaken to close 2.5kms of Coastal Walkway between Murto Parade, Marino and Peera Street, Hallett Cove. A 80m section adjacent to Marino Rocks boat ramp and approximately 60m of path on Marine Parade, immediately north of Allan Street, has also been closed.

For user safety, it was communicated not to use any part of the walkway marked as closed. The closures have taken place using temporary fencing, warning signage and through the implementation of the communications plan. Council is undertaking regular monitoring of closure fencing and signage along the trail.

Accessing footings of the closed structures to undertake the investigations has proven to be challenging in some areas. The existing slopes are steep and over large areas, where possible technology has been used to minimise the need for personnel to work directly on the slopes. The location of the structures provide a challenge to be able to monitor, maintain and renew.

Where possible, structures may be reopened as investigations continue and structural assessment compliance can be provided. Sections will remain closed where the investigations outcomes determine that structural issues are not able to be resolved through repairs.

Where structures are to remain closed, Council will erect permanent fencing at these locations. Each structure will be assessed through a disposal and risk management plan and should be decommissioned if necessary.

## OPPORTUNITIES

Further opportunities exist to consider strategic replacement and renewal of the Coastal Walkway. Council will continue to explore opportunities following the outcomes of the current investigations.

### Grant Funding

The State Government Open Space and Places for People Programs support the development and improvement of quality public open space and to revitalise public spaces that are important to the social, cultural and economic life of their communities or region.

The following eligibility criteria apply to this project, should an application be made:

- Projects should have at least 50% funding contribution.
- Projects should be able to commence within two months of grant funding approval.
- Funding is only available for new works; retrospective funding is not available for anything undertaken prior to grant funding approval.

It is important to note that projects which are part of Council's usual ongoing maintenance and management of a site including asset management or replacement of existing infrastructure are considered ineligible.

Typically, DPTI Open Space Grant Funding round opens towards the end of the year and closes early in the new year. In previous years, successful grant funding applicants are awarding funds to be spent in the next financial year.

### **Renewal / Redesign Options**

Should structures along the Coastal Walkway not be able to be reopened, consideration of alternate alignment options to improve access along the trail should occur. Where possible, this may include realigning pathways to the natural ground levels instead of staircases secured to coastal cliff faces and not placing footings in natural water run-off zones.

Realignment options may also exist to retreat sections of the pathway away from cliff edges, while still providing scenic views. Consideration of surrounding sensitive coastal vegetation, property boundaries and the need for community consultation will also be required.

The current building material used for the majority of the Coastal Walkway structures is permapine timber, which has an expected useful life of 30 years, given the surrounding environment. Opportunities exist to replace the structures with stronger and longer lasting materials like Fibre Reinforced Polymer or plastic (FRP), which is suited to marine environments and has an asset life of 50 years.

### **BUDGETS**

A quantity surveyor will be engaged to provide Council with clear maintenance and renewal costs following the completion of the investigations. The Coastal Asset Management Plan will define the services to be provided now and in future, and what funds are required to provide the services over the next 10 years.

It is not possible to provide certainly on time frames for re-opening closed structures or costs to do so, given the stage of the investigations.

A Report will be brought back to Council on 26 November 2019, to outline the project costs including the possibility of needing to decommission sections of trail that will not be reopened.

### **Next Steps**

For Council to make an informed decision regarding the next steps of this project, it is essential that the ongoing investigations are finalised. Administration will review Council's Asset Management Plan and where required investigate alternate alignment opportunities to inform the future Plan of the Coastal Walkway.

Following the investigations and repair works, Council will systematically reopen sections, where possible. Investigations will be redirected into renewal opportunities where it is not possible to undertake investigations and where the cost outweighs the remaining life of the asset.

Next steps of the project:

- Continue on site investigations,
- Review of the Coastal Walkway Asset Management Plan,
- Monitoring of the impacts of stormwater erosion,

- Consider strategic replacement and renewal opportunities.

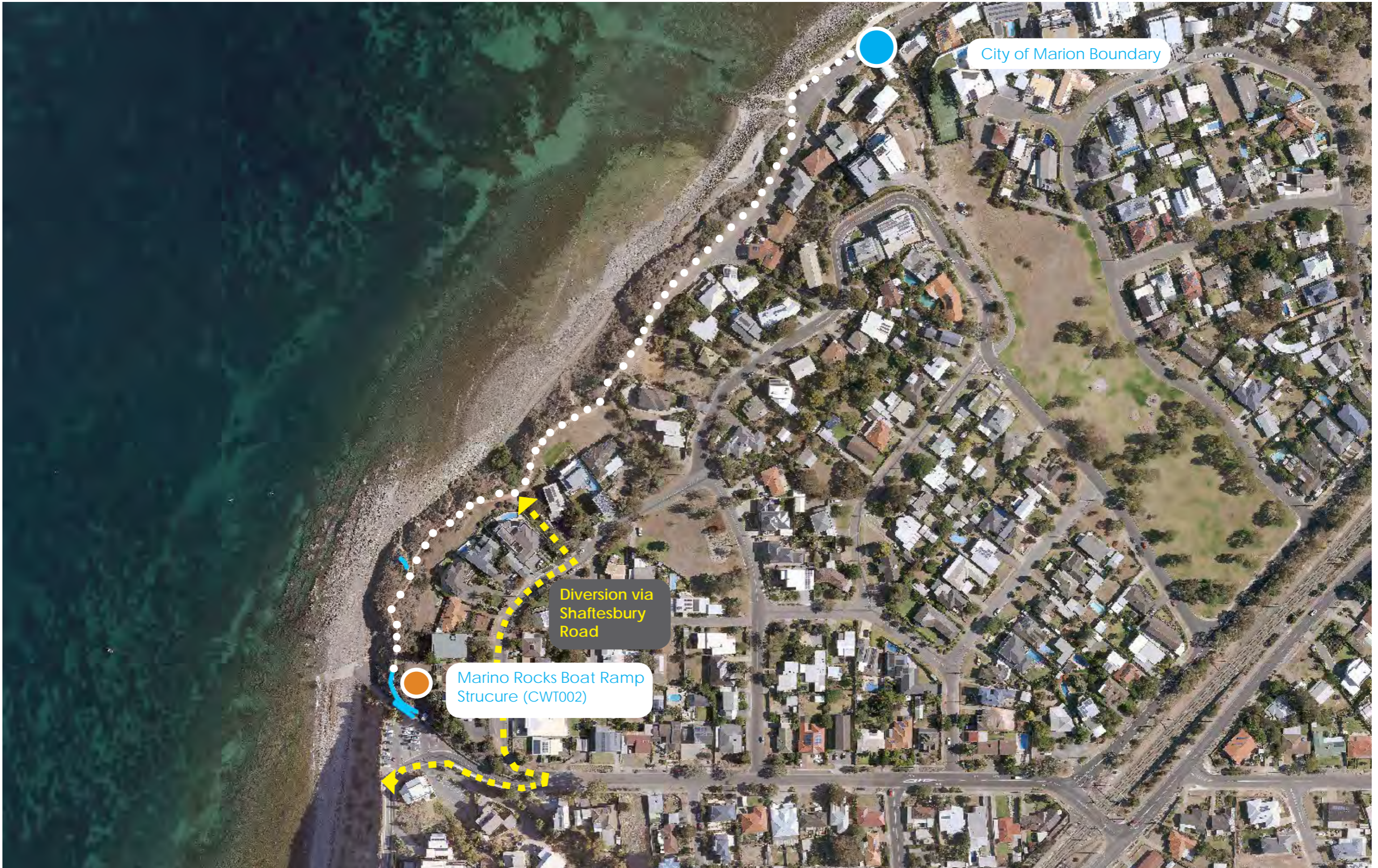
A report will be brought back to Council following the completion of the investigations.

## CONCLUSION

The Coastal Walkway is a highly valued community asset. The investigations currently being undertaken will provide detailed information to ensure the asset can be effectively and efficiently managed, with risks mitigated, over the short and longer terms.

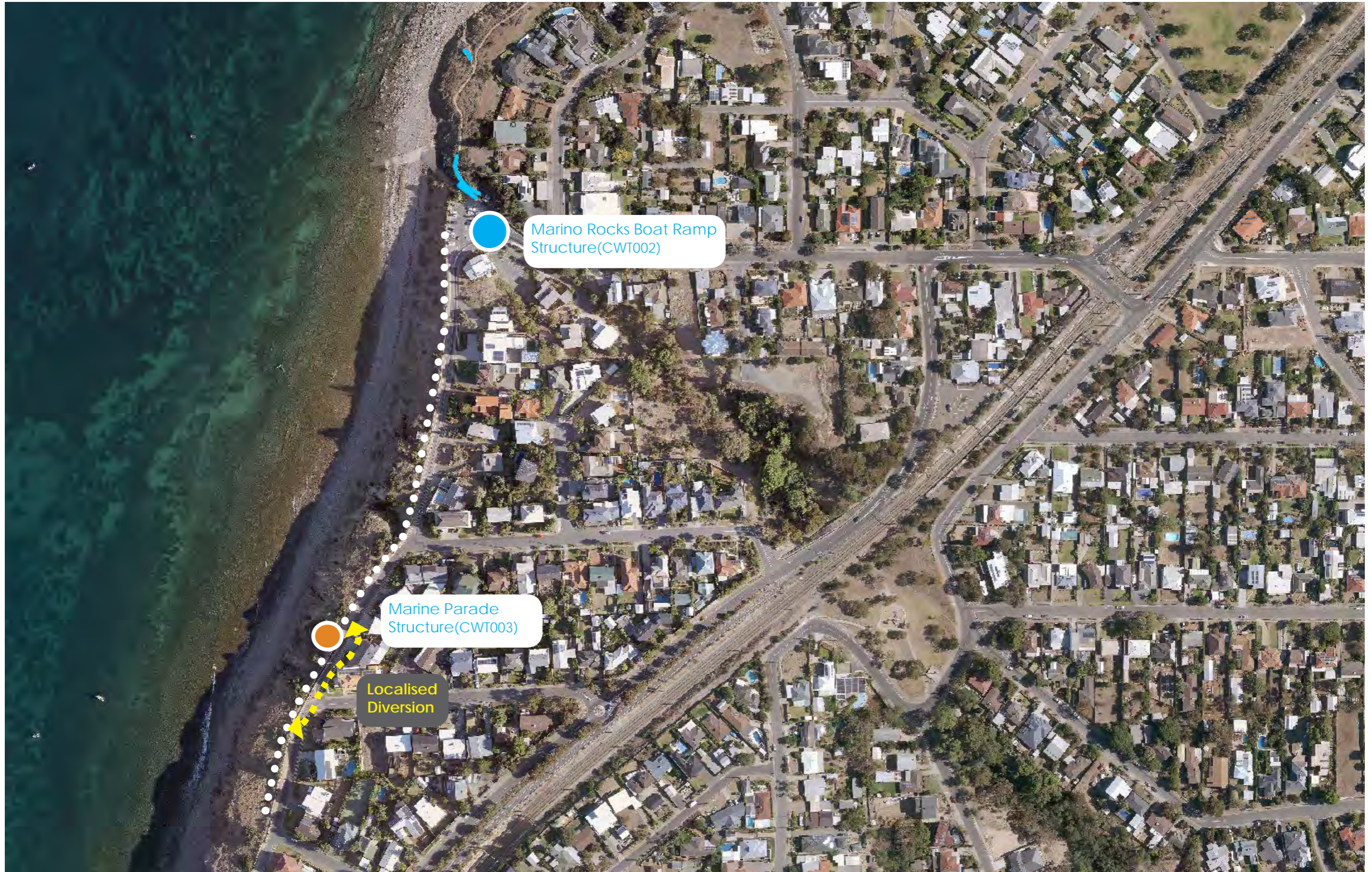
## Attachment

#	Attachment	Type
1	Appendix 1- Site Maps - Coastal Walkway Audit Project Update_LR	PDF File



# COASTAL WALKWAY

CELL 2 | MARINO ROCKS | 0.5KM



# COASTAL WALKWAY

CELL 3 | COVE ROAD LOOKOUT | 0.95KM



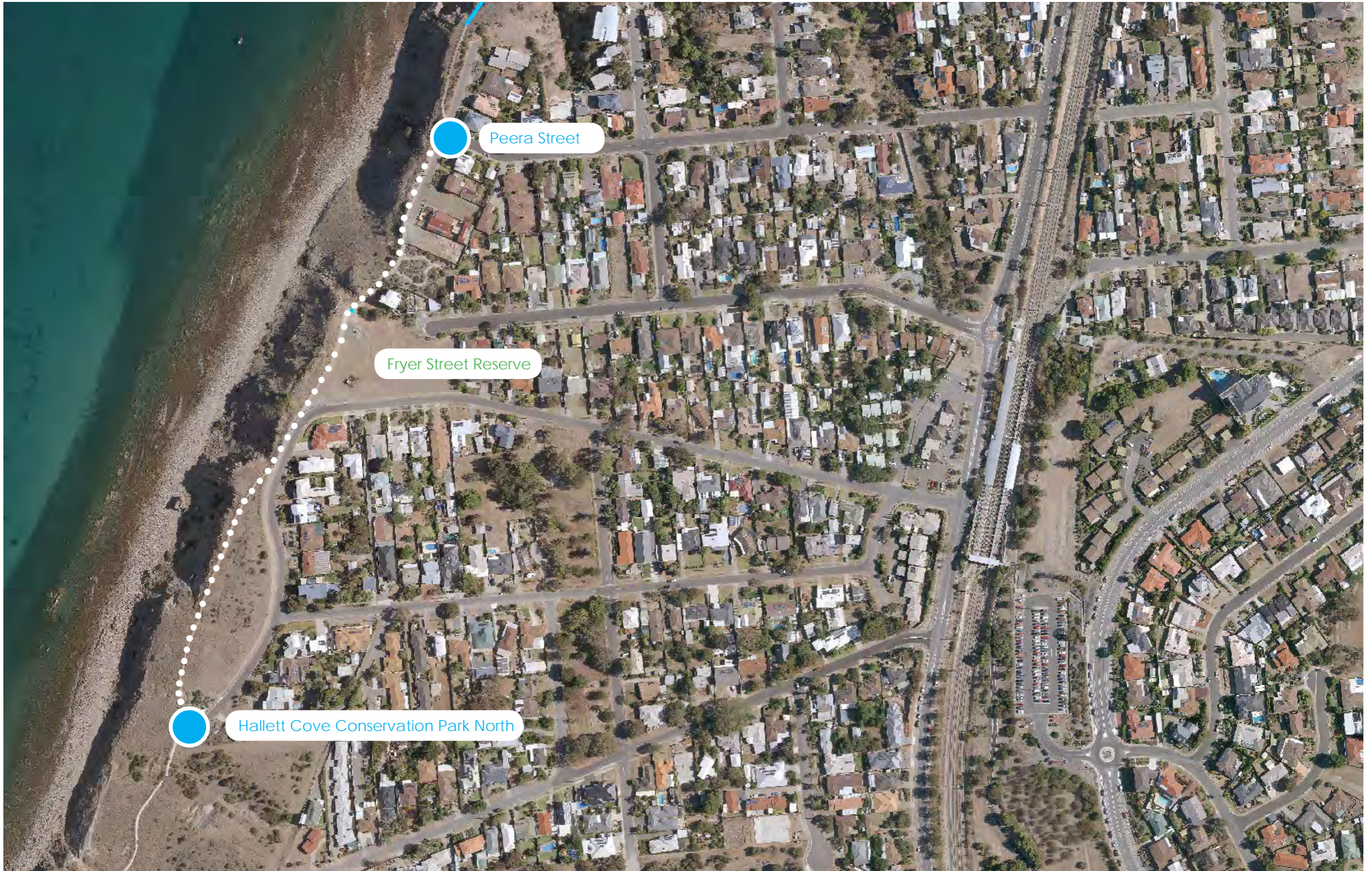




# COASTAL WALKWAY

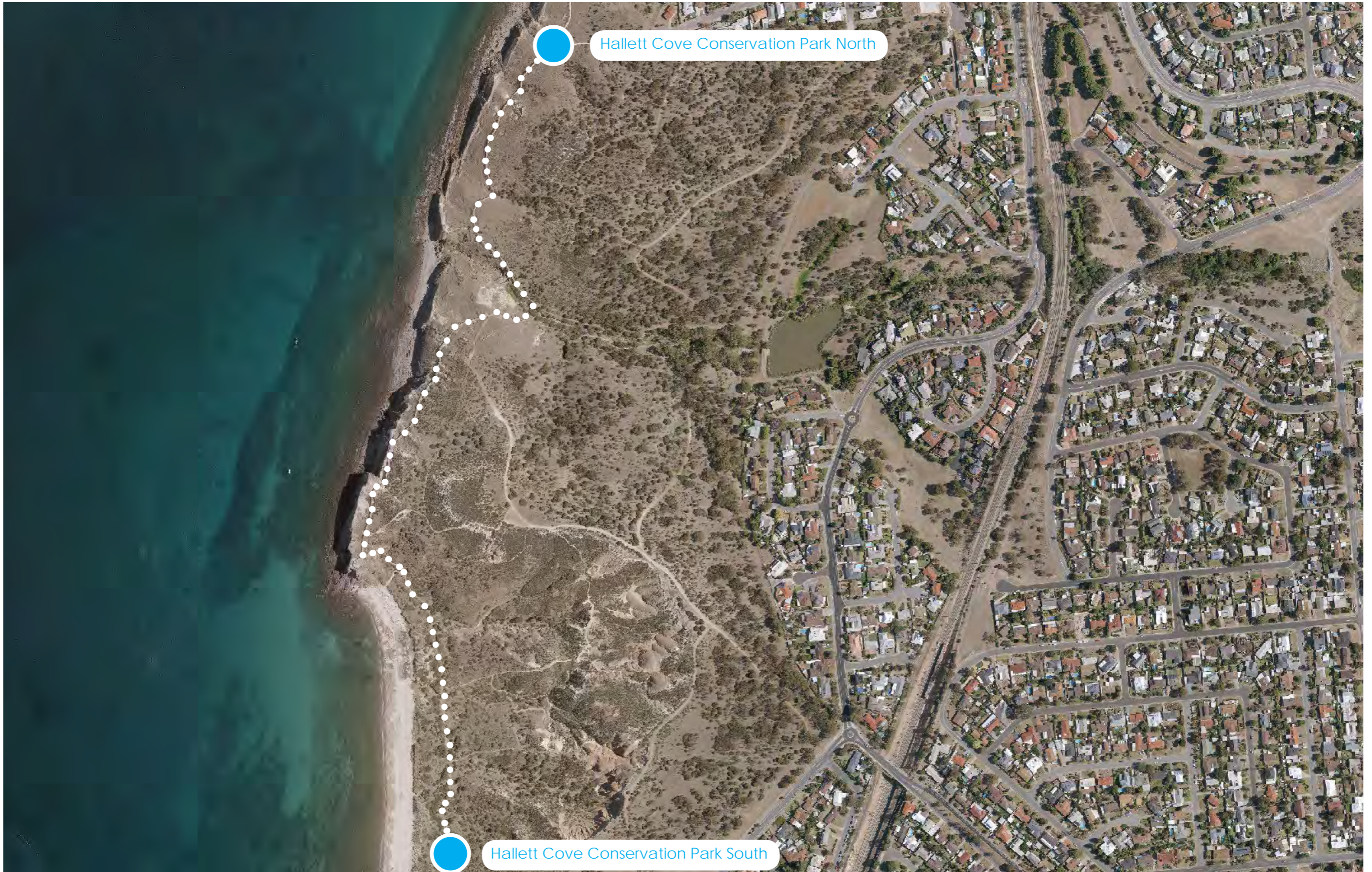
## CELL 6 | KURNABINNA GULLY 0.45KM

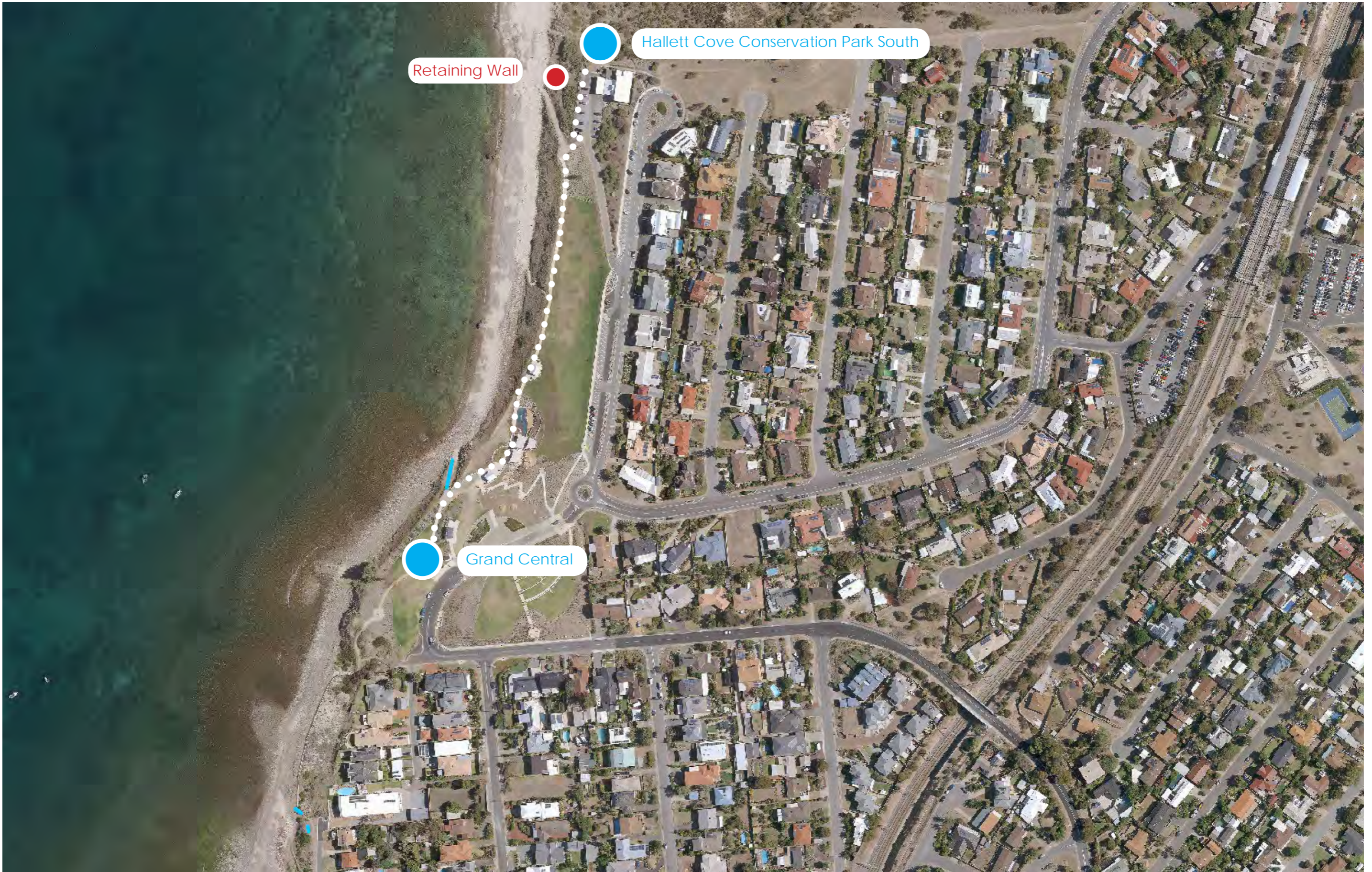




# COASTAL WALKWAY

CELL 8 | HALLETT COVE CONSERVATION PARK (DEW) | 1.48KM

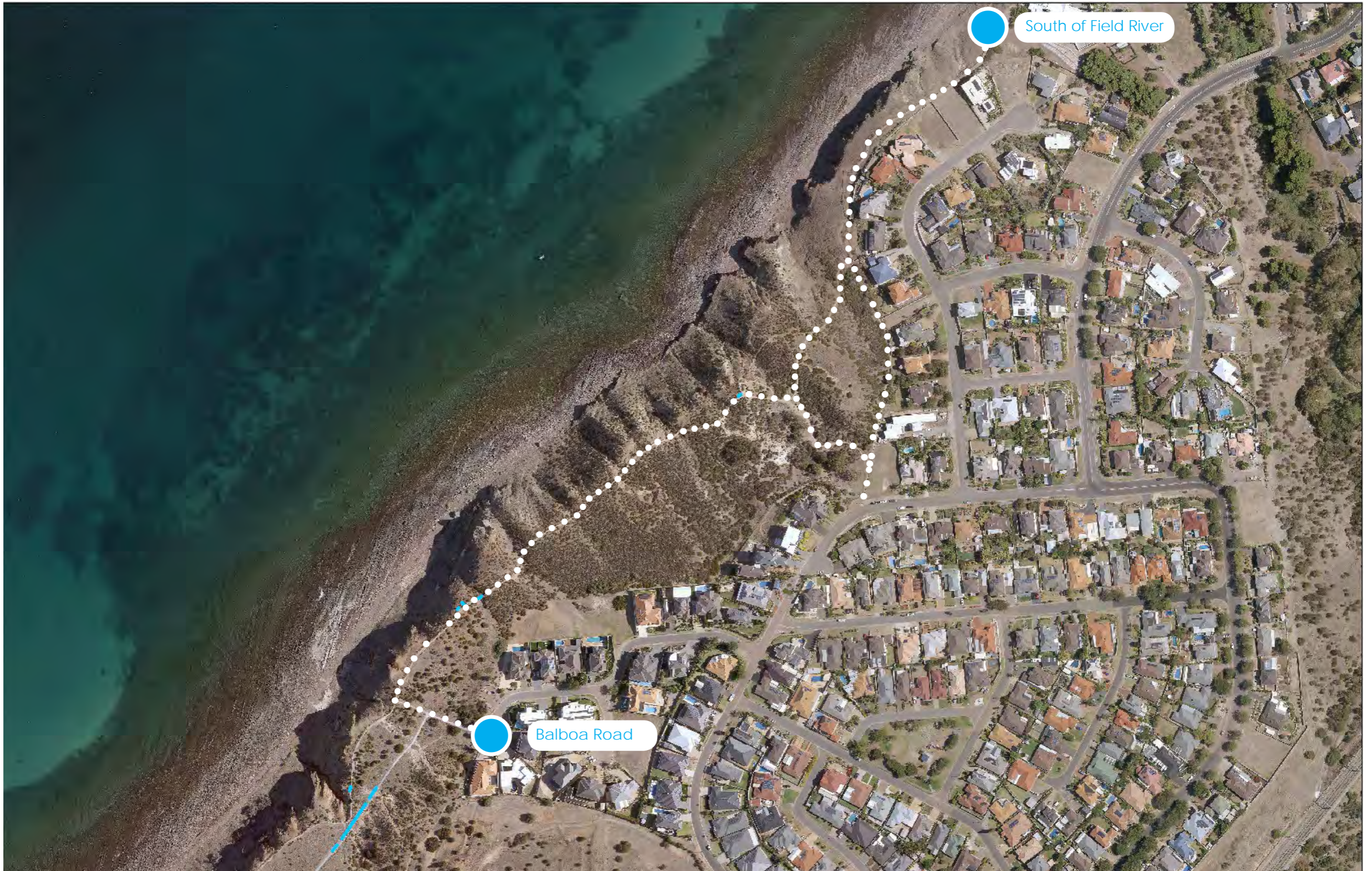






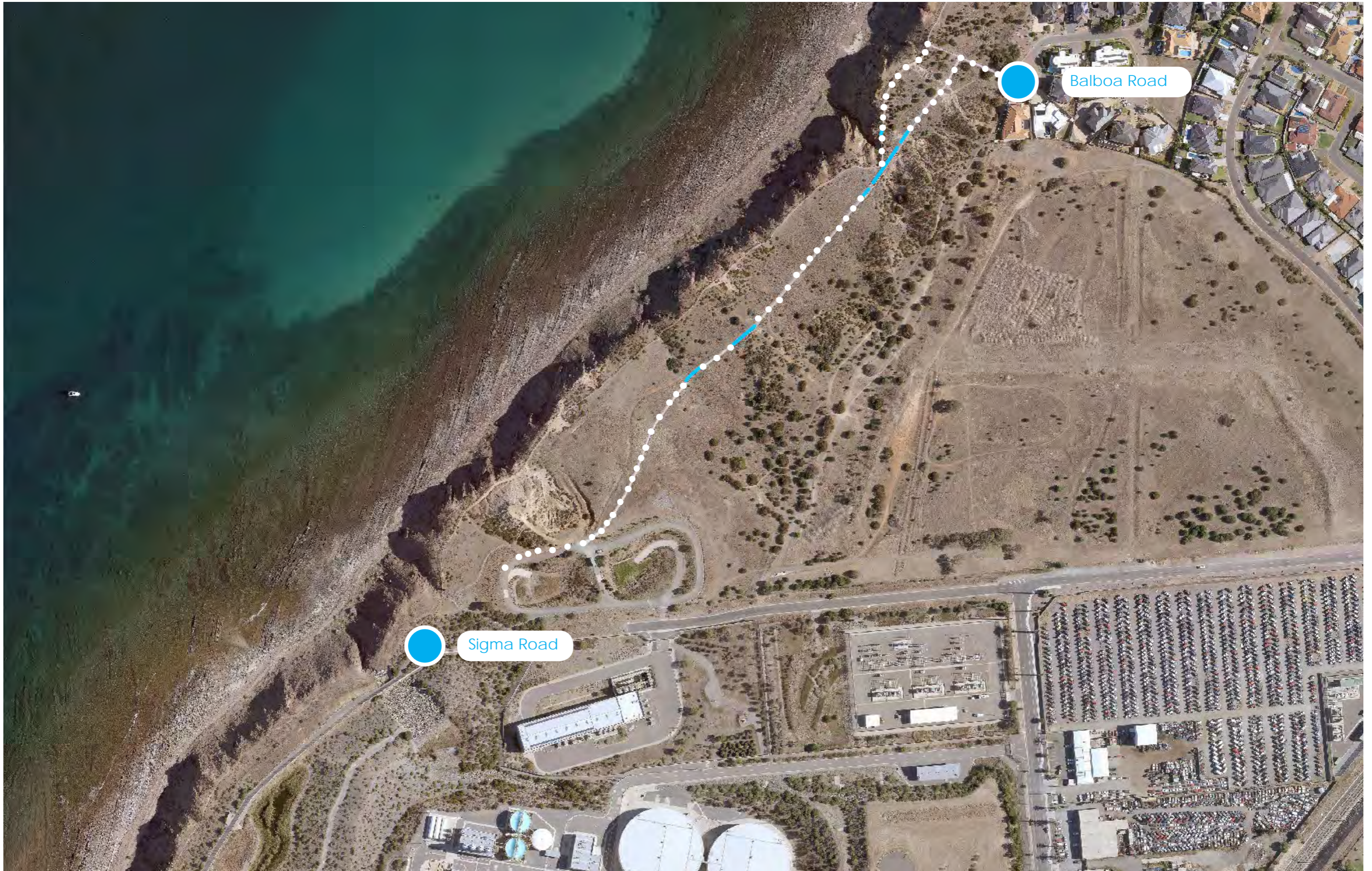
# COASTAL WALKWAY

CELL 11 | HALLETT HEADLAND | 1.25KM



# COASTAL WALKWAY

CELL 12 | THE ONKAPARINGA LINK | 0.65KM



## City of Marion Christmas Trading Hours 2019 - 2021

<b>Originating Officer</b>	Unit Manager Governance and Records - Jaimie Thwaites
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference</b>	GC190924R10

### REPORT OBJECTIVE

To seek Council endorsement to close early the City of Marion's principal office, being the Administration building, on Friday 20 December 2019, 23 December 2020 and 23 December 2021.

### RECOMMENDATION

**That Council:**

- 1. Endorses the closure of the City of Marion's principal office, being the Administration building at 245 Sturt Road, Sturt on Friday 20 December 2019 at 12.30 pm.**
- 2. Endorses the closure of the City of Marion's principal office, being the Administration building at 245 Sturt Road, Sturt on Wednesday 23 December 2020 at 12.30 pm.**
- 3. Endorses the closure of the City of Marion's principal office, being the Administration building at 245 Sturt Road, Sturt on Thursday 23 December 2021 at 12.30 pm.**

### DISCUSSION

*Section 45 of the Local Government Act 1999 requires Council to nominate its principal office and determine the hours during which the office is to be open for the transaction of business.*

The Administration building located at 245 Sturt Road, Sturt is Council's nominated principal office. The normal operating hours during which the office is to be open for business is 8.30am - 5.00pm Monday to Friday.

In previous years, Council has determined to alter the normal hours during which the office is open to allow Elected Members, Management and Staff to take the opportunity to celebrate the festive season.

For the 2019 Christmas period, it is proposed that the Administration building close at 12.30pm on Friday 20 December 2019.

To assist with planning for the next two years, it is also proposed to that the Administration building close at 12.30pm on Wednesday 23 December 2020 and Thursday 23 December 2021.

When considering changes to normal business hours, the needs of our customers are the primary focus. Customer demand for council services is significantly reduced during the festive season, but to ensure services are provided to the community, the Council will continue to operate during the holiday period, excluding public holidays.

The emergency after-hours services will continue to operate outside Council's business hours during the Christmas and New Year period.

Appropriate advertising and notification will be displayed to ensure customers are fully aware of the changes to our normal business hours.

Note that the opening hours of Council's other sites will be determined, based on operational/customer needs and do not require a resolution of Council.

## Community Consultation - Code of Practice – Access to Meetings and Documents

<b>Originating Officer</b>	Unit Manager Governance and Records - Jaimie Thwaites
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference</b>	GC190924R11

### REPORT OBJECTIVE

To provide Council with the outcomes of the community consultation on the Code of Practice - Access to Meetings and Documents and present the final version for adoption.

### EXECUTIVE SUMMARY

Pursuant to Section 92 of the Local Government Act 1999, the Council is required to have a Code of Practice for Access to Council Meetings and Documents (the Code). The objective of the Code is to clearly document how the Council will deal with public access to its meetings and associated documents and in what circumstances the public access will be restricted.

The Code should be reviewed within 12 months of each election. The Code review process includes public consultation for a minimum period of 21 days.

At its meeting on Tuesday, 23 July 2019 Council adopted the Code for the purposes of public consultation (report reference GC190723R12). The public consultation period commenced on 1 August 2019 and concluded on 23 August 2019. During the consultation period, information was placed on the Council's Making Marion website, a public notice was placed in the messenger newspaper (7 August 2019) and the consultation was promoted via social media.

During the consultation process, a total of 38 people visited the Making Marion page, 17 people downloaded the document and no formal submissions or feedback were received.

A copy of the Code of Practice is attached as **Appendix 1**. If Council is satisfied with the content of the Code, it is recommended that the Code of Practice - Access to Meetings and Documents is now adopted.

### RECOMMENDATION

**That Council:**

- 1. Adopts the Code of Practice - Access to Meetings and Documents as attached as Appendix 1 to this report.**

### Attachment

#	Attachment	Type
1	Appendix 1 - Code of Practice - Access to Council Meetings and Documents	PDF File

## 1. RATIONALE

Council must prepare and adopt a Code of Practice, in accordance with Part 5 of the Local Government Act 1999 (the Act), that relates to the principles, policies, procedures and practices that the Council will apply for the purpose of the operation of Part 3 and Part 4 of the Act.

## 2. POLICY STATEMENT

2.1 The City of Marion is committed to the principles of honest, open and accountable government and encourages community participation in the business of Council.

2.2 In fulfilling the role of an effective Council that is responsive to the needs of the community and which operates within the legal framework (prescribed by the Act), the City of Marion supports the principle that procedures to be observed at a Council or Committee meeting should contribute to transparent and informed decision making and encourage appropriate community participation in the business of Council. However, the City of Marion also recognises that on a limited number of occasions it may be necessary in the broader community interest to restrict public access to discussion or documents.

## 3. OBJECTIVES

This Code of Practice sets out the policy framework for access to meetings and documents and provides guidance as to the application of provisions in the Act to restrict public access to meetings and/or documents.

3.1 The Code of Practice aims to;

3.1.1 Provide the community with information on access to Council and Council Committee meetings and the documents of those meetings;

3.1.2 Summarise the legal position relating to public access to the Council and Council Committee meetings, agendas, documents and minutes of meetings; and

3.1.3 Outline to the community for what purpose and on what basis the Council may apply the provisions of the Act to restrict public access to Council and Council Committee meetings or documents and minutes.

## 4. POLICY SCOPE AND IMPLEMENTATION

4.1 This Code of Practice applies to Council and Council Committees and the associated agenda, minutes and attachments that relate to those meetings;

4.2 The Code of Practice does not apply to the Development Assessment Panel (DAP) as the requirements of the DAP are defined within the Development Assessment Act 1993;

4.3 Section 132 of the Act states that Council must make certain documents available for public inspection. The Code of Practice does not apply to those documents;

4.4 Where the Freedom of Information Act 1991 (FOI Act) provides for access to Council's administrative documents which are not normally available to the public, then those documents are not included in the scope of this Code.

## 5. Access to the Agenda for Meetings

- 5.1 In accordance with the Act, the Chief Executive Officer (CEO) must give written notice of an ordinary meeting to all the Council or Committee Members, setting out the date, time and place of the meeting at least three clear days before the meeting.
- 5.2 The notice contains or is accompanied by the agenda for the meeting and a list of the items of business, plus any documents and reports relating to these matters (with the exception of any matters that might be potentially subject to the making of an order of confidentiality).
- 5.3 The notice and agenda are also placed on public display at the principal office of the Council, and available via Council's website: [www.marion.sa.gov.au](http://www.marion.sa.gov.au), at the same time as they are forwarded to the Council members. Further copies are made available to the public at the meeting of the Council or Council Committee.
- Note: - these provisions apply to the Council and Council Committee meetings that have as part of their responsibility some regulatory activities and those other committees to which the Council has determined these procedures will apply. Where a committee is not performing a regulatory activity these procedures may be varied, eg; notice may be given in a form decided by the committee, and need not be given for each meeting separately. Public notice may be given at a place determined by the CEO taking into account the nature and purpose of the Council Committee [Part 3 of the Local Government (Procedures at Meetings) Regulations 2000].
- 5.4 Distribution of agenda papers to members of the Council, or members of a Council Committee, may contain items of business (including reports or documents) that include a recommendation from the CEO that a document or report on a particular matter may be considered in confidence to the exclusion of the public. Where this occurs, the CEO will identify the legislative ground(s) upon which the Council or Council Committee members can determine whether a confidentiality order is to be made.
- 5.5 If, upon consideration of the grounds under Section 90(3), the Council or Council Committee members do not make an order of confidentiality for an item that the CEO has recommended to be considered in confidence, then a copy of the document will be made available to the public.

## 6. Public Access to Meetings

- 6.1 Council (and Council Committee) meetings are open to the public and attendance is encouraged and welcomed. Meeting schedules are made available for public viewing on the website.
- 6.2 There are times where Council (or Council Committee) considers it necessary to exclude the public from the discussion of a particular matter. In these circumstances, Council (or Council Committee) will do so in accordance with Section 90(3) of the Act which outlines the circumstances when a meeting can be closed to consider a matter in confidence.
- 6.3 The public will only be excluded when the need for confidentiality outweighs the principle of open decision making, and that will be determined on a case by case basis, upon satisfying one or more of the grounds under Section 90(3) of the Act.
- 6.4 In accordance with section 90 of the Act, it is not unlawful for Members of Council, Council Committee members and staff to participate in informal gatherings or discussion provided that a matter which would ordinarily form part of the agenda for a formal meeting is not dealt with in such a way as to obtain, or effectively obtain, a decision outside of a formally constituted meeting of Council or Council Committee. Such meetings may for example be in the form of:
- planning sessions associated with the development of policies and strategies;
  - briefing or training sessions;

- workshops;
- social gatherings to encourage informal communication between members or between members and staff.

6.5 Informal gatherings will be in compliance with Council's 'Informal Gatherings Policy'

## 7. Matters Considered in Confidence

- 7.1 Before a meeting order that the public be excluded to enable the receipt, discussion and/or consideration of a particular matter, the meeting must, in public, formally determine that this is necessary and appropriate to do so, and then pass a resolution to exclude the public while dealing with that particular matter. If this occurs, everyone, except those persons permitted to stay by express inclusion in the resolution of Council (or Council Committee), must leave the room. Once Council, or Council Committee, has made the order it is an offence for a person, knowing that an order is in force, to enter or remain in a room in which such a meeting is being held.
- 7.2 Once discussion on a particular matter, including the making of a resolution made under Section 91(7) (if required) has concluded, the order to exclude the public lapses and the public are then permitted to re-enter the meeting. If there is a second or subsequent matter on the agenda to be considered in confidence it will be necessary for the Council or Council Committee to again undertake the formal determination process, and where satisfied resolve to exclude the public in the manner described above.
- 7.3 Council, or the Council Committee, can, by inclusion within the resolution, permit a particular person or persons to remain in the meeting. An example would be allowing a ratepayer who is suffering personal hardship to remain in the meeting when their circumstances concerning the payment of rates is being discussed.
- 7.4 When determining the order of matters on the agenda, Council or the Council Committee, will take into consideration the convenience of the public and the complexity of the matter to determine appropriate order.
- 7.5 In accordance with Section 90(3) of the Act, Council, or a Council Committee may order that the public be excluded in the following circumstances:
- 7.5.1 information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead);
  - 7.5.2 information the disclosure of which –
    - i. could reasonably be expected to confer a commercial advantage on a person with whom 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;
  - 7.5.3 information the disclosure of which would reveal a trade secret;
  - 7.5.4 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;

7.5.5 matters affecting the security of Council, members or employees of Council, or Council property, or the safety of any person;

7.5.6 information the disclosure of which could reasonably be expected to prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation of a criminal offence, or the right to a fair trial;

7.5.7 matters that must be considered in confidence in order to ensure that Council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty;

7.5.8 legal advice;

7.5.9 information relating to actual litigation, or litigation that the Council or Council Committee believes on reasonable grounds will take place, involving the Council or an employee of the Council;

7.5.10 information the disclosure of which –

- i. would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by Council); and

- ii. would, on balance, be contrary to the public interest;

7.5.11 tenders for the supply of goods, the provision of services or the carrying out of works;

7.5.12 information relating to a proposed amendment to a Development Plan under the Development Act 1993 before a Plan Amendment Report relating to the amendment is released for public consultation under that Act;

7.5.13 Information relevant to the review of a determination of Council under the Freedom of Information Act 1991.

7.6 Where Council, or a Council Committee, is considering making an order that the public be excluded on one or more of the grounds above it is not a relevant consideration that discussion of the matter in public may:

- i. cause embarrassment to the Council or the Council Committee concerned, or to members or employees of the Council: or

- ii. cause a loss of confidence in the Council or the Council Committee.

7.7 If a decision to exclude the public is taken, Council or the Council Committee will include details in the resolution of the making of the order and the grounds on which it was made and application of those grounds to the present matter without disclosing the issues giving rise to the confidentiality. Minutes of a meeting of Council or a Council Committee are publicly available within five days after the meeting.

## 8. Process to Exclude the Public and Consider a Matter in Confidence

- 8.1 Confidentiality provisions will only be utilised after careful consideration and when considered proper and necessary;
- 8.2 The grounds on which an order to exclude the public is made will be conveyed to the public at the time of the order being made and will be included in the minutes of the meeting which are available to the public within 5 days of the meeting;
- 8.3 Once discussion of the matter is concluded, the meeting will then consider if it is necessary to make an order that any report or other document or the minutes associated with the confidential agenda item remains confidential. In determining this, the meeting shall have regard to the provisions of Section 91 and in particular Section 91(8) which details when Council or a Council Committee must not order that a document in whole or in part remain confidential;
- 8.4 If a meeting determines that it is proper and necessary to keep a report or documentation confidential, then it must evidence this by resolution. Where Council or a Council Committee resolves to retain information as confidential Council or the Council Committee will specify the duration of the order or the circumstances in which the order will cease to apply or a period after which the order will be reviewed. In each case the review period must not be for a period longer than 12 months, in accordance with the Act.
- 8.5 Once discussion of the matter is concluded (and the public have returned to the meeting room), the decision of the meeting in relation to the matter will be made publicly known unless the Council has resolved to order that some information and all relevant decisions remain confidential, (eg the price to which the Council is prepared to bid for land yet to be auctioned).
- 8.6 Details relating to any order to keep information and/or discussion on the item confidential in accordance with Section 91(7) of the Local Government Act are also to be made known. When making a confidentiality order the meeting must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed, that period being no longer than 12 months. This along with the making of the order and the grounds on which it was made, is also recorded in the minutes.
- 8.7 In all cases the objective is that the information be made publicly available at the earliest possible opportunity.
- 8.8 Where a person provides information to Council or a Council Committee for consideration and requests that it be kept confidential Council is not able to consider this request unless the matter falls within one of the grounds under Section 90(3) of the Act. If this is the case, Council will then be in a position to consider the request on its relative merits.

## 9. Review of Confidential Orders

A confidentiality order made under section 91(7) of the Act must specify the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed. In any event, any order that operates for a period exceeding 12 months must be reviewed at least once in every year.

An order will lapse if the time or event specified has been reached or carried out. There is no need for the Council to resolve for the confidential order to be lifted. Once the order has lapsed, the minutes and/or documents automatically become public.

Orders that exceed 12 months must be reviewed annually and the Council must assess whether the grounds for non-disclosure are still relevant and, if so, provide the relevant grounds and reasons for the minutes and/or documents remaining confidential. The conduct of the annual review can be delegated to the Chief Executive office and sub-delegated to an employee of the Council if appropriate. If there are any items that require a fresh confidentiality order because the original order is about to expire, then the reviewer will prepare a report to Council making recommendations with respect to each item to be retained in confidence. Each item must then be addressed separately and assessed against section 90(3) and section 91(7) of the Act. While a Council may delegate the power to undertake an annual review, the Council cannot delegate the power to apply sections 90(3) and 91(7) of the Act.

A Council may resolve to exclude the public from a meeting to discuss and undertake consideration of the recommendations arising from the annual review in confidence, subject to the application of the relevant ground under section 90(3) of the Act. Section 90(3) of the Act must be applied separately to each item and not en bloc.

If there is no longer any need for the confidentiality order then the Council or Council Committee may delegate to an employee of the Council the power to revoke an order made in accordance with section 91(7) of the Act. The Council or Council Committee may also include in the resolution whether any delegation is given to an employee to revoke the order and if relevant, any conditions associated with the delegation.

## 10. Public Access to Documents

Various documents can be available for inspection and purchase (for a fee) by the public. Council may also make a document available in electronic form and place it on the Internet for public access.

The Council or the Council Committee will only order that a document associated with a discussion from which the public are excluded is to remain confidential if it is considered proper and necessary in the broader community interest.

The Council or the Council Committee can only resolve to keep minutes and/or documents confidential under section 91(7) if they were considered in confidence pursuant to sections 90(2) and 90(3).

Where keeping a document confidential is considered proper and necessary, a resolution to this effect is required which shall include:

- the grounds for confidentiality; and
- the duration of the order or the circumstances in which the order will cease to apply, or a period after which the order must be reviewed – if the order has a duration of more than 12 months, the order must be reviewed at least once in every year;
- (if applicable) whether the power to revoke the order will be delegated to an employee of the Council. [s.91(9)]

Requests to access Council and Council Committee documents can be made under the *Freedom of Information Act 1991*. Inquiries in relation to the process for seeking access to documents held by Council should be directed to Council's accredited Freedom of Information Officer.

## 11. Accountability and Reporting to the Community

11.1 To support Council's commitment to the principle of accountability to the community, Council will report, on an annual basis, in relation to its use of the confidentiality provisions. Council will report on the following information in its Annual Report:-

- i. the number of occasions Council or a Council Committee resolved to exclude the public; and
- ii. the relevant provisions within section 90 (3) of the Act that were utilised to exclude the public.

## 12. Review of Council Decisions

12.1 The Act provides that Council is required to establish procedures for the review of a decision in relation to the operation of:

- 12.1.1 Council or a Council Committee
- 12.1.2 An employee of the Council
- 12.1.3 Other persons acting on behalf of the Council.

12.2 Where a person is aggrieved about a decision under Section 90 of the Act to restrict public access to either a meeting or a document, they may apply for consideration under the Review of Decisions procedure that has been established in accordance with section 270 of the Act.

## 13. Availability of the Code

13.1 The public may inspect a copy of this Code, without charge, at the Council offices during office hours.

13.2 A copy of the Code will be made available on the Council Website ([www.marion.sa.gov.au](http://www.marion.sa.gov.au)).

13.3 Further enquiries about the Code should be directed to the Manager Corporate Governance or by telephoning Council on 8375 6600.

## 14. Review Process

14.1 The Act requires that the code be reviewed within 12 months of a periodic election (i.e. every 4 years). Council has the right to review this code at any time.

14.2 Before a Council adopts, alters or substitutes the Code it must;

- 14.2.1 Make copies of the proposed code, alterations or substitute code (as the case may be) available for inspection or purchase from the Council's principle office.
- 14.2.2 Follow the relevant steps set out in its public consultation policy.

## 15. DEFINITIONS

**Agenda** – A list of items of business to be considered at a meeting.

**Clear Days** - The time between the giving of the notice and the meeting is determined excluding the day on which the notice is given and the day of the meeting eg; notice is given on a Thursday for a following Monday meeting, the clear days being Friday, Saturday and Sunday.

**Council Committee** - A committee of Council established under section 41 of the Local Government Act 1999 or any other Committee established under the Act, including any subcommittee.

**Deputation** – a person or group of persons who wishes to appear personally before the Council or Council Committee in order to address the Council or Committee on a particular matter.

**Minutes** – a record of the items discussed and the resolutions made of a meeting of Council or Council Committee.

**Personal Affairs** - being a person's financial affairs, criminal records, marital or other personal relationships, personal qualities, attributes or health status, or that person's employment records, employment performance or suitability for a particular position or other personnel matters relating to the person but does not include the personal affairs of a body corporate.

**The Act** – *Local Government Act 1999*

## 16. REVIEW AND EVALUATION

Review due July 2023.

**City of Marion submission on the review of the Local Nuisance and Litter Control Act 2016**

<b>Originating Officer</b>	Team Leader Community Safety - Luke Manuel
<b>Corporate Manager</b>	Manager Development and Regulatory Services - Warwick Deller-Coombs
<b>General Manager</b>	Acting General Manager City Development - Fiona Harvey
<b>Report Reference</b>	GC190924R12

**REPORT OBJECTIVE**

The purpose of this report is to inform Council of a discussion paper relating to the review of the Local Nuisance and Litter Control Act 2016 (LNLC Act) and seek endorsement of the attached submission.

**EXECUTIVE SUMMARY**

The Local Nuisance and Litter Control Act 2016 (LNLC Act) passed Parliament on 18 May 2016. The Act commenced in two parts. The Regulations and all elements of the LNLC Act except for those specific to local nuisance offences commenced on 1 February 2017. The local nuisance offences commenced on 1 July 2017. The first anniversary of the full commencement of the LNLC Act was 1 July 2018. The Environment Protection Authority (EPA) are now conducting a minor review of the Act and are currently conducting stakeholder consultation. The EPA released a discussion paper in July 2019 (Attachment 1).

The Administration has prepared a submission (Attachment 2) as part of the consultation process and now seek Council's endorsement.

The Local Government Association (LGA) has also prepared a draft submission which the Administration is generally supportive of. The LGA has given permission to provide a copy of their draft submission in this report (Attachment 3), noting that it is still a draft and has not yet been endorsed by the LGA Board.

**RECOMMENDATION**

That Council:

1. Notes the attached Local Nuisance and Litter Control Act discussion paper (Appendix 1) and Local Government Association draft submission (Appendix 3).
2. Endorses the submission on the review of the Local Nuisance and Litter Control Act 2016 as attached to this report in Appendix 2, for submission to the EPA.

**Legal / Legislative / Policy:** Local Nuisance and Litter Control Act 2016

**Timeline** Comments on the review are due by Friday 4 October 2019

## DISCUSSION

The LNLC Act has been in place for over a year and the EPA has determined now is a useful time to undertake a review of the Act. The EPA has advised that the feedback they have received from councils, the community and other stakeholders indicate there is potential to fine-tune elements of the legislation. This review considers the functionality of the legislation and the effectiveness of the legislation within the context of whether the scope of the legislation is appropriately addressing nuisance complaints, littering and illegal dumping issues in the community.

Administration has reviewed the discussion paper and participated in a work shop with the EPA on the review and the proposed changes. The discussion paper raises several issues that will have an impact on the City of Marion if changes are made to the Act. The key concerns relate to further expanding local government's role in addressing local nuisance issues. LNLC Act investigations are rarely simple and require significant investigation and customer management to resolve. Any expanded role will ultimately have a further impact on resources and service delivery. When the LNLC Act was introduced and the enforcement responsibilities of nuisance matters were passed from the EPA to local government no funding or resources were provided directly to councils. Councils have had to absorb the costs of enforcement and management of the Act with the impacts of the LNLC Act only now being realised. From 1/7/2018-30/6/2019 the City of Marion received 347 additional complaints related to nuisance noise, dust, odour, smoke and other animal matters captured under the LNLC Act. This equates to a 6.8% increase in total events for the Community Safety Inspectors however it does not show the level of complexity that LNLC Act investigations generally entail. The current staff for the Community Safety Inspectors is 5.5 FTE, having been reduced as of 1 April 2019. (This will be reviewed after 1 April 2020). The number and complexity of the matters being managed under the LNLC Act is estimated to take approximately 1.0 FTE. Further changes resulting in more responsibility resting with councils will increase this redirection of resources.

Several of the proposed amendments dealing with section 18 exemptions and litter (including shopping trolleys) may provide improvements to our current enforcement responsibilities however it is not in Council's interest to support any changes that will increase local government responsibilities without a commitment of resource funding from the State Government to support the change. It should be noted that the LGA submission advises that the LGA is undertaking research this financial year to quantify the financial impacts of the LNLC Act on councils. The LGA is suggesting that the State Government should provide on-going funding to councils to support the administration of the Act.

## Attachment

#	Attachment	Type
1	Attachment 1 - LNLC Act Discussion Paper 2019	PDF File
2	Attachment 2 - City of Marion Submission on the Review of the Local Nuisance and Litter Control Act 2016 27.8.19	PDF File
3	Attachment 3 - Draft LGA Submission to LNLC Act Review	PDF File

# Review of the *Local Nuisance and Litter Control Act 2016* discussion paper

Issued July 2019

*EPA 1115/19: This discussion paper outlines issues being considered in a review of the Local Nuisance and Litter Control Act 2016.*

## 1 Introduction

The *Local Nuisance and Litter Control Act 2016* (LNLC Act) passed Parliament on 18 May 2016 and the Governor in Executive Council gave assent on 26 May 2016. The Act commenced in two parts. The Regulations and all elements of the LNLC Act except for those specific to local nuisance offences commenced on 1 February 2017. The local nuisance offences commenced on 1 July 2017.

The LNLC Act provides the community with a more effective and consistent local service for the management of nuisance complaints and heightened deterrence for littering and illegal dumping.

The LNLC Act provides a modern legislative scheme for litter control in South Australia including tiered offences depending on the type of litter (small versus large quantities, dangerous and hazardous litter); improvements in the use of surveillance for evidence gathering in the case of illegal dumping (linking an offence to the registered owner of a vehicle); allowing non-government organisations to undertake compliance activities (subject to approval); and for public reporting of littering and illegal dumping.

The first anniversary of the full commencement of the LNLC Act was 1 July 2018. This milestone provides a useful prompt to undertake a minor review of the operation of the LNLC Act. Feedback from councils, the community, and other stakeholders indicate that there is potential to fine-tune elements of the legislation. This minor review will consider the functionality of the legislation and the effectiveness of the legislation within the context of whether the scope of the legislation is appropriately addressing nuisance complaints, littering and illegal dumping issues in the community.

This paper discusses issues that have been identified as requiring review. In addition to comment on the issues presented in this paper, the Environment Protection Authority (EPA) welcomes any further feedback from stakeholders on the legislation. All issues raised during consultation will be considered by the EPA and responded to through a report on the consultation. Following the consultation period a report will be submitted to the Minister for Environment and Water, Hon David Speirs MP for his consideration. The EPA will assist the Government with any amendments that they seek to progress.

Comments on the review are due by **Friday, 4 October 2019**.

Comments may be forwarded by mail or email to:

Review of the Local Nuisance and Litter Control Act 2016  
Environment Protection Authority  
GPO Box 2607  
ADELAIDE SA 5001  
Email: [epainfo@sa.gov.au](mailto:epainfo@sa.gov.au) (mark subject as Review of Local Nuisance and Litter Control Act)

Emailed submissions are preferred.

All submissions received by the EPA during the consultation period will be acknowledged and treated as public documents unless provided in confidence, subject to the requirements of the *Freedom of Information Act 1991*, and may be quoted in reports.

## 2 Implementation of the Local Nuisance and Litter Control Act 2016

As part of consultation with the Local Government Association (LGA) during development of the LNLCA Act, the EPA agreed to provide a range of support services designed to assist local government with the transition to managing local nuisance issues. A service level agreement (SLA) was entered into for the provision of support services for environmental nuisance matters.

Under the terms of the SLA the EPA, since commencement of the LNLCA Act, has provided:

- one staff member to manage and coordinate implementation of the LNLCA Act in close consultation with the LGA and individual councils
- access to operational staff to directly assist councils in the areas of operational administration, application of compliance standards and dealing with difficult issues
- equipment to assist councils to respond to nuisance issues
- training to council staff
- a suite of fact sheets, guidelines and standard operating procedures for use by councils;

The EPA has attended all regions of the state and provided training to 330 council staff in relation to local nuisance, in addition to 220 council staff trained in litter provisions of the LNLCA Act.

Councils continue to be in regular contact with the EPA. The types of issues addressed have ranged from basic training and information around roles and responsibilities and introduction of the LNLCA Act, through to more complex issues including field-based assistance and training in use of noise meters.

## 3 Local nuisance discussion points

The local nuisance provisions of the LNLCA Act allow councils to manage various nuisance issues in their community. Nuisances covered by the legislation include environmental nuisances (eg smoke and noise), insanitary conditions and more general amenity nuisances (eg unsightly premises). These nuisances were previously addressed using the *Environment Protection Act 1993* (EP Act), *Local Government Act 1999* or the *South Australian Public Health Act 2011*. Since the commencement of the local nuisance elements of the LNLCA Act on 1 July 2017 there have been various minor issues raised with the EPA. These issues are outlined in the sections below and comment is invited as to whether change is required, and if so, what changes would be most suitable.

### 3.1 What is and is not local nuisance?

The LNLCA Act describes the meaning of local nuisance in section 17 with the ability to further refine the definition of what is and is not local nuisance through Schedule 1 of the LNLCA Act. The definition was refined following consultation feedback from councils on the draft Bill which had light and heat within the meaning of local nuisance. These were removed to ensure the starting point for regulation of nuisance was manageable by councils and not too broad. Further

consideration of the addition of light and heat at a later date once the Act had been implemented was noted in the consultation report for the draft Bill. As an alternative the Act provides the ability to prescribe specific types of nuisance that might include light or heat in the regulations with the agreement of local government to do so. An example of this is 'vibration', prescribed in Part 2 of Schedule 1.

A number of determinations as to what is not local nuisance are also included in Part 3 of Schedule 1 of the LNLC Act. These listings fall within three categories. The first category of listings is where the issue of nuisance is adequately managed under alternative legislation. This is where an activity is approved under other legislation, the approval or conditions of the approval adequately minimise or prevent nuisance impacts, and those conditions are complied with.

An example of this is a development authorisation with conditions of approval related to time of operation that effectively limits noise to reasonable business hours [covered by Clause 5(d)]. In this circumstance the noise from the day time operation would need to be considered reasonable for the approved activity. This ensures that the development system takes precedence in determining the appropriateness of a land use for a certain location. By comparison, if an approved development had no relevant noise controls in place through condition of approval or had conditions relating to noise control but these conditions were not being complied with, both the Development Act 1993 and LNLC Act could be applied to gain compliance.

The second category of listings is where another Act contains a resolution or complaints process for nuisance issues. An example of this is the *Strata Titles Act 1988* that contains remedies for nuisance within a strata management group. A further example of this type, the *Liquor Licensing Act 1997*, is discussed in detail later in this paper as to whether the provisions of that Act are appropriate to cover all forms of nuisance or are better limited to entertainment type nuisances from established premises.

The third category of listings is where the nuisances are considered a reasonable feature in the community. These include noise from a school or kindergarten, or emergency vehicle sirens.

## **4 Review of current inclusions and exclusions**

### **4.1 Local nuisance management and liquor licensing**

The Liquor Licensing Act 1997 (section 106) provides a complaints process for most forms of nuisances from premises licensed under that Act. So as to avoid conflict between this legislation and the LNLC Act, any form of nuisance that can be dealt with under the Liquor Licensing Act is excluded from being regulated under the LNLC Act through Schedule 1 ('things that are not local nuisance'). As a result, councils have no ability to apply the LNLC Act for most forms of nuisance, and complaints can only be managed by the Office of Liquor and Gambling, under the Liquor Licensing Act.

#### **4.1.1 Bricks and mortar licensed premises**

In the context of bricks and mortar licensed premises this means nuisance noise from air conditioners or other plants on the property that would be addressed under the LNLC Act by councils on any other type of commercial premises cannot be addressed. While the process under the Liquor Licensing Act can address nuisances that are not specific to licensed premises the LNLC Act provides a more timely response in these scenarios. Council officers would be more familiar with addressing them than officers from the Office of Liquor and Gambling, who would generally deal with music and patron noise issues.

#### **4.1.2 Outdoor events with a liquor licence**

There are also issues with the application of the exclusion to the management of outdoor events. Firstly, the application of the exclusion in circumstances where only part of an event space has a liquor license is problematic. The exclusion only applies to the area that is licensed and therefore the remainder of the event is able to be dealt with under the LNLC Act. This creates problems where council compliance staff are unable to address complaints about nuisances emanating from a licensed area of an event.

A further issue specific to outdoor events is caused because they are inevitably annual or one-off and of a short duration. For outdoor events that are licensed (in part or full), the process under section 106 of the Liquor Licensing Act does not provide for immediate compliance intervention and therefore provides limited deterrence and compliance options in these circumstances. Section 106(3a)(b) provides that no conciliation meeting or other hearing may be held on the complaint until the period of 14 days has elapsed from the day that the licensee is served with a copy of the complaint. This leaves the community with no reasonable avenue to address a nuisance.

### **Possible solutions**

These issues could be easily resolved by amending the exclusion in the LNLC Act to better reflect the specific types of nuisance that are envisaged to be dealt with under the Liquor Licensing Act 1997 being noise associated with the service of alcohol, such as entertainment and patron noise from 'bricks and mortar' licensed premises. This would ensure that common nuisances that are not linked to the service of alcohol and those associated with outdoor events (not associated with bricks and mortar venues) are able to be managed under the LNLC Act.

As an example, a noisy compressor at a hotel is no different to a noisy compressor from a supermarket, has no relationship with the service of alcohol, and should be regulated in the same manner. Events, that will usually have council involvement (eg food inspections, road closures, etc) can also be managed by council in a more responsive manner that meets community expectations if such an amendment were to be made. The Liquor Licensing Act may also benefit from greater clarity as to types of nuisance that its nuisance process is designed to deal with.

#### **Questions:**

Should noise and other nuisances, other than those related to entertainment and patrons, that are common to licensed and non-licensed premises be dealt with under the LNLC Act?

Should the LNLC Act be amended so that outdoor events can be subject to the local nuisance provisions despite the fact that some or all of the event space also requires a liquor licence?

Would there be benefit in amending the nuisance provisions of the Liquor Licensing Act 1997 to better align with the LNLC Act?

## **4.2 Interaction with other legislation**

The LNLC Act sets out a number of exclusions related to different Acts in Part 3 of Schedule 1 where the issue of nuisance is adequately managed under the alternative legislation or where another Act contains a resolution or complaints process for nuisance issues. Comment is sought as to whether the current suite of exemptions related to legislation is sufficient or whether there are other Acts that also address local nuisance issues and should be considered for exclusion.

Question: Is the current suite of exclusions related to other legislation that deals with local nuisances sufficient or are there other Acts that also address local nuisance issues that should be considered for exclusion under Part 3 of Schedule 1?

## **4.3 Animals living in their 'natural' habitat**

Noise, odour or waste from animals living in their natural habitat are declared as not being local nuisance under Schedule 1, Clause 5 of the LNLC Act with the exception to this being where animals have been actively encouraged, by feeding, to gather in a particular area. The term 'natural' is not defined in the Act and takes its common meaning being (Macquarie Dictionary): '1. existing in or formed by nature; not artificial: a natural bridge'.

A query was made by a local government officer to the EPA as to whether this definition may extend to the naturalised habitat of mice, rats and pigeons in human structures. Based on the definition above such naturalised habitat should not be considered the same as natural habitat (mice, rats and pigeons in human structures can be considered a local

nuisance) however comment is sought on whether any improvement such as a set definition is necessary.

Question: Is there any need to set a definition for natural habitat?

#### 4.4 Noise from sporting activities – motorsports

Noise or other nuisance from sporting or associated activities at sporting venues is declared as 'not local nuisance' and therefore excluded from regulation under the LNLC Act, on the basis that sports venues are widespread, provide an important community function, and noise, in particular, is incidental to the playing of sport at the venue.

Motorsports is a form of sport that produces considerably more noise than other sports. Motorsports venues, and the noise generated, are mostly already regulated through other legislation (*Development Act 1993*, EP Act and *South Australian Motorsport Act 1984*).

All new and upgraded motorsports venues require a development approval to operate. Development approvals should include conditions to control noise impacts such as limited hours of operation. If a motorsports venue is proposed within 3 km of residential premises not associated with the premises the development application must be referred to the EPA who has the ability to direct refusal or apply conditions to limit impacts. If a motorsports venue is less than 200 metres from a residential premises not associated with the venue it requires a licence under Schedule 1, Activity 8(5) of the EP Act.

If motorsports venues were removed from the exclusion for sporting venues the majority of venues would still not be regulated under the LNLC Act. This is because the Act does not apply to EPA licensed premises or development authorisation approved activities (as discussed earlier) that have conditions to minimise nuisance from the activity (see section 5 and Part 3 of Schedule 1 of the LNLC Act). This reflects the design of the LNLC Act so as not to apply duplication of regulation on activities that are effectively regulated for nuisance impacts under other legislation.

The only motorsports venues that would be able to be regulated by the LNLC Act in this scenario is where development authorisations are lacking conditions that minimise noise impacts on neighbouring residents and those older venues with existing land use rights that do not have a relevant approvals or conditions of approval. The LNLC Act could be used to apply similar controls as would be applied to a new or upgraded facility through the development system with the use of a nuisance abatement notice. Currently the Environment Protection Act 1993 may still be used to regulate such issues.

Question: Should the exclusion for noise and associated nuisances from sporting or associated activities at sporting venues be amended to remove motorsports venues from the exclusion allowing such activities to be regulated under the LNLC Act only in cases where they are not already regulated under a development approval or EPA licence?

#### 4.5 Possible new 'things that are local nuisance'

##### 4.5.1 Light as an agent of local nuisance

Light and heat were included in the definition of local nuisance when the Bill for the LNLC Act was first consulted on in 2015 but subsequently removed prior to the Bill being introduced into Parliament due to feedback from councils that the definition in the Bill was too broad. Since the Act has commenced there have been a number of councils who have indicated that being able to deal with light nuisance under the Act would be useful.

Light is, considered a statutory form of nuisance under Queensland and ACT legislation, is also considered a statutory form of nuisance in the United Kingdom. Light nuisance in a domestic setting is generally easy to resolve through better screening and redirection of lighting or use of timers. Light from larger sources (eg sporting fields and commercial premises) may prove more difficult but, as with all other nuisances regulated by the Act, light nuisance would operate within the due diligence defence provisions in section 27 of the Act where reasonability of actions to ameliorate a nuisance is a relevant consideration. For example, it would be unreasonable for a sporting venue to remove its lights but may be reasonable to adjust direction, upgrade to technology with less light spill or apply a curfew on their use.

Question: Should light be included as an agent causing local nuisance that can be regulated under the Act and if not, what issues would prevent its inclusion?

#### 4.5.2 Noise from vehicles – revving, alarms, off-road motorbikes

The LNLC Act currently excludes noise from vehicles other than vehicles operating within, or entering or leaving, business premises and from waste transport vehicles on roads and road-related areas. This is because it is impractical to apply regulation to general traffic noise, including noisy vehicles on roads, at a specific locality because the vehicles that are causing the noise (and the nuisance) are transiting the location irregularly and cannot, individually, be identified as the source of the nuisance associated with the locality. South Australia Police have powers under the *Australian Road Rules* (rule 291) to deal with individual vehicles that are identified on roads as being unreasonably noisy.

Following the implementation of the legislation it is apparent that there are examples where nuisance is emanating from an identifiable individual vehicle at a specific locality that the exclusion may currently apply to. The examples identified to date are revving of engines on residential premises, running of food refrigeration vehicles on domestic premises overnight, faulty car alarms, and recreational use of off-road motorbikes (not associated with primary production activities).

Question: Should the exclusion relating to noise from vehicles be amended to ensure nuisance from vehicles that is not associated with use on roads is able to be regulated as local nuisance and are there any other examples that should be considered?

### 4.6 Possible new ‘things that are not local nuisance’

#### 4.6.1 Dust from unsealed roads

Some councils receive complaints regarding dust nuisance generated from unsealed roads. There are tens of thousands of kilometres of unsealed roads throughout South Australia, and it is not practical and would be cost prohibitive to seal all roads and maintain them. Councils are able to assist with nuisance dust where the issue is considerable by erecting signage regarding dust nuisance or reducing speed limits in impacted areas. The LNLC Act attributes responsibility for nuisance by applying to a person carrying on an activity that results in nuisance, or through failure to act. To ensure that councils are not deemed responsible for nuisance dust from unsealed roads through a perverse interpretation of ‘failure to act’ as a result of not sealing a road it is suggested that dust from unsealed roads should be prescribed as ‘not local nuisance’.

Question: Should dust from unsealed roads be considered ‘not local nuisance’ for the purposes of the Act and if not, what circumstances would justify allocation of responsibility to a council?

#### 4.6.2 Noise from public infrastructure – application to vibration and extent of the exclusion

Noise from public infrastructure works is prescribed as ‘not local nuisance’ under Schedule 1 of the LNLC Act. It is prescribed so that infrastructure works which benefit the public are not unduly regulated where the nuisance is unavoidable. While dust can be attenuated, noise is often extremely hard to minimise when working on public infrastructure. Examples include evening or overnight roadworks or water infrastructure maintenance where a certain amount of noise is unavoidable and must be carried out overnight to avoid traffic disruption.

It is evident that public infrastructure earthworks such as the examples given may also result in some level of vibration impact caused by compacting of road base associated with the works. The vibration impact would be minimal in most circumstances and it is proposed to prescribe that vibration from public infrastructure works is not local nuisance. Dilapidation reports (used to assess the state of a building before and after an activity that produces vibration to identify any damage and provide evidence for claiming of damages) may also be available as an alternative to regulation prior to commencement of major public infrastructure projects.

A further issue that has arisen is the extent of the exemption for noise from public infrastructure. While there are roadworks, water pipe repairs and the like that may need to occur late at night and with limited advance notice to fix an issue and avoid disruption to traffic (as discussed earlier). There are other examples of public infrastructure works that may not necessarily need to be conducted at night or in the early morning other than for convenience. One example is concreting works associated with a public hospital redevelopment. Under the terms of the exclusion there are no limits to the nuisance caused to neighbouring properties from this activity whereas the same activity on another site would be regulated by the LNLC Act.

The benefit of applying the Act to such scenarios is that where there is a valid need an exemption (under section 19) can be sought and, as part of that process, neighbours can be informed by the applicant and complaint mechanisms put in place by the applicant such that the council should receive less complaints.

**Questions:**

Should the exclusion of noise from public infrastructure be extended to also exclude vibration from public infrastructure?

Should the exemption for public infrastructure be limited to activities where nuisance cannot reasonably be avoided or managed?

#### **4.6.3 Early morning concrete pours in hot weather**

An occasional source of noise complaints in the community is the early morning commencement of concrete pours associated with construction within residential areas. Early morning pours are done either due to the size of the pour or to accommodate extreme weather conditions that might affect the structural integrity of the concrete. Heat-related issues can be overcome to some extent with curing additives, and sealants applied after the pour. Whilst there are alternative approaches available, this form of nuisance is usually a one-off event, has technical merit and warrants consideration of allowing early starts through some form of exemption where extreme heat is forecast. It would be important to set limits on what constitutes a reasonable early start time and to ensure the forecast temperature is easily verified by compliance staff so that it is not abused by operators over summer months.

**Questions:**

Should provision be included to allow for early morning concrete pours during extremely hot weather?

If allowance was made, what are relevant considerations regarding applying limitations such as temperature and start time?

## **5 Waste collection vehicles – application beyond roads and road-related areas [section 5(5)]?**

The LNLC Act is designed so that the majority of activities licensed by the EPA are excluded as they are already regulated directly by the EPA under the EP Act. The exceptions to this are activities that are undertaken associated with a vehicle, including: earthworks drainage, dredging and waste transport.

This is for two reasons. Firstly, that litter from such vehicles is better dealt with under the provisions of the LNLC Act and to exclude these vehicles would have made the operation of a public litter reporting program more difficult in that checks would need to be made against a list of licence plates which would need to be kept up to date. The second reason is that the general public should have confidence in reporting nuisances to the appropriate regulator in that neighbours of an EPA licensed site would generally know to make complaints to the EPA whereas a complainant aggrieved by a nuisance from a mobile activity would be unlikely to know that the activity is licensed by the EPA.

The wording of the current exclusion is limited to 'roads and road-related areas', as defined in the *Road Traffic Act 1961*. While the common meaning of these terms might seem to limit the application to public roads and nearby areas, the definitions extend their meaning to include private property areas that are publicly accessible to pedestrians, bicycles and

motor vehicles. The way that the exclusion is written means that, in the case of waste transport vehicles, the LNLC Act generally applies to nuisance generated by them except when operating on private property that is not accessible to the public, as noted above. This creates a regulatory arrangement that is very difficult to communicate and creates unnecessary difficulty when assessing alleged nuisance from waste transport vehicles that are operating on private property.

Question: Should the LNLC Act apply to waste transport vehicles operating on private property as well as when operating on roads and road-related areas?

## 6 Improve subjective assessment of nuisance or introduce objective measures of compliance

Subjective assessment is provided for in section 50 of the LNLC Act to allow authorised officers to assess the presence of nuisance using their own senses. This may include aural assessment of noise, visual assessment of dust or smoke nuisance, and odour assessments. Regulations (regulation 4) under the Act provide guidance on various considerations when making a subjective assessment of the presence of nuisance. The broader experience of the EPA in assisting councils with the implementation and administration of the Act is that subjective assessment is being used effectively to assess nuisance complaints, will improve with experience, and could be further improved by further training from the EPA in subjective assessment.

Sensory evidence, or subjective assessment, is not new when dealing with nuisances throughout Australia. In South Australia it is already provided for under provisions identical to those in the LNLC Act, under section 139(4) of the EP Act. Tasmania, Queensland and Victoria all allow subjective assessment by councils of nuisance. In Victoria, they prohibit the use of domestic air conditioners overnight where noise is audible within a habitable room of another residential premises. Audibility of noise is a very straightforward use of subjective assessment whereas determining the reasonability of an audible noise is less so.

While there are provisions in the Act that support subjective assessment, there is nothing in the Act, as is also the case with the EP Act that prevents the taking of objective measurements as part of determining whether there is sufficient evidence that an offence may be occurring.

One issue that may arise, in the area of noise nuisance, is where a subjective determination of noise nuisance is made relating to a complaint where the noise is of a nature that is borderline with regard to causing nuisance and a further objective measurement (taken after the subjective determination by the alleged offender or a third party) may appear contradictory. For this reason, all noise complaints of a borderline nature should be assessed with an element of objective measurement to ensure that compliance requirements are reasonable and effective. Subjective assessment is still useful for very obvious offences and for obviously unreasonable complaints.

Under the EP Act, the *Environment Protection (Noise) Policy 2007* (Noise Policy) provides objective guidance on what is considered to meet the general environmental duty (section 25 – reasonable and practicable measures) relating to noise. In essence, this sets noise standards for compliance with the general environmental duty.

The LNLC Act has similar to the general environmental duty under section 27 – defence of due diligence. Assessment of noise against the Noise Policy to assist in determining whether the defence of due diligence is likely to be applicable is appropriate in cases where the noise is of a borderline nature. However, a similar approach could be incorporated into the LNLC Act or Regulations to provide clarity around the use of such an approach.

Current guidance to local government could be updated to incorporate a process chart that councils can use straightforward noise nuisances (high end, low end, and matters of fact/time related) with subjective assessment alone, and for making a subjective determination (not limited to subjective assessment) of borderline or other complicated noise nuisance issues that incorporates an objective assessment using the Noise Policy or a similar scheme established under the Act to provide certainty in assessments. Such a procedure could also be incorporated into the Regulations to build on the guidance provided by regulation 4.

There are other options that could be considered to improve the application of the subjective assessment approach within the legislation. Non-legislative approaches could include further training of local government staff or the development of a standard operating procedure that could be adopted by councils.

A further legislative option specific to key domestic noise sources such as air conditioners, would be to apply a similar approach as Victoria where audibility of certain noise sources from habitable rooms of a residential premises during night-time hours, except under exceptional circumstances such as extreme weather, is prohibited.

**Questions:**

Would any of the options discussed improve the assessment of noise nuisance under the LNLC Act?

Are there any other suggestions to improve the assessment of noise nuisance under the LNLC Act?

## **7 Litter discussion points**

### **7.1 Allowing councils to clean up and recover costs after if a hazard exists**

The LNLC Act does not prevent councils from urgent clean-ups of littered material, however it does not allow for cost recovery in these circumstances. The Act provides that a Litter Abatement Notice may be issued to the person responsible for the litter that requires, among other things, that they clean it up. Such a notice would also include a timeframe for the clean-up to occur. If the notice is not complied with then the council may clean up the material and charge the person responsible for the cost of that clean-up.

This scenario is fair and reasonable in most situations as it provides procedural fairness to the alleged offender. When there is material littered that causes a hazard whether a health or environmental hazard or a physical hazard (eg in the middle of a road) it may be a reasonable community expectation that the material is cleaned up immediately. This may not always be able to be done by the offender as the offender may not even be known to authorities early on.

The Act does provide for the court to order costs be paid by the convicted party for such matters (section 45) but only where there is a conviction. The civil penalty provisions of the Act (section 34) do not provide a specific remedy in this regard as the maximum civil penalty is the maximum penalty for the offence plus any illegally obtained economic benefit. It could be argued that part of the penalty applied could be used to offset the cost of clean up or alternatively, that the clean-up cost was an avoided cost of economic benefit to the alleged offender and recoverable. An option to explore could be a retrospective order of costs for such a scenario where an offender is identified but a conviction, for whatever reason, is not pursued. This could possibly be achieved through an extension to section 48 where councils may currently recoup technical and administrative costs.

**Question:** Should a retrospective costs order be made available to councils where immediate clean-up of litter is required because it is causing a hazard?

### **7.2 Bill posting – car parks and expiations**

Under the LNLC Act a person must not post a bill on property without the consent of the owner or occupier of the property. This covers posting of bills on buildings, cars and other property but it is unclear as to whether, where bill posting is occurring on vehicles within a carpark, whether the carpark constitutes 'on property' or whether it only applies to the cars. This is important as a car park owner may be aggrieved by the posting of bills on their land but may not have recourse to deal with it themselves. The ability to address the bill posting would rest with the owner of a car in the carpark. This may need improvement as it is the owner of the carpark that will be responsible for removing the resulting litter and, where offensive material is being distributed, may suffer reputational damage.

The Act currently only provides for a court imposed penalty for persons that authorise bill posting. Court proceedings are a considerable cost to councils and alleged offenders and an expiation will provide deterrence from reoffending in many instances. An expiation amount for section 23(2) would overcome this issue.

Question:

Should car park owners be able to commence proceedings for distribution of bills on their premises?

Should there also be an expiation for the offence of authorising bill posting?

### 7.3 Illegal dumping

Illegal dumping is a considerable issue in the community and the LNLC Act introduced a number of tools to assist councils with compliance and cost recovery. Such initiatives include the following:

- Vehicle owner responsibility provisions that allow for surveillance of illegal dumping hotspots and for reports of vehicles being used for illegal dumping to be better followed up for possible prosecution.
- Higher penalties and expiations for acts of illegal dumping.
- Specific penalties for asbestos dumping.
- Ability to order clean-ups where the offender is known.
- Ability to undertake the clean-up and charge the offender where the offender does not comply with a litter abatement notice.

Question: Are there any suggested changes to the LNLC Act that would assist in tackling illegal dumping?

### 7.4 Trolleys

Trolleys that are dumped outside of shopping centres constitute littering under the LNLC Act. The offence applies to the person doing the littering, not the owner of the trolley. Council officers are rarely present to witness the act of littering and there is little in the Act to resolve the problem effectively. The act of littering does not extinguish ownership rights for these articles.

There are a number of approaches that could be considered further to assist councils with the management of trolleys in their area. Many of these were raised at a 'Shopping Trolley Summit' hosted by the City of Marion in July 2018. Extension of the litter abatement notice provisions such that they can be issued to the owners of trolleys requiring collection or preventative measures to be implemented is one way that this might be achieved.

The ACT has a scheme in place to better manage trolleys dumped in the community. It should be noted however that the ACT government provides all local government services as there are no councils in the ACT. In any other State or Territory the programs established for trolleys in the ACT would be administered by local government.

The ACT scheme is summarised below:

- the creation of offences against the improper use of shopping trolleys including removal of trolleys from shopping centres
- a retailer must place signage warning people against taking shopping trolleys outside a shopping centre precinct;
- requirement upon a retailer that they keep trolleys on their premises with an exemption from this requirement if a trolley containment system is in place (eg deposit or wheel locks)
- the provision of identification on shopping trolleys to assist their collection if abandoned
- a proactive trolley collection scheme that allows the government to respond to a trolley problem in a specific area.

Some councils across Australia have introduced local bylaws to manage the issue. For example, Alice Springs Town Council's bylaws allow council officers to fine people caught abandoning trolleys, impound trolleys collected from council land, charge the owner of the trolleys a release fee, require the owner to collect the trolleys, and to dispose of the trolleys if not collected. In the context of this review, such provisions could be written into the LNLC Act as general provisions that councils could utilise at their discretion. Alternatively it could be left to councils to create their own bylaws in this area.

One issue that needs consideration when applying stricter controls on the use of trolleys outside of shopping centres is the potential for social disadvantage for those without a car or the means to buy their own personal trolley to transport shopping to their home. This issue was highlighted in a report by the ACT Human Rights Commissioner in response to the ACT trolley controls<sup>1</sup>. A further issue is whether such changes might promote additional car use, however this impact would be minimal.

#### Questions:

Are general litter provisions sufficient to manage abandoned trolleys and if not, what would be the preferred approach for local government and why?

Have councils considered use of existing bylaw making provisions in the *Local Government Act 1999* to regulate the abandonment of trolleys on council roads?

How do you suggest the issue of social disadvantage and trolley use is addressed?

## 8 General discussion points

### 8.1 Abatement notices – linkage to land

One of the main tools for addressing nuisance from fixed machines such as air conditioners and pool pumps is a nuisance abatement notice. Nuisance from a fixed machine requires ongoing management to avoid further nuisance so controls such as limiting hours of operation or requiring the maintenance of an acoustic barrier may be appropriate elements of a notice. It has been identified by local government that change of ownership of a property with a problematic fixed machine that has controls applied within a notice is not able to be transferred to the new owner of the property and a new regulatory process would need to be undertaken to apply the controls to the new owners. It has been proposed that the LNLC Act be amended to allow councils to register nuisance abatement notices against land where the source of the nuisance at a property requires ongoing regulation.

Question: Should the LNLC Act be amended to allow councils to register a notice on land when it is considered that the source of a nuisance on a property requires ongoing regulation?

### 8.2 Improving cost recovery

Cost recovery is an important element of any regulatory function performed by government. The LNLC Act contains a number of cost recovery provisions, generally linked to contraventions of the legislation that are directed at recovering costs from offenders. Where such measures are not being utilised or are not completely effective the residual cost is, by default, recovered through general rates as a service provided for the benefit of the broader community. Advice is sought from stakeholders regarding other potential mechanisms that could be considered to further enhance cost recovery provisions of the Act aimed at the offender.

Question: What other mechanisms for cost recovery should be considered for the LNLC Act?

### 8.3 Which court is best placed to deal with nuisance, litter and illegal dumping?

The Environment, Resources and Development (ERD) Court specialises in environment protection and has a greater, and likely more consistent, knowledge of matters such as nuisance, litter and illegal dumping. The ERD Court acts as the Magistrates Court in its criminal jurisdiction, and there is therefore no substantive difference in procedure between the

<sup>1</sup> <http://www.hrc.act.gov.au/res/Response%20to%20CM%20Shopping%20Trolleys.pdf>

ERD Court and the Magistrates Court. The only minor difference in practice is that the ERD Court tends to have more pre-trial listings (ie a pre-trial conference followed by a directions hearing).

At present, in the ERD Court, the matters are heard in a central location. In the Magistrates Court, the matters can be heard either in Adelaide or in a regional court. While there is no requirement that a matter must be heard in a location where the offence took place, considerations of the balance of convenience (including, most relevantly the location most convenient to the defendant) would come in to play. As a result, matters could end up being listed in Port Augusta, Ceduna, Mount Gambier or elsewhere. While this would make use of the legislation by the EPA potentially more costly, it would provide greater access to regional councils to pursue prosecutions.

The Magistrates Court also has the facilities to arrange payment options for fines so offenders can go from the court to the cashier to finalise penalty payments. All metropolitan Magistrates Courts have staff to help direct a person to the court, a duty solicitor and assistance for disability or language issues.

Question: What are the views of local government regarding the current jurisdiction that the LNLC Act falls within, and what are the positives and negatives for changing the jurisdiction to the Magistrates Court?

#### 8.4 What jurisdiction is best placed to deal with administrative appeals?

The LNLC Act currently provides that appeals against litter and nuisance abatement notices are to be made to the ERD Court. At the time that the Act was drafted, the South Australian Civil and Administrative Tribunal (SACAT<sup>2</sup>) was still in the process of being fully established and bringing relevant existing legislation under its jurisdiction. SACAT is considered a lower formality and lower-cost jurisdiction for administrative appeals. As a result of the complexity and volume of work being done to implement SACAT at the time it was not considered appropriate to add the Act to the SACAT jurisdiction. Instead it was determined that appeals under the Act should be dealt with by the ERD Court.

Question: Does the specialist nature of the ERD Court provide benefits when hearing appeals against notices that would outweigh any cost benefits associated with moving appeals to SACAT?

#### 8.5 Exemptions from the LNLC Act for causing local nuisance

Persons creating nuisance may apply for an exemption from the LNLC Act (section 18). The process requires the applicant to submit a site nuisance management plan to the satisfaction of the council that details the sources of the nuisance, the steps being taken to minimise the nuisance and details of a person that can receive complaints regarding the nuisance, among other things. There are some necessary activities in the community that will cause local nuisance which is largely unavoidable and the exemption provision is in place to accommodate these activities.

The provisions in the Act allow for an exemption to last for a maximum of three months. If an activity that causes local nuisance extends beyond this period then a further exemption would need to be applied for, using the same process. The time limit for exemptions is in place to ensure that activities causing nuisance are completed in a timely manner and that activities do not drag on to the detriment of neighbours simply because no time limit is established. One activity that has the potential to cause nuisance over an extended period is large-scale construction which will often last several months and in some cases more than a year. In these circumstances the proponent will need to apply for an exemption every three months. A shorter process for extension or special categories of exemption that facilitate longer-term projects could be considered to reduce the administrative burden on councils and on proponents.

<sup>2</sup> SACAT is a state tribunal that helps South Australians resolve issues within specific areas of law, either through agreement at a conference, conciliation or mediation, or through a decision of the tribunal at hearing. SACAT also conducts reviews of government decisions.

Question: Are there any opportunities for improvement to the exemption process which reflects a balance between excessive exposure for neighbours, and the reality of some activities that cause local nuisance lasting longer than three months?

## 9 Other improvements

The issues identified above have been derived from feedback from stakeholders, mostly councils, during the first 18 months of the full operation of the legislation. This is not to say that there are not other issues that stakeholders would like considered as part of the review of the LNLC Act.

Question: Are there any legislative, non-legislative or administrative suggestions that you would like to have considered as part of the review of the LNLC Act?

## Further information

### Legislation

[Online legislation](#) is freely available. Copies of legislation are available for purchase from:

Service SA Government Legislation Outlet  
Adelaide Service SA Centre  
108 North Terrace  
Adelaide SA 5000

Telephone: 13 23 24  
Facsimile: (08) 8204 1909  
Website: <https://service.sa.gov.au/12-legislation>  
Email: [ServiceSAcustomerservice@sa.gov.au](mailto:ServiceSAcustomerservice@sa.gov.au)

### General information

Environment Protection Authority  
GPO Box 2607  
Adelaide SA 5001

Telephone: (08) 8204 2004  
Facsimile: (08) 8124 4670  
Freecall: 1800 623 445 (country)  
Website: <https://www.epa.sa.gov.au>  
Email: [epainfo@sa.gov.au](mailto:epainfo@sa.gov.au)

# Submission on the Review of the Local Nuisance and Litter Control Act 2016



## Summary

The City of Marion does not support any changes to the Local Nuisance and Litter Control Act 2016 (LNLC Act) that would place additional burden on the Council, including broadening the definition of nuisance. The LNLC Act has had a significant impact on our Council from a resource perspective. LNLC Act investigations are rarely simple and require significant investigation and customer management to resolve. We are very concerned about the additional impact that any proposal to broaden the Act would have.

From 1/7/2018-30/6/2019 The City of Marion received 347 additional complaints related to nuisance noise, dust, odour, smoke and other animal matters captured under the LNLC Act. It's difficult to put an exact dollar figure on the impacts but based on the complaint numbers and the complexity of the investigations a 1.0FTE staffing liability is an accurate assessment of the costs for Council to deal with the LNLC Act. In addition Council received 123 unsightly property complaints in the same time period. Litter and illegally dumped rubbish have not been included as Council already dealt with these matters prior to the introduction of the LNLC Act.

Council is supportive of minor amendments that will make enforcement of the Act simpler and more streamlined. Specifically we are supportive of providing an exemption to early morning concrete pours without the need for the customer to request an exemption to section 18. The section 19 exemption process should be simplified, giving Council officers a general power to allow an exemption to certain nuisance activities that it deems appropriate without the need for a complex application process. In relation to shopping trolleys, we would be supportive of clarifying "litter", to include shopping trolleys, clarifying that a litter abatement notice can be issued to the owner of the shopping trolleys (eg the retailer) and also ensure Councils have the power to require retailers to enter into management plans for the clean-up of abandoned shopping trolleys.

Overall the LNLC Act has been and continues to be a vast unfunded burden for Council to manage, especially a council Marion's size, therefore we are not supportive of any expansion to Council roles or responsibilities.

## Specific Comments

### ***Light and Heat***

We do not support the expanding of the definition of local nuisance in any way, including the adding of light and heat. Any amends to the definition will further increase the role and responsibly of local government.

### ***Noise from Vehicles***

We do not support expanding the definition of local nuisance to include vehicles that are not associated with use on roads. Noise emitted from vehicles is a vehicle standards matter and something that should remain in the remit of SAPOL to manage.

### ***Waste transport vehicle on private property***

No changes required.

# Submission on the Review of the Local Nuisance and Litter Control Act 2016



## ***Licensed or approved activities***

We support the LGA's position and request the EPA explore whether an amendment to the LNLC Act may be needed to clarify that the conditions of a development authorisation are not a defence to an offence under the LNLC Act.

## ***Bricks and mortar licences premises***

We do not support any changes that will place more responsibility on council. We do however support making changes to the Liquor Licensing Act to deal directly with all nuisances relating to licensed premises.

## ***Outdoor events with a liquor licence***

We do not support any change to these provisions. It is not appropriate to require or expect councils to action complaints relating to nuisances associated with entertainment and alcohol. This is the responsibility of SA Police and the Office of Liquor and Gambling.

## ***Noise from sporting activities***

The City of Marion has no motorsport parks within its area.

## ***Dust***

Dust from unsealed roads has not been an issue within the City of Marion.

## ***Noise from public infrastructure***

This part of the Act works well and we do not see any need for change.

## ***Early morning concrete pours***

The exemption process is onerous on both the applicant and Council administration to assess. Council does not have staff working outside of core business hours therefore enforcement of any potential breaches is near impossible. There would be some efficiencies gained by automatically allowing early morning concrete pours above a certain temperature and after a certain start time to reduce the burden associated with both applying for and processing an application for an exemption.

## ***Subjective assessment***

We are not supportive of adding objective noise provisions to the Act, subjective assessment is sufficient for the purposes of the LNLC Act.

## **Litter**

### ***Clean up costs***

We would support changes that would support Council to recover clean-up costs of urgent clean-ups.

### ***Bill Posting***

We are supportive of changes to the Act that would allow car park owners to commence legal proceedings against the distribution of bills on their property.

# Submission on the Review of the Local Nuisance and Litter Control Act 2016



## ***Illegal Dumping***

The City of Marion is supportive of further discussion of changes or initiatives that could assist in addressing illegal dumping within our area.

## ***Abandoned shopping trolleys***

The City of Marion is in the process of creating a bylaw that better addresses the abandonment of shopping trolleys as the LNLC Act doesn't adequately deal with this issue.

In July 2018 the City of Marion ran a shopping trolley summit to engage with stakeholders and explore future opportunities to better deal with abandoned shopping trolleys in our community. There are a number of improvements proposed in the LGA submission which we are generally supportive of, these include:

- Clarifying that the definition of "litter" includes abandoned shopping trolleys;
- Clarifying that a litter abatement notice can be issued to the owner of the trolley, ie the retailer (not just the customer who has abandoned the trolley); and
- Ensuring that councils have the power to require retailers to enter into management plans for the clean-up of abandoned shopping trolleys and have effective compliance and enforcement options available to them.

A state wide approach would be the ideal way forward to ensure consistency across council boundaries. An approach similar to that of the Australian Capital Territory could be considered for state legislation.

## **General discussion points**

### ***Abatement notices***

No changes to the Act are required.

### ***Improving cost recovery***

We are not aware of any other cost recovery mechanisms that should be considered.

### ***Which court?***

The City of Marion supports the Environment, Resources and Development Court (ERD Court) continuing to have jurisdiction in relation to LNLC Act matters.

### ***Administrative appeals***

We do not have a view on whether the ERD Court or SACAT should hear administrative appeals on LNLC Act matters.

### ***Time frame for exemptions***

The exemption process is onerous on all parties. It would be beneficial for councils to have power to grant longer or on going exemptions for reoccurring events or activities that the council deems appropriate

# Draft

## **Review of the Local Nuisance and Litter Control Act 2016**

**Draft Submission**

**August 2019**

Note: This is not an endorsed LGA Board of Directors document. Note: This is not an endorsed Submission. It has been prepared for consultation purposes only, and is subject to consideration by the LGA Board of Directors.

Draft

## Table of contents

<b>Summary of recommendations.....</b>	<b>3</b>
<b>Introduction and background.....</b>	<b>4</b>
About the LGA.....	4
Local government's role in local nuisance and litter control .....	4
<b>Review of the LNLC Act discussion paper .....</b>	<b>5</b>
1 – Local nuisance.....	6
Potential additions to the definition of local nuisance.....	6
2 – Not local nuisance .....	7
Risk is managed under other legislation (ie licensed or approved activities) .....	7
A complaints process is provided for under other legislation (liquor licenses).....	8
Nuisance is considered a reasonable feature in the community .....	9
Potential subtractions from the definition of local nuisance.....	9
3 - Subjective assessment of nuisance.....	9
Noise as a nuisance.....	9
Noise as a pollutant/cause of environmental harm .....	10
Interaction between the LNLC Act and the EP Act .....	10
4 – Litter .....	11
Clean up costs .....	11
Bill posting .....	11
Illegal dumping.....	11
Abandoned shopping trolleys .....	12
5 – General discussion points.....	12

## Summary of recommendations

The LGA recommendations to the review can be summarised as follows:

1. noting that, for many councils, their expanded role in responding to nuisance issues in the community has required significant additional resourcing, the LGA recommends that no amendments that increase the role and responsibility of local government in responding to litter and nuisance complaints should be made unless they are supported by a clear policy basis and information and data that justifies the need for the change;
2. in relation to nuisance risks managed under other legislation, the LGA recommends that the EPA explore whether an amendment to the LNLC Act may be needed to clarify that the conditions of a development authorisation are not a defence to an offence under the LNLC Act (except in certain circumstances). Alternatively, that the EPA explore whether a policy, guideline or practice direction may be able to provide further assistance to councils;
3. in relation to noise nuisance, the LGA recommends that the EPA develop a formal policy or guideline that acknowledges and reconciles the different thresholds established by the Environment Protection Act 1993 and the LNLC Act. Alternatively, that a process chart or procedure be considered for incorporation into regulations. The LGA recommends that these options be considered in consultation with local government bodies; and
4. in relation to abandoned shopping trolleys, the LGA recommends that a number of potential improvements to the LNLC Act be considered, such as:
  - a. Clarifying that the definition of “litter” includes abandoned shopping trolleys;
  - b. Clarifying that a litter abatement notice can be issued to the owner of the trolley, ie the retailer (not just the customer who has abandoned the trolley); and
  - c. Ensuring that councils have the power to require retailers to enter into management plans for the clean-up of abandoned shopping trolleys.

Draft

## Introduction and background

### About the LGA

The LGA is the voice of local government in South Australia, representing all 68 individual councils across the state. Our mission is to provide leadership to councils for the benefit of the South Australian community.

The LGA is recognised in the South Australian *Local Government Act 1999* for the purpose of promoting and advancing the interests of local government and is recognised in 29 other South Australian Acts of Parliament.

The LGA provides leadership, support, representation and advocacy relevant to the needs of our member councils. We also operate specific unit/entities providing:

- All public liability and professional indemnity cover for all South Australian councils;
- All workers compensation cover for all South Australian council employees and associated local government bodies;
- Asset cover for South Australian councils;
- Extensive education and training, procurement, online services, and a research and development scheme.

As a constituent member, the LGA also advocates on federal issues through the Australian Local Government Association.

This submission has been informed by consultation with our member councils.

### Local government's role in local nuisance and litter control

Prior to the introduction of the *Local Nuisance and Litter Control Act 2016* (LNLC Act), local government was responsible for managing some nuisance and litter issues through specific provisions of the *Local Government Act 1999* (in particular, in relation to illegal dumping, bill posting and unsightly conditions). However, the implementation of the LNLC Act significantly expanded the role of local government in responding to nuisance issues in the community. Local government is now responsible for responding to community complaints relating to noise, smoke, dust and odour. Previously, the Environment Protection Authority (EPA) was responsible for responding to complaints of this nature. The EPA remains responsible for responding to complaints relating to EPA licensed facilities.

Given that the nuisance provisions of the LNLC Act commenced on 1 July 2017, councils' annual reports for the 2017-18 year provide a useful snapshot of councils' increased workload in this area. Councils' experiences administering the LNLC Act may vary greatly depending on the nature of the council area. For example, the City of Charles Sturt (as a high density council area) appears to receive a large number of noise complaints whereas the City of Onkaparinga (as a low density, peri-urban area) appears to receive a much greater proportion of littering complaints. Further, Port Adelaide Enfield's annual report for the 2017-18 year indicates that it received 872 nuisance complaints and 730 littering complaints in that timeframe. This may be due to commercial and industrial areas being located in close proximity to residential areas and the redevelopment of other residential areas leading to increased infill development.

# Draft

Given this wide variety of experiences, the resourcing requirements for councils will also vary greatly. However, it is clear that for some councils their expanded role in responding to nuisance issues in the community has required significant additional resourcing. The City of Mitcham has advised that the number of litter and nuisance complaints received by council has increased tenfold since the commencement of the LNLCA Act. Further, some councils have advised that community expectations for how their complaint will be dealt with seem to be higher when dealing with their local council than when dealing with a State Government agency.

A number of councils have advised the LGA that they have created a new 1.0FTE position to manage responses to litter and nuisance complaints. When administration expenses are included, this equates to approximately \$100,000 in additional costs to councils. The LGA is intending to undertake further research in the 2019-20 year to quantify the additional cost impost on councils in this regard. If resourcing requirements are found to be significant across all councils, there may be a case for the State Government providing ongoing funding to support councils in administering the LNLCA Act.

## Review of the LNLCA Act discussion paper

In July 2019, the EPA released the “Review of the Local Nuisance and Litter Control Act 2016 discussion paper”. The discussion paper states that “The LNLCA Act provides the community with a more effective and consistent local service for the management of nuisance complaints and heightened deterrence for littering and illegal dumping”.

The discussion paper describes the scope of the review as follows:

“The first anniversary of the full commencement of the LNLCA Act was 1 July 2018. This milestone provides a useful prompt to undertake a minor review of the operation of the LNLCA Act. Feedback from councils, the community, and other stakeholders indicate that there is potential to fine-tune elements of the legislation. This minor review will consider the functionality of the legislation and the effectiveness of the legislation within the context of whether the scope of the legislation is appropriately addressing nuisance complaints, littering and illegal dumping issues in the community.”

The discussion paper then identifies and seeks feedback on a number of issues and possible amendments that could be made to the legislation to address them.

The LGA held an information session for member councils on the review on 25 July 2019. The EPA presented on the review at the information session and gained some initial verbal feedback on the possible amendments being considered through the review.

It is worth noting that the feedback provided by councils to the LGA is that, in general, they do not support amendments to the legislation that will further increase the role and responsibility of local government in responding to litter and nuisance complaints. Councils’ view is that no amendments that increase the role and responsibility of local government should be made unless they are supported by a clear policy basis and information and data that justifies the need for the change.

LGA feedback on the specific issues and possible amendments outlined in the discussion paper is set out below.

Separately, the discussion paper notes that the EPA and LGA have entered into a Service Level Agreement (SLA) for the provision of support services for environmental nuisance matters. The feedback provided by councils to the LGA is that they are generally happy with the support provided by the EPA in relation to nuisance matters, they believe additional training sessions for council staff may be beneficial and they will continue to require this support for some time into the future.

# Draft

## 1 – Local nuisance

The definition of local nuisance is set out in section 17 LNLC Act and further clarified in Schedule 1 of the LNLC Act. Section 17 states:

### 17 – Meaning of local nuisance

(1) For the purposes of this Act, local nuisance is:

- (a) Any adverse effect on the amenity value of an area that-
  - (i) Is caused by-
    - (A) Noise, odour, smoke, fumes, aerosols or dust; or
    - (B) Animals, whether dead or alive; or
    - (C) Any other agent or class of agent declared by Schedule 1; and
  - (ii) Unreasonably interferes with or is likely to interfere unreasonably with the enjoyment of the area by persons occupying a place within, or lawfully resorting to, the area; or
- (b) Insanitary conditions on premises that unreasonably interfere with or are likely to interfere unreasonably with the enjoyment of premises occupied by persons in the vicinity; or
- (c) Unsightly conditions, of a kind declared by Schedule 1, on premises caused by human activity or a failure to act; or
- (d) A contravention of, or failure to comply with a provision of an environment protection policy, or of any other Act or law, declared by Schedule 1; or
- (e) Anything declared by Schedule 1 to constitute local nuisance.

But does not include anything declared by Schedule 1 not to constitute local nuisance.

Schedule 1 provides further clarification on how an “adverse effect on amenity” will be assessed, for example, Schedule 1 states that:

“odour generated on a premises will be local nuisance if an authorised officer forms the opinion that- (i) the odour has travelled to neighbouring premises; and (ii) the nature, intensity or extent of the odour is such as to constitute an unreasonable interference with the enjoyment of the neighbouring premises by persons occupying those premises.”

Section 18 creates two separate offences of causing local nuisance (one for intentionally or recklessly causing local nuisance and one for causing local nuisance without any element of intent).

Section 19 provides councils with the ability to declare exemptions from the application of section 18 for things like construction or demolition works, concerts or events or activities using amplified sound. The process of seeking and obtaining exemptions from the LNLC Act is discussed further below.

The discussion paper identifies a number of potential additions to the definition of local nuisance.

### Potential additions to the definition of local nuisance

*Light and heat* - the discussion paper states that:

“Light and heat were included in the definition of local nuisance when the Bill for the LNLC Act was first consulted on in 2015 but subsequently removed prior to the Bill being introduced into Parliament due to feedback from councils that the definition in the Bill was too broad. Since the Act has commenced there have been a number of councils who have indicated that being able to deal with light nuisance under the Act would be useful.”

# Draft

The LGA is not aware of any councils wishing to expand the definition of local nuisance to include light or heat. Again, councils' view is that no amendments that increase the role and responsibility of local government should be made unless they are supported by a clear policy basis and information and data that justifies the need for the change.

*Noise from vehicles* - the discussion paper asks whether the exclusion relating to noise from vehicles should be amended to ensure nuisance from vehicles that are not associated with use on roads are able to be regulated as local nuisance? The LGA is not aware of any councils wishing to expand the definition of local nuisance to include vehicles that are not associated with use on roads.

*Waste transport vehicles on private property* – the LGA is not aware of any problem with the current operation of the LNLC Act in this regard.

## 2 – Not local nuisance

Schedule 1 also provides further clarification on things that are not local nuisance. Schedule 1 clarifies that things are not local nuisance if the risk of nuisance is adequately managed under other legislation (eg licenced or approved activities under the Environment Protection Act 1993, Development Act 1993 etc.), a complaints process is provided for under other legislation (eg Strata Titles Act 1988, Liquor Licensing Act 1997) or the nuisance is considered a reasonable feature in the community.

The discussion paper identifies a number of issues with the current list of things that are not local nuisance. The discussion paper also identifies a number of potential additions to the list.

### **Risk is managed under other legislation (ie licensed or approved activities)**

In relation to the exclusion for things where the risk of nuisance is adequately managed under other legislation, there are a number of considerations that must be met before the exclusion applies.

For example, Part 3 of Schedule 1 (s. 5(d)) states that the following does not constitute local nuisance:

“noise or other nuisance from any other activity carried on in accordance with an authorisation (including an approval, consent, licence, permit, exemption or entitlement) granted under any other Act (other than this act), provided that-

- (i) the authorisation imposes requirements to control, minimise or eliminate (as far as reasonably practicable) any noise or other forms of nuisance likely to result from the activity; and
- (ii) those requirements are complied with...

Therefore, noise emanating from a business (for example, a children's play centre) that is the subject of a development authorisation will be excluded but only if the development authorisation includes conditions that effectively address noise issues and only if those conditions are complied with.

This means that, when it comes to enforcement, the situation becomes quite complex.

If the development authorisation does not include conditions relating to noise, or does include conditions relating to noise but they are not effective or not complied with, then (as noted in the discussion paper) “both the Development Act 1993 and the LNLC Act could be applied to gain compliance”. The discussion paper does not identify or discuss the enforcement provisions in the Development Act 1993 but it is worth noting that there are no enforcement provisions that can be used by councils to achieve compliance without having to proceed to court action. This is a slow, costly and time consuming process and is therefore not effective as a response to many complaints.

# Draft

For these reasons, it will likely be more straightforward to use the LNLC Act provisions (ie to issue the operator with a nuisance abatement notice). However, feedback from councils is that the nature of development authorisations is often used by operators to defend or excuse their behaviour making it very difficult for councils to proceed with the nuisance abatement notice process.

The LGA recommends that the EPA explore whether an amendment to the LNLC Act may be needed to clarify that the conditions of a development authorisation are not a defence to an offence under the LNLC Act. Alternatively, the LGA recommends that the EPA explore whether a policy, guideline or practice direction may be able to provide further assistance to councils in this regard.

## **A complaints process is provided for under other legislation (liquor licenses)**

Noise or other nuisance emanating from a licensed premises within the meaning of the Liquor Licensing Act 1997 (LL Act) may be excluded under subsection 5(d) as a licensed or approved activity or may be excluded under subsections 5(k) and (l), which refer to the LL Act itself.

### *Bricks and mortar licensed premises*

The discussion paper notes that:

“In the context of bricks and mortar licensed premises this means nuisance noise from air conditioners or other plant on the property that would be addressed under the LNLC Act by councils on any other type of commercial premises cannot be addressed. While the process under the Liquor Licensing Act can address nuisances that are not specific to licensed premises the LNLC Act provides a more timely response in these scenarios. Council officers would be more familiar with addressing them than officers from the Office of Liquor and Gambling, who would generally deal with music and patron noise issues.”

The discussion paper asks whether noise and other nuisances, other than those related to entertainment and patrons, that are common to licensed and non-licensed premises, be dealt with under the LNLC Act? It may be appropriate to limit the exclusion for noise or other nuisance emanating from a licensed premises to those nuisances related to entertainment and the service of alcohol. The discussion paper notes that, in relation to something like a noisy air conditioner, the LNLC Act process may be more timely and more efficient. The LGA notes that it may also be fairer.

Section 106 of the Liquor Licensing Act only allows complaints to be made by the Commissioner of Police, the council for the area or a person adversely affected (but only if the complainant is authorised to make the complaint by at least 10 persons who reside, work or worship in the vicinity). This situation would seem to be particularly unfair if the noisy air conditioner is only affecting the residence immediately adjacent to the licensed premises. The LGA supports further consideration of this issue.

### *Outdoor events with a liquor licence*

Separately, the discussion paper notes that:

“There are also issues with the application of the exclusion to the management of outdoor events. Firstly, the application of the exclusion in circumstances where only part of an event space has a liquor licence is problematic. The exclusion only applies to the area that is licensed and therefore the remainder of the event is able to be dealt with under the LNLC Act. This creates problems where council compliance staff are unable to address complaints...”

The discussion paper asks whether the LNLC Act should be amended so that outdoor events can be subject to the local nuisance provisions despite the fact that some or all of the event space also requires a liquor licence? It is clear from the above paragraph that the exclusion only applies to the area that is licensed for the supply of liquor. The LGA does not support any change to the exclusion in

Draft

this regard. It would not be appropriate to require or expect councils to action complaints relating to nuisances associated with entertainment and alcohol. This is the responsibility of SA Police.

It may be appropriate to limit the exclusion of noise or other nuisance emanating from a licensed premises to those nuisances related to entertainment and the service of alcohol. In relation to an outdoor event, it appears that councils would already have the power to deal with, for example, a noisy bouncy castle under the LNLC Act. Therefore, unless councils have taken a different view of this exclusion, it would seem that no amendment in relation to outdoor events is required.

### **Nuisance is considered a reasonable feature in the community**

Part 3 of Schedule 1 (subsection 5(f)) states that “noise or other nuisance from sporting or associated activities at sporting venues” does not constitute local nuisance. This creates a regulatory “gap” in relation to some older motorsports venues that do not have a development approval or EPA licence.

The discussion paper asks whether the exclusion for sporting venues should be amended to remove motorsports venues from the exclusion allowing such activities to be regulated under the LNLC Act (noting that these venues would continue to be excluded if they were subject to a development approval or EPA licence). The discussion paper notes that currently the Environment Protection Act 1993 may still be used to regulate such issues. The LGA recommends that motorsports venues continue to be regulated under the Environment Protection Act 1993.

### **Potential subtractions from the definition of local nuisance**

*Dust* - the discussion paper asks whether dust from unsealed roads should be prescribed as “not local nuisance” for the purposes of the LNLC Act. The discussion paper notes that councils are able to assist with nuisance dust from unsealed roads by erecting signage or reducing speed limits. The LGA is not aware of any problem with the current operation of the LNLC Act in this regard.

*Noise from public infrastructure* – the LGA is not aware of any problem with the current operation of the LNLC Act in this regard.

*Early morning concrete pours* – builders that wish to undertake early morning concrete pours are able to apply for an exemption from the application of section 18 under section 19 of the LNLC Act. However, there may be some efficiencies gained by automatically allowing early morning concrete pours above a certain temperature and after a certain start time to reduce the burden associated with both applying for and processing an application for an exemption. The LGA would support further discussion with councils and the construction industry in this regard.

## **3 - Subjective assessment of nuisance**

### **Noise as a nuisance**

As stated above, section 17 of the LNLC Act defines a local nuisance as any adverse effect on the amenity value of an area that is caused by (amongst other things) noise. Section 18 then creates offences of causing local nuisance.

As noted in the discussion paper, section 50 of the LNLC Act provides for subjective assessment of nuisance issues by allowing authorised officers to assess the presence of nuisance using their own senses. Specifically, section 50 states that “evidence by an authorised officer that he or she formed the opinion based on his or her own senses that [a nuisance is present] constitutes proof, in the absence of proof to the contrary, of those matters”.

Draft

Schedule 1 of the LNLC Act provides further guidance on the circumstances in which noise will be assessed as constituting a nuisance. Section 4 of Schedule 1 provides, for example, that noise will constitute a local nuisance if an authorised officer forms the opinion that:

- in the case of construction noise, the noise has travelled from the location of the construction activity to neighbouring premises- on any Sunday or public holiday; or after 7pm or before 7am on any other day; and
- the level, nature or extent of the noise (including its volume, pitch, vibrational frequency, prevalence or frequency of occurrence) is such as to constitute an unreasonable interference with the enjoyment of the neighbouring premises by persons occupying those premises.

In this way, the LNLC Act only specifically provides for the subjective assessment of noise nuisance and does not provide for any objective assessment of noise nuisance.

Separate to the regulatory framework for nuisance established by the LNLC Act, is the regulatory framework for the protection of the environment under the Environment Protection Act 1993 (EP Act) (and noise as a pollutant or cause of environmental harm).

### Noise as a pollutant/cause of environmental harm

Section 25 of the EP Act sets out what is known as the “general environmental duty”, being that “a person must not undertake an activity that pollutes... the environment unless the person takes all reasonable and practicable measures to prevent or minimise any resulting environmental harm”.

Section 27 of the EP Act provides that “environment protection policies may be made as contemplated by this Act or for any purpose directed towards securing the objects of the Act”. Section 27 also states that an environment protection policy may “set out requirements, standards, goals and guidelines”.

The Environment Protection (Noise) Policy 2007 (Noise Policy) has as its objectives “(a) to set out procedures for measuring noise to determine compliance with the Act and this policy... (b) to fix noise goals for most noise sources compliance with which will satisfy the general environmental duty under section 25 of the Act...”. (emphasis added)

Section 18 of the Noise Policy provides that:

- (1) “the general environmental duty under section 25 of the Act is satisfied in relation to noise from a noise source, insofar as the noise affects particular noise-affected premises, if the noise complies with the noise goals; and
- (2) The noise complies with the noise goals if measurements taken in relation to the noise source and the noise-affected premises show that-
  - a. The source noise level (continuous) does not exceed the background noise level plus 5 dB(A); or
  - b. The source noise level (continuous) does not exceed the indicative noise level for the noise source.”

Therefore, the Noise Policy sets objective measures for noise levels that will not breach the general environmental duty under the EP Act. The Noise Policy does not make any statement regarding objective measures for noise levels that will or will not constitute a nuisance under the LNLC Act.

### Interaction between the LNLC Act and the EP Act

The discussion paper states that:

# Draft

“One issue that may arise, in the area of noise nuisance, is where a subjective determination of noise nuisance is made relating to a complaint where the noise is of a nature that is borderline with regard to causing nuisance and a further objective measurement (taken after the subjective determination by the alleged offender or a third party) may appear contradictory. For this reason, all noise complaints of a borderline nature should be assessed with an element of objective measurement to ensure that compliance requirements are reasonable and effective. Subjective assessment is still useful for very obvious offences and for obviously unreasonable complaints.” (emphasis added)

The reference in the discussion paper to objective measurements appears to be a reference to objective measurements against the goals set out in the Noise Policy. The LGA is not aware of any other standards or benchmarks for objective measurements of noise.

This statement in the discussion paper ignores the fact that there are different thresholds for when noise will constitute a nuisance and when noise will constitute a pollutant or cause environmental harm. A noise level may be within the noise goals established by the Noise Policy but still be of a level or duration/frequency etc. such that it constitutes a nuisance under the LNLC Act.

This statement in the discussion paper effectively says that councils should use objective measurements against the goals in the Noise Policy in order to assess claims of noise nuisance under the LNLC Act. This is a new policy position of the EPA that does not appear in any formal policies. The LGA recommends that the EPA develop a formal policy or set of guidelines that acknowledges and seeks to reconcile the different thresholds established by the different regulatory frameworks. This would help to ensure a consistent approach across councils. The discussion paper suggests that a process chart could be developed and/or procedure incorporated into the regulations. The LGA supports consideration of these options in consultation with local government bodies.

## 4 – Litter

### Clean up costs

The LGA supports exploration of an amendment to the LNLC Act to allow councils to recover clean-up costs of urgent clean-ups.

### Bill posting

The LGA is not aware of any problem with the current operation of the LNLC Act in this regard.

### Illegal dumping

The LGA supports further discussion of changes or initiatives that could assist councils in addressing illegal dumping in their communities. Illegal dumping costs councils millions of dollars every year. For any illegal dumping that occurs in a council area, councils are forced to pay twice – they have to pay clean-up costs and then they have to pay the solid waste levy on disposal.

As noted above, the LGA is intending to undertake research in the 2019-20 year to quantify the additional cost to councils of administering the LNLC Act. This research project will also consider the cost to councils of managing illegal dumping, particularly in light of the recent unprecedented increase in the solid waste levy.

Councils will contribute \$42.5 million through the solid waste levy in the 2019-20 year and a portion of this funding should be used to support councils in cleaning up illegal dumping in their communities. The LGA continues to seek a commitment from the State Government to making 50% of the money councils pay by way of the solid waste levy available to councils for worthwhile waste and recycling

# Draft

projects. Some of this funding could be used for reimbursement of clean-up costs for illegally dumped materials and/or to enable a waiver of solid waste levy payments on illegally dumped materials.

## Abandoned shopping trolleys

The LGA understands that the issue of abandoned shopping trolleys is a persistent problem for some councils and is a concern for the community from an amenity, environmental and safety perspective. The LGA attended the City of Marion Shopping Trolley Summit in July 2018 and found this event to be a good example of collaboration both across the local government sector and with the community.

As a result of work undertaken in preparation for the Summit and for the LNLC Act review, it is considered that there are a number of potential improvements that could be made to the LNLC Act as it relates to abandoned shopping trolleys, such as:

- Clarifying that the definition of “litter” includes abandoned shopping trolleys;
- Clarifying that a litter abatement notice can be issued to the owner of the trolley, ie the retailer (not just the customer who has abandoned the trolley); and
- Ensuring that councils have the power to require retailers to enter into management plans for the clean-up of abandoned shopping trolleys and have effective compliance and enforcement options available to them.

The LGA understands that a number of South Australian councils are considering introducing by-laws to address the issue of abandoned shopping trolleys specifically. The LGA believes that reform should be pursued at both State and local government level, as this will provide councils with the most flexibility to find a solution that best suits their community as a whole.

## 5 – General discussion points

*Abatement notices* - the LGA is not aware of any problem with the current operation of the LNLC Act in this regard.

*Improving cost recovery* - the LGA is not aware of any other mechanisms for cost recovery that should be considered for the LNLC Act.

*Which court?* - The LGA supports the Environment, Resources and Development Court (ERD Court) continuing to have jurisdiction in relation to LNLC Act matters.

*Administrative appeals* - the LGA does not have a view on whether the ERD Court or SACAT should hear administrative appeals on LNLC Act matters.

*Timeframe for exemptions* - the LGA is not aware of any problem with the current operation of the LNLC Act in this regard.

# Draft

148 Frome St  
Adelaide SA 5000  
GPO Box 2693  
Adelaide SA 5001  
T (08) 8224 2000  
E [lgasa@lga.sa.gov.au](mailto:lgasa@lga.sa.gov.au)

**[www.lga.sa.gov.au](http://www.lga.sa.gov.au)**

## Deputy Mayor

<b>Originating Officer</b>	Manager Corporate Governance - Kate McKenzie
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference</b>	GC190924R13

### REPORT OBJECTIVE

For Council to appoint a Deputy Mayor in accordance with legislative requirements.

### EXECUTIVE SUMMARY

The role of Deputy Mayor is to support the Mayor in their official capacity and be able to undertake the Mayoral role in the event that the Mayor is absent. Additional duties may involve presiding at Council Meetings, acting as principal spokesperson, representing Council at civic and ceremonial functions and attendance at certain meetings with Council Members, State and Federal Members of Parliament, business and community leaders and residents.

It also provides a developmental role for a Council Member and an opportunity for a strengthened relationship between the Mayor and the Deputy.

### RECOMMENDATION

**That Council appoints Councillor X as the Deputy Mayor from 24 September 2019 until 19 November 2020.**

### GENERAL ANALYSIS

*The City of Marion is constituted on the basis that the Mayor is "elected as a representative of the area as a whole". Section (51)(3) and (4) of the Local Government Act 1999 (the Act) provides that 'if a council has a Mayor, the council may also resolve to have a Deputy Mayor. Such a position is chosen amongst the council at their discretion for a period of time not exceeding four years'.*

At the General Council Meeting of 27 August 2019, Councillor Tim Pfeiffer tendered his resignation from his position on Council. Councillor Pfeiffer also held the position of Deputy Mayor and therefore the Deputy Mayor position is currently vacant.

The Council has traditionally appointed a Deputy Mayor each year, therefore creating the opportunity for four (4) Council Members to undertake the role during the Council's four (4) year term.

The last four (4) Deputy Mayors have been:

- 2019 Councillor Tim Pfeiffer
- 2018 Councillor Janet Byram
- 2017 Councillor Ian Crossland
- 2016 Councillor Jason Veliskou

An allowance is paid to all Council Members. This allowance is set by the Remuneration Tribunal of South Australia (The Tribunal). The Tribunal last reviewed the allowances in August 2018 in the lead up to the Local Government Elections and classified the City of Marion as a Group 1B Council. The allowances set for this group are:

- Mayor \$82,520
- Deputy Mayor \$25,787.50 (one and a quarter times the Councillor allowance)
- Councillor \$20,630

On the anniversary of the elections, the allowances will increase by CPI.

Provision has been made within Council's budget for the payment of allowances.

#### **PROCESS FOR APPOINTMENT**

During the Council Meeting, the Mayor will seek nominations for the position of Deputy Mayor. If there is more than one nomination received, a secret ballot will be held to ascertain Council's preference for Deputy Mayor. This will occur by preferential voting methods. Following this, a resolution would be passed to appoint the Deputy Mayor until the 19th November 2020.

## Business Continuity Management Policy and Framework

<b>Originating Officer</b>	Unit Manager Risk - Sherie Walczak
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference</b>	GC190924R14

### REPORT OBJECTIVE

*The purpose of this report is to provide Council with assurance that the City of Marion is managing its Business Continuity risk via its suite of documentation including the Business Continuity Management Policy and Framework in alignment with ISO22301 'Societal security - Business Continuity Management Systems – Requirement and Guidelines'.*

### EXECUTIVE SUMMARY

The current versions of the Business Continuity Management Policy and Framework were endorsed by Council in 2016 and were therefore programmed for review in 2019. The revised documents were presented to the Finance and Audit Committee for review and feedback at their meeting on 19 August 2019, where they recommended them to "be submitted to Council for consideration and adoption". The revised Business Continuity Management Policy (Appendix A) and Framework (Appendix B) are now attached for consideration and adoption.

### RECOMMENDATION

**That Council:**

- 1. Considers, approves and adopts the revised Business Continuity Management Policy (Appendix 1).**
- 2. Considers, approves and adopts the revised Business Continuity Management Framework (Appendix 2).**

### DISCUSSION

The purpose of the Business Continuity Management Policy (BCMP) is "to formalise the Council's commitment to business continuity management and to establish responsibilities for the application of business continuity management within Council operations".

Both the Business Continuity Management Policy and Framework have been reviewed with revisions being outlined in track changes and include use of corporate policy template and use of updated terminology, references and definitions.

### CONCLUSION

The revised Business Continuity Management Policy and Framework, together with the suite of underpinning documentation and practices (including the Business Continuity Plan, Business Impact Analysis assessment and Recovery Strategies), will provide Council with assurance that the City of Marion is prudently managing its Business Continuity risk.

**Attachment**

#	Attachment	Type
1	Appendix 1 - Revised Business Continuity Management Policy	PDF File
2	Appendix 2 - Revised Business Continuity Management Framework	PDF File

## 1. RATIONALE

The purpose of this Policy is to formalise the Council's commitment to business continuity management and to establish responsibilities for the application of business continuity management within Council operations and it's Community.

## 2. POLICY STATEMENT

The City of Marion ('the Council') is committed to excellence in governance. Business Continuity Management is an important component of the broader risk management program contributing to good governance and organisational resilience to achieve Council's Vision and strategic objectives, which focus on our corporate values and the Community's wellbeing.

## 3. OBJECTIVES

To achieve Council's business continuity management objectives, the Council Business Continuity Management Framework (the 'Framework') has been established in accordance with the International Standards ISO 22301:2012 Societal Security Business Continuity Management Systems – Requirements and Guidance. The ~~aim of the~~ Framework ~~is to provide~~s guidance for ~~a program to~~ effectively managing disruptive events or situations that may impact on the key services of the Council.

The following objectives underpin the Council's approach to business continuity:

- To satisfy all internal and external obligations with regards to continuity of key services.
- To guide an Incident Management Team to effectively manage a disruptive incident.
- To regularly undertake a business impact analysis across all Council work areas to gain an understanding of their activities and required supporting resources.
- To document cost effective business continuity arrangements for time critical activities in order to minimise disruption to critical community services.
- To enhance the capability of an Incident Management Team structure by undertaking annual exercises and testing business continuity arrangements and documentation.
- To embed business continuity management in the Council culture and values by undertaking awareness raising activities on an ongoing basis.
- To continually align with the risk management program.

## 4. POLICY SCOPE AND IMPLEMENTATION

This business continuity management policy applies to all operations and functions of the Council including operational, project and strategic. The scope of business continuity management ~~will be~~ is to focus on time critical activities and supporting resources to enable delivery of the key services of the Council.

## 5. DEFINITIONS

**Business Continuity** – capability of the organisation to continue delivery of products or services at acceptable predefined levels following a disruptive incident.

**Business Continuity Management** – holistic management process that identifies potential threats to an organisation and the impacts to business operations those threats, if realised, might cause and which provides a framework for building organisational resilience with the capability of an effective response that safeguards the interests of key stakeholders, reputation, brand and value-creating activities.

**Incident** – situation that might be, or could lead to, a disruption, loss, emergency or crisis.

## 6. ROLES AND RESPONSIBILITIES

Council has the overall responsibility for risk, setting the organisation's risk appetite, oversight of the organisation's systems for managing risk including approving and reviewing the Council's Business Continuity Management Policy and Framework

To assist Council in discharging its responsibility in relation to business continuity management, the Council it will seek the views of its Finance & Audit Committee. The responsibilities of the Committee are contained outlined in the Committee's Policy and Terms of Reference.

Council has also delegated various powers and functions to the Chief Executive Officer to enable ~~the setting of the~~ policy and procedures to assist with the management of the Council risk profile.

The Chief Executive Officer has overall accountability for an effective risk management program and, therefore, the business continuity management program.

Note: The Framework provides further information on the business continuity management roles and responsibilities, with additional practical information held within the Business Continuity Plan.

## 7. REFERENCES

Local Government Act 1999

City of Marion Risk Management Policy and Framework

City of Marion Business Continuity Framework

City of Marion Business Continuity Plan

City of Marion Community Emergency Management Plan

City of Marion Finance & Audit Committee Policy and Terms of Reference

ISO 22301:2012 Societal Security – Business Continuity Management Systems – Requirements and Guidance

## 8. REVIEW AND EVALUATION

Review: Every four years

Authorisation: By Council

Administrator: Risk Unit/Corporate Governance

## APPENDIX 2



# Business Continuity Framework

Version 2.01  
Authorised ~~Endorsed~~ by Council  
~~26 July 2016~~ DD MMM 2019

## Contents

Introduction .....	3
Understanding Our Context.....	6
Internal Factors.....	6
External Factors .....	6
Understanding the Needs and Expectations of our Stakeholders .....	6
Our Approach to Business Continuity .....	6
Scope of the Business Continuity Program.....	6
Roles and Responsibilities.....	8
Council .....	9
Finance & Audit Committee .....	9
Chief Executive Officer .....	9
Risk Working Group.....	10
General Managers .....	10
Leadership Team .....	10
Risk Management Team .....	10
Project Managers/Coordinators .....	10
All Staff.....	10
Business Continuity Resources .....	11
Integration.....	11
Strategic Management Framework .....	11
Workplace Emergency Management Plan.....	11
Community Emergency Management Plan.....	12
Risk Management Framework .....	13
ICT Service Recovery Plan (ICT SRP) .....	13
Evaluating the Performance of the BC Program .....	13
Business Continuity Elements.....	13
Operational Planning & Control .....	14
Business Impact Analysis .....	14
Business Continuity Recovery Strategies .....	15
Business Continuity Plan .....	17
Awareness Raising, Training and Testing.....	18
Ongoing BCM Program Activities .....	19

Appendix 1 – Definitions .....	20
366666689999101010101010111111111121313131314141517181920Introduction .....	3
Understanding Our Context.....	6
Internal Factors.....	6
External Factors .....	6
Understanding the Needs and Expectations of our Stakeholders.....	6
Our Approach to Business Continuity.....	7
Scope of the Business Continuity Program.....	7
Roles and Responsibilities.....	8
Overview of Roles & Responsibilities.....	8
Council .....	8
Finance & Audit Committee.....	8
Chief Executive Officer.....	9
Risk Working Group .....	9
General Managers.....	9
Leadership Team.....	9
Unit Manager Risk.....	9
Project Managers/Coordinators .....	9
All Staff.....	10
Business Continuity Resources .....	10
Integration .....	11
Strategic Management Framework.....	11
Workplace Emergency Management Plan.....	11
Community Emergency Management .....	11
Risk Management Framework.....	12
ICT Service Recovery Plan (ICT SRP).....	12
Evaluating the Performance of the BCM Program .....	13
Business Continuity Elements.....	14
Operational Planning & Control.....	14
Business Impact Analysis & Risk Assessment .....	15
Business Continuity Recovery Strategies.....	15
Business Continuity Plan .....	16
Awareness Raising, Training and Testing.....	18
Ongoing BCM Program Activities.....	19
Appendix 1 – Definitions.....	20

## Introduction

The City of Marion is committed to excellence in governance. Business Continuity Management is an important component of the broader risk management program, contributing to good governance and organisational resilience to achieve Council's Vision and strategic objectives, which focus on Community Wellbeing.

Business Continuity Management (BCM) ~~has a focus~~ focuses on our capability to continue operations following a disruptive incident and ~~to prepare~~ preparing Council ~~in how~~ to deal with disruptive incidents in advance.

The Business Continuity Framework ('the Framework') should be read in conjunction with the Business Continuity Policy ('the Policy'), which outlines Council's commitment to business continuity and the objectives for the business continuity program. With additional reference to the Risk Management Policy and Risk Management Framework.

This Business Continuity Framework is aligned to the International Standards ISO 22301:2012 (Requirements) and ISO 22313:2012 (Guidance) for business continuity systems.

An explanation of formal business continuity terms and definitions sourced from ISO22301:2012 appears in Appendix 1.

The Framework is intended to be a plain language, easy to read overview business continuity, it is not intended to be a document referenced at the time of a disruptive incident.

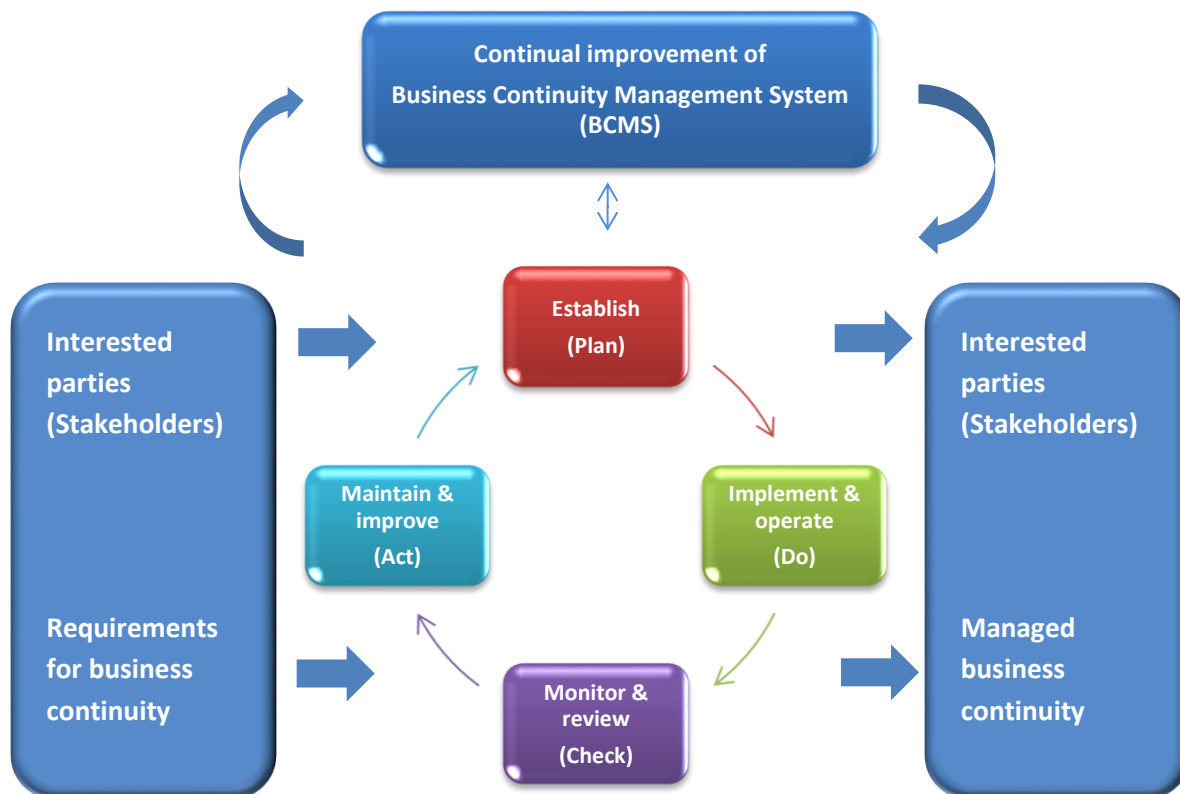
### **Business Continuity Process**

ISO 22301:2012 applies a 'Plan-Do-Check-Act' (PDCA) cycle to planning, establishing, implementing, operating, monitoring, reviewing, maintaining and continually improving the effectiveness of the organisation's business continuity ~~(BCM)~~ program. ~~The process applying the PDCA cycle is shown in Diagram 1.~~

### **Explanation of the 'Plan-Do-Check-Act' (PDCA) model in ISO 22301:2012**

<b>Plan</b> (Establish)	Establish business continuity policy, objectives, targets, controls, processes and procedures relevant to improving business continuity in order to deliver results that align with the organisation's policies and procedures. Eg: Business Impact Analysis & Recovery Strategies
<b>Do</b> (Implement & operate)	Implement and operate the business continuity policy, controls, processes and procedures. Eg: Business Continuity Plan
<b>Check</b> (Monitor & review)	Monitor and review performance against business continuity policy and objectives, report the results to management for review, and determine and authorise actions for remediation and improvement. Eg: Post Incident Review
<b>Act</b> (Maintain & improve)	Maintain and improve the business continuity (BCM) program by taking corrective action, based on the results of management review and reappraising the scope of the BCM program and business continuity policy and objectives. Eg: Incident Management & Recovery

Diagram 1: 'Plan-Do-Check-Act' (PDCA) cycle - ISO 22301:2012



Business continuity involves:

- identifying key activities and the services they deliver
- knowing the priorities for resuming activities following a significant disruption
- identifying the resources required
- understanding the threats ~~to these activities~~, their dependencies and ~~the~~ impacts of not resuming them;
- having tried and trusted arrangements in place to resume ~~these activities making ensuring that these arrangements~~ are routinely reviewed and updated

Activities are disrupted by a wide variety of incidents, many ~~of which are~~ difficult to predict. By using the impact of the disruption as the focus, rather than the cause, business continuity determines priorities and processes for continued service delivery ~~and, in order~~ to meet Council's obligations. The aim is to recognise in advance what needs to be done across all work areas, for the supply chain, our stakeholders and reputation ~~and it will then be possible to~~ take a realistic view on responses needed ~~so that we can~~ be confident of managing consequences and avoiding unacceptable impacts.

Business continuity can be effective in dealing with both sudden disruptive incidents (eg fire) and gradual ones (eg influenza pandemics), where business continuity works collaboratively with both Workplace and Community Emergency Management Plans

The following diagrams (adapted from ISO 22313:2012) ~~are intended to~~ illustrate conceptually how business continuity can be effective in mitigating impacts ~~in certain situations~~. No particular timescales are implied by the relevant distance between the stages shown in either diagram.

Diagram 2: Mitigating impacts through effective business continuity – sudden disruption

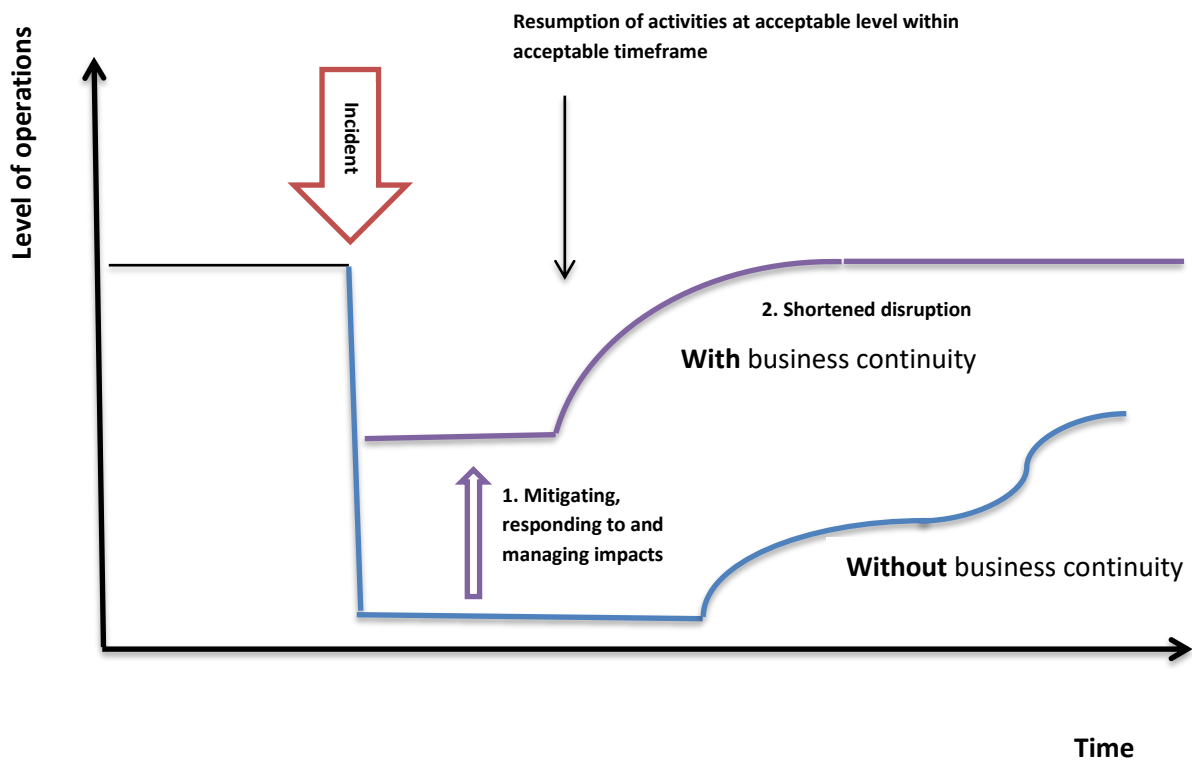
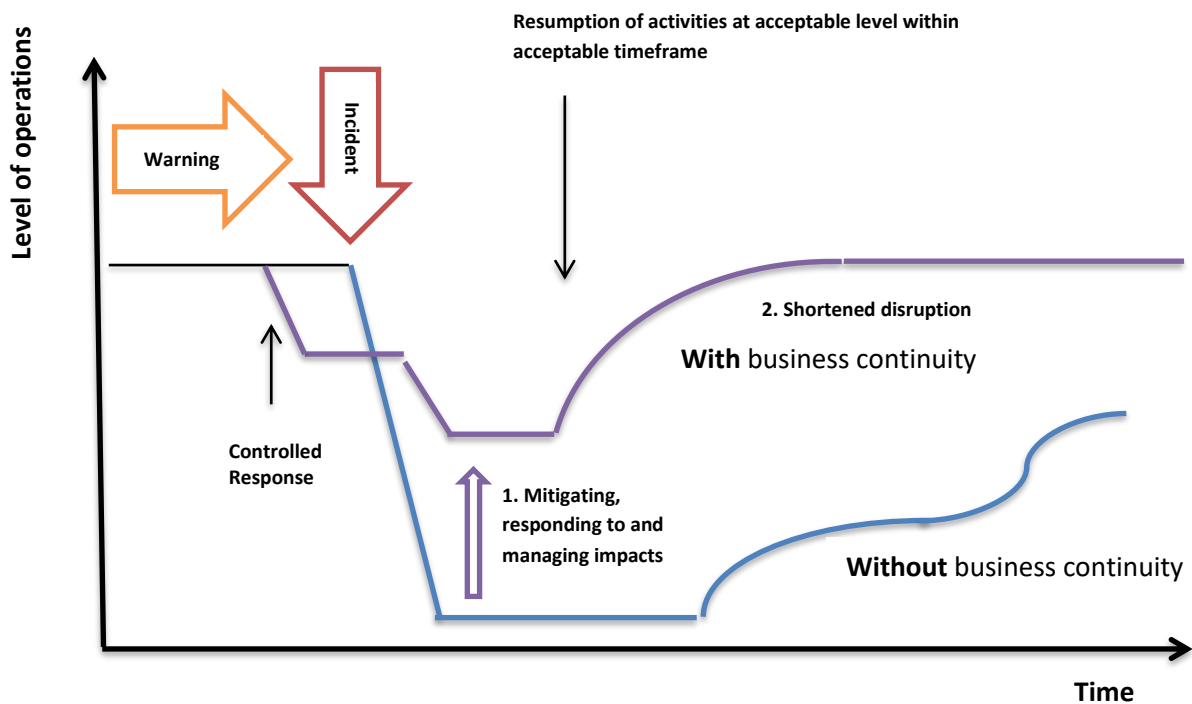


Diagram 3: Mitigating impacts through effective business continuity – gradual disruption



## Understanding Our Context

~~Relevant~~ The internal and external factors ~~that are relevant to our purpose and operations~~ need to be understood so ~~that our purpose and operation~~ this information can be taken into account when establishing, implementing, maintaining and improving our business continuity program and assigning priorities.

### Internal Factors

The key services provided by Council will be directed by the Business Continuity Plan and confirmed by the Executive Leadership Team.

### External Factors

The political, legal and regulatory requirements placed on the City of Marion in relation to the continuity of operations and services, as well as the interest of relevant stakeholders will be documented and kept up to date and taken into account in establishing, implementing and maintaining our business continuity program.

~~For example, Section 7 of the South Australian Local Government Act 1999 sets out the functions of a council.~~

~~These requirements will be taken into account in establishing, implementing and maintaining our business continuity program.~~

## Understanding the Needs and Expectations of our Stakeholders

Individuals, groups of people or other organisations that can affect, be affected by, or perceive themselves to be affected by the decisions of the City of Marion, whether under normal operations or during a disruptive incident will be identified.

By understanding these ~~stakeholders' interests~~ interests in, or perceptions of, Council under both normal and disruptive situations, it is possible to develop appropriate continuity arrangements and communication strategies that meet their needs and expectations. ~~It is particularly important to develop appropriate strategies and plans to facilitate communications with these stakeholders~~ at the time of disruption.

~~The Strategy and Innovation Department will work with the Corporate Governance Department to provide a high level stakeholder 'map' or 'chart' to initiate the stakeholder analysis.~~

## Our Approach to Business Continuity

We have adopted the latest available literature on business continuity to ensure the program is based on current leading practice. In addition to the International Standards (ISO 22301 and 22313), the Risk Management Unit, as facilitators of the program, will also reference the Business Continuity Institute's Good Practice Guidelines 2013 Global Edition (A guide to global good practice in business continuity) and other credible resources developed to guide organisation's implementing the International Standards.

## Scope of the Business Continuity Program

We have determined the scope of the business continuity program appropriate to our size, resource capacity and reasonable expectations of our stakeholders.

The business continuity program applies to all operations and functions within Council including operational, strategic and project.

**The scope of the program is focused on time critical activities and the supporting resources that enable delivery of our key services.**

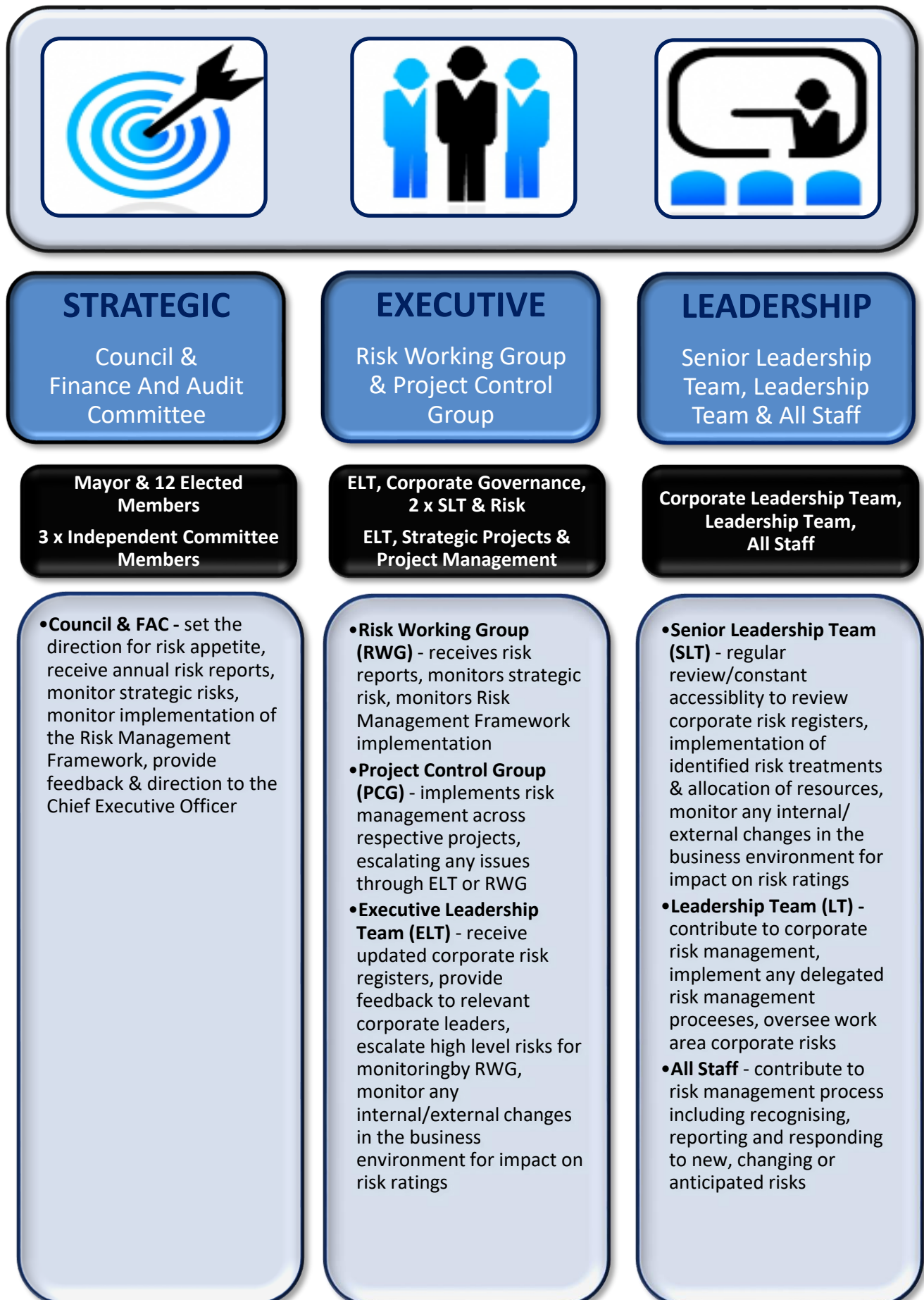
The program is intended to satisfy all internal and external obligations with regards to continuity of key services.

The program will be positioned to apply to any incident or situation that sits between:

- Council's capacity for an effective 'business as usual' operational response; and
- a wide scale or catastrophic event which may be declared as a State or National Emergency, where Council's role may be to support the State response and/or Council could not reasonably be expected to resume 'business as usual' operations within days or weeks.

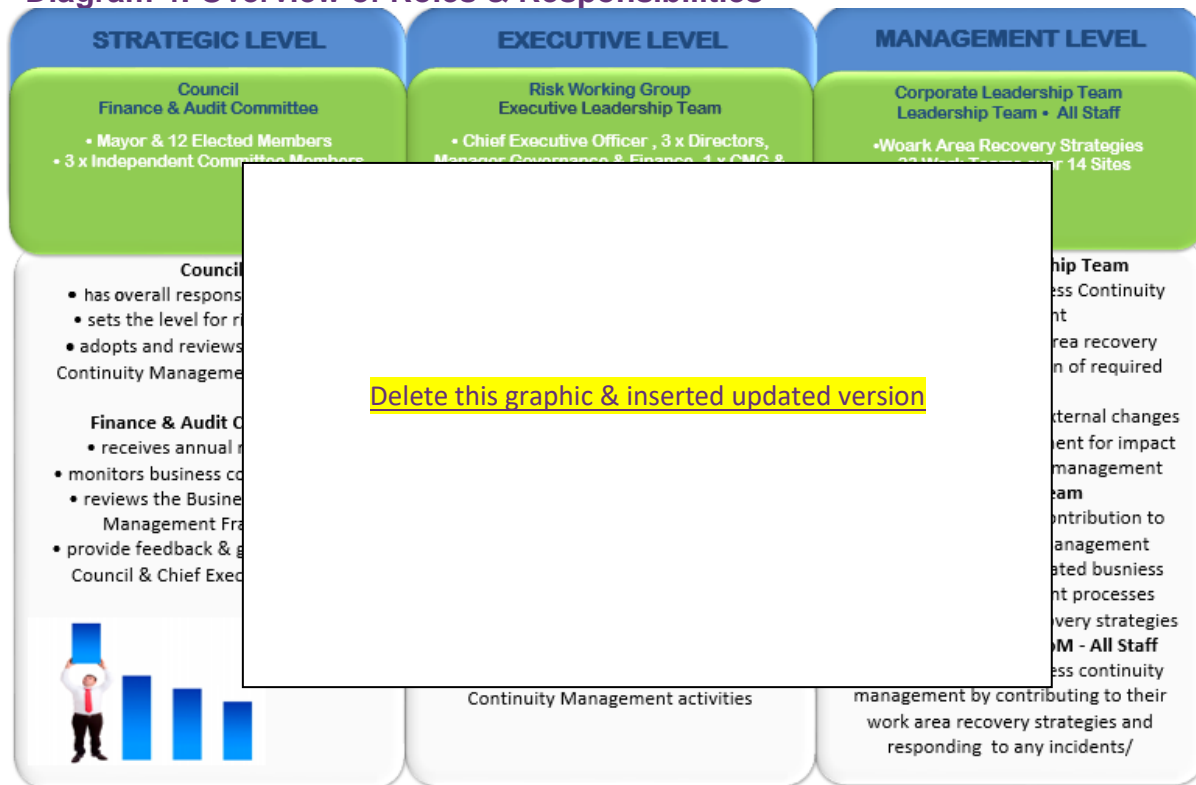
The program is aligned to the Council's risk management framework and the relevant risk management tools will be used.

**Roles and Responsibilities** The Business Continuity Policy provides a high level explanation of business continuity responsibilities, greater detail is provided below: with further information outlined can be obtained from in the Business Continuity Plan



## Overview of Roles & Responsibilities

Diagram 4: Overview of Roles & Responsibilities



### Council

Council is responsible for setting the organisation's risk appetite, oversight of the organisation's systems for managing risk including approving and reviewing the City of Marion's Business Continuity Policy and Framework. The effectiveness of our business continuity is monitored and reported to the Chief Executive Officer and Executive Leadership Team via the Risk Working Group and through the review of reports from the Finance & Audit Committee.

### Finance & Audit Committee

As part of its advisory and assurance role to Council, the Finance & Audit Committee reviews the risk profile annually, monitors the risk exposure to Council, determines and determines the adequacy of risk management processes including business continuity. The Committee reviews reports from management as well as external auditors regarding Council's assurance program, making recommendations to Council regarding business continuity arrangements, BCP reviews and testing outcomes. .

### Chief Executive Officer

Council has delegated various powers and functions to the Chief Executive Officer to enable the implementation of policy and procedures, to assist with the management of the City of Marion's risk profile and to ensure alignment with strategic plans. With overall accountability for business continuity, the Chief Executive Officer provides leadership and ensures appropriate resourcing and delegations are in place for an effective business continuity program at an appropriate level.

## Risk Working Group

With membership including the Executive Leadership Team, the Risk Working Group oversees business continuity on an on-going basis and confirms reports to be provided to the Finance & Audit Committee.

## General Managers

General Managers ensure participation of units within their portfolio in business continuity activities. General Managers and the Chief Executive Officer will ensure business continuity is embedded in the culture, have positions within the incident management team and participate in training and exercises.

## Leadership Team

All leaders and managers actively participate in business continuity by:

- monitoring activities supporting key services to ascertain if any changes may affect business continuity arrangements;
- maintaining awareness of business continuity activation processes and escalate issues as they arise
- participating in the business impact analysis process;
- implementing and updating business continuity recovery strategies and communicating this information to staff;
- maintaining readily accessible up-to-date contact details for their staff and key stakeholders
- liaising with the Risk Management Unit to ensure all related information is kept accurate.

Managers may be selected to join the incident management team and participate in training and exercises.

## Risk Management Team Unit Manager Risk

Accountable for the overarching Business Continuity program including responsibility for:

- establishing, overseeing, reviewing and maintaining Business Continuity Policy, Framework and Plan
- ensuring business continuity meets the strategic needs of the organisation and is aligned to Business Continuity Management ISO22301:2012
- annually reviewing business continuity management and presenting findings to the Executive Leadership Team and the Finance & Audit Committee
- facilitating appropriate training and testing of the Business Continuity Plan in collaboration with the ICT Service Recovery Plan
- engaging annually with all work areas to ensure that their needs are being met in the event of a business disruption

## Project Managers/Coordinators

Once business continuity arrangements are in place, project managers and coordinators will consider how the project may impact on the business continuity arrangements, either during the life of the project or on handover to operations.

## All Staff

All staff contribute to the business continuity process by:

- recognising, reporting and responding to situations or incidents that may impact continuity of operations
- maintaining awareness that changes to activities supporting key services may impact on business continuity arrangements;

- ensuring manual processes and recovery strategies are kept current and reporting any gaps to their manager.

## Business Continuity Resources

Business continuity competency will be included in the Training Need Analysis requirements. The Risk Management Unit facilitate business continuity management within its wider risk management framework and act as document and system owners.

Management will ensure there are a sufficient number of staff formally trained in business continuity, having due regard to the size of the organisation and ensuring coverage.

The Risk Management Unit develops and continually improves guiding information and tailored resource tools for risk management activities, including business continuity, and for recording and reporting purposes. The accuracy of document content is crucial and a regular review is required, in consultation with managers of time critical activities or their supporting resources.

## Integration

Business continuity considerations will be integrated into the relevant organisational programs and operations, as listed:

- Strategic Management Framework
- Workplace Emergency Management Plan
- Community Emergency Management Plan
- Risk Management Framework
- ICT Service Recovery Plan

An overview of each follows:

### Strategic Management Framework

The Strategic Management Framework elements include:

- Community Plan (30 years)
- Business Plan (3 years)
- Work Area Plans (3 years)
- Annual Plan (1 year)
- Personal Development Plans

The Business Plan informs the strategic directions of Council and from that the key services can be confirmed. The Work Area Plan conveys the service levels and this information can be used as a reference when considering the minimum acceptable service levels to be provided following a disruptive incident.

### Workplace Emergency Management Plan

Workplace emergency arrangements ensure a building or facility is evacuated in a safe and timely manner. Our emergency response arrangements are facilitated by the Risk Management Unit. In the event of a disruptive incident requiring building evacuation, the emergency control officer teams would hand over operations to an activated incident management team, as outlined in the Business Continuity Plan, in order for them to manage post emergency response events and oversee activation of appropriate business continuity arrangements.

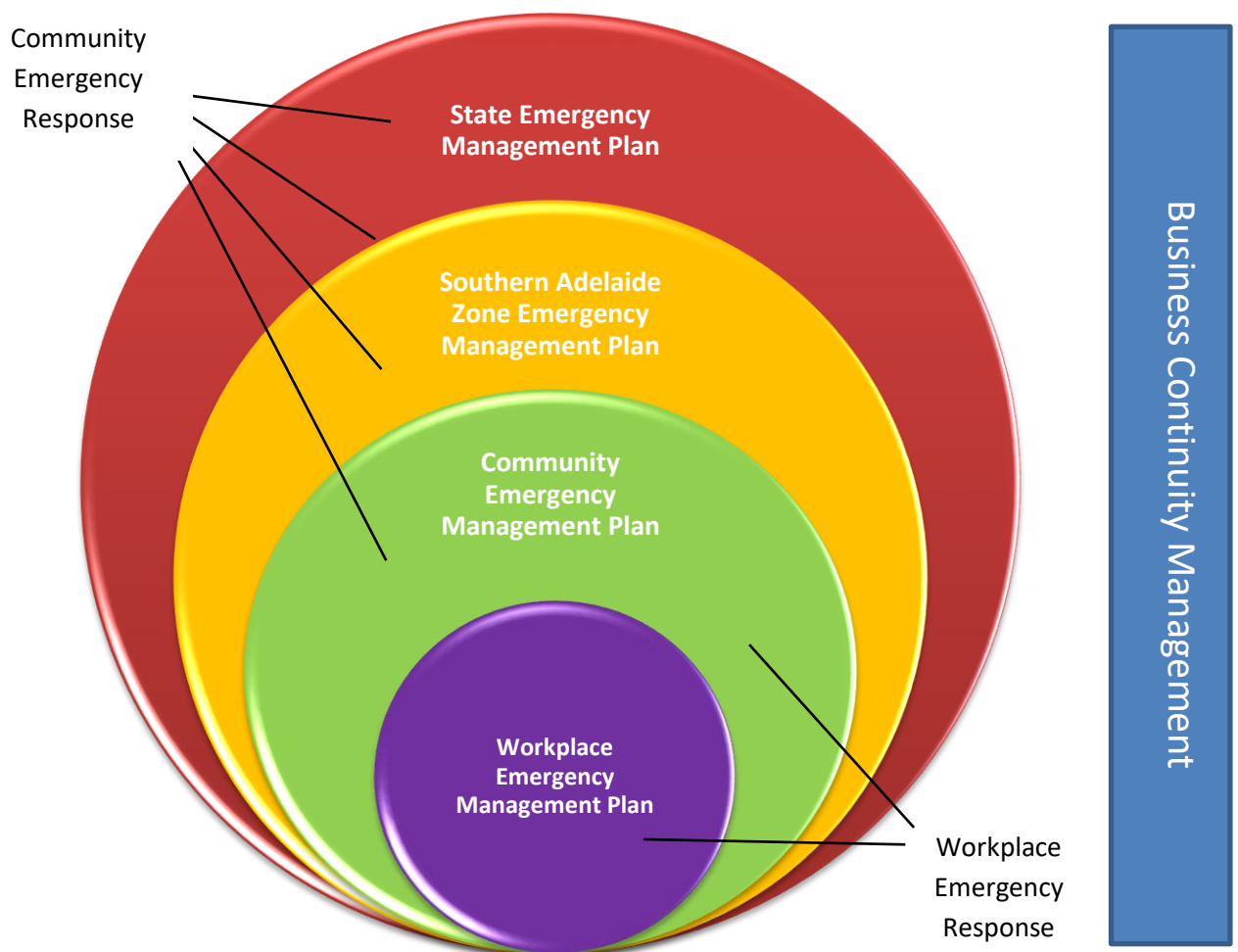
## Community Emergency Management Plan

We undertake emergency management planning and participate in exercises so we are prepared to respond effectively to requests from State Government, Control Agencies or Hazard Leaders during community level emergencies. We are active participants on the Southern Adelaide Zone Emergency Management Committee. The Risk Management Unit facilitates the Community emergency management plan in close consultation with the operational teams at City Services. The incident management team may be activated during emergencies to coordinate our response and to oversee business continuity arrangements as required.

The Southern Adelaide Zone Emergency Management Plan arrangements are taken into account in responding to community level emergencies and therefore there is an interface between that plan and the Business Continuity Plan.

### Diagram 5: Overview of Community and Workplace Emergency Response

The diagram below shows the relationship between the various documents and indicates their intended use for community emergency response and response to City of Marion incidents.



## Risk Management Framework

We undertake business continuity so we are prepared to respond quickly and effectively to an incident or situation that may disrupt or has disrupted our operations. The assessment of disruption risks is aligned to the Risk Management Framework.

## ICT Service Recovery Plan (ICT SRP)

It is vital that the ICT Service Recovery Plan specifies the restoration of ICT services that support key services in the order of priority established by business continuity and endorsed by Executive Leadership Team. The ICT Service Recovery Plan needs to work in conjunction with the Business Continuity Plan as both are often impacted at the time of a business disruption and, hence, involve the same key personnel and have common aim of a prompt and efficient resumption of business.

## Evaluating the Performance of the BCM Program

Business Continuity ~~Management~~ will be monitored, via the following activities:

- regular review and updating of IMT blue Business Continuity folders the documentation;
- distribution of updated documentation to all relevant recipients;
- evidence that outcomes from reviews and exercises have been implemented as monitored and managed by the Business Continuity Working Group and reported regularly via corporate risk reporting to the Risk Working Group.
- ~~and~~ where appropriate outcomes are incorporated into business continuity processes.

Business continuity is included in the scope of CoM'sour assurance program. The annual risk management review includes business continuity and is undertaken by the Local Government Association Mutual Liability Scheme.

## Business Continuity Elements

The business continuity elements described in ISO 22313:2012 *Societal security – Business continuity systems – Guidance* comprises five key elements:

- Operational Planning & Control
- Business Impact Analysis & Risk Assessment
- Business Continuity Recovery Strategies
- Business Continuity Plan
- Exercises & Testing

**Diagram 6: Business Continuity Elements**



A description of the elements for business continuity follows.

## Operational Planning & Control

~~Having established the business continuity objectives (as outlined in the Objectives of the Business Continuity Management Policy), the first step is to create a program to ensure business continuity is managed appropriately and its effectiveness is maintained.~~

~~The program will involve:~~

- ~~• agreeing on a suitable methodology (ISO 22301 and 22313) for implementing business continuity~~
- ~~• using implementing a planned approach, such as utilising project management methodology to set project milestones and required deliverables (which will be documented in a project plan and linked to the risk management implementation plan)~~
- ~~• maintaining documentation to track action taken and monitor changes~~
- ~~• reporting to Executive Leadership Team management (via the Risk Working Group) for monitoring that planned changes are controlled, unintended changes are reviewed and appropriate action is taken~~
- ~~• ensuring the accuracy of information and effectiveness of the process~~

## Business Impact Analysis & Risk Assessment

Gaining agreement and understanding of priorities and requirements for business continuity is achieved through the business impact analysis (BIA) of each CoM work area (as detailed within their respective Recovery Strategy documentation) and risk assessment which will then:-

A business impact analysis will:

- identify activities that support the provision of Council's key services;

- assess maximum acceptable outage (MAO) times to prioritise time lines for resuming these activities at an endorsed minimum acceptable level, taking into consideration the time within which the impacts of not resuming them would become unacceptable;
- identify dependencies and supporting resources including suppliers, outsource partners and other relevant stakeholders.
- assess 'maximum tolerable period of disruption', the 'recovery point objective (RPO)' or the impacts over time of not performing these activities or the 'recovery time objective' (RTO)

~~The Risk Management Unit will liaise with the Innovation & Strategy Unit to foster a coordinated approach to continuous improvement activities and process mapping.~~

The business impact analysis enables ~~us to~~ prioritisation ~~for the resumption of activities that support our key services and informs the ICT critical asset information register, . This understanding will enable~~ enabling the identification of ~~us to select~~ appropriate business continuity recovery strategies.

These prioritised activities are usually referred to as 'critical activities' within business continuity. **The 'critical' term relates to time or impact criticality, rather than a perception of some activities being more important than others.**

The workarounds currently in place for the critical activities will be documented during the business impact analysis process, as this information will be used when considering business continuity recovery strategies.

Risk assessment promotes understanding of the risks relating to critical activities and their dependencies and the potential consequences of a disruptive incident.

The risk assessment will focus on identifying vulnerabilities within our operations and infrastructure linked to the underlying value they support as well as understanding the impact of their non-availability and its stakeholders. Business continuity is not about identifying, assessing and reporting every conceivable risk or allocating probabilities (likelihood) to event occurrences.

~~A report will be provided to the Risk Working Group will for endorsement and identified agreement on the critical activities and supporting resources and related that will require business related business continuity recovery strategies. The report will also outline the situations that will trigger and justify activation of the business continuity plan including an incident management team response.~~

## Business Continuity Recovery Strategies

Having undertaken the business impact analysis ~~and modified risk assessment~~, the next step is to consider how continuity will be achieved for the time critical activities and supporting resources that enable delivery of key services.

In setting the ~~R~~ recovery ~~S~~ strategies, ~~we will~~ consideration is given to how ~~we will utilise~~ resources are to be used eg: such as people, buildings, work environment and associated utilities, facilities, equipment and consumables, ICT systems, transportation, finance, partners and suppliers, and how information and data will be accessed. ~~If ICT systems fail, being able to gain manual access to provide required data information may to~~ enable critical activities to continue.

A robust business continuity approach will usually consider as a minimum, developing business continuity recovery strategies for these four scenarios:

<u>Scenario</u>	<u>CoM Recovery Strategy Reference</u>
• <u>inability to access buildings and/or equipment eg: trucks</u>	<u>Land &amp; Property / Operational Support</u>
• <u>inability to access staff;</u>	<u>Human Resources</u>
• <u>inability to access technology</u>	<u>ICT /ICT Service Recovery Plan</u>
• <u>inability to access key suppliers or partners.</u>	<u>Financial Services</u>

- ~~inability to access buildings and/or equipment (eg trucks);~~
- ~~inability to access staff;~~
- ~~inability to access technology~~
- ~~inability to access key suppliers or partners.~~

Business Impact Assessment (BIA) details are included within the Recovery Strategies to provide a focus on the operational and financial impacts resulting from a disruptive event. This are quantified against the following headings;

- function loss
- penalties for non delivery
- functional interdependencies

There are three levels at which strategies can be set:

- ~~1. Full availability – cannot fail;~~
- ~~2. Continuity within timeframe requirements at an agreed minimum service level; and~~
- ~~3. Do nothing.~~

The BIA section identifies the service provision against three categories; (i) fully available, (ii) phased over a period of time or (iii) need ‘do nothing’

- (i) Full availability is provided where any disruption to the activity cannot be tolerated. This expensive strategy option is unlikely to be cost effective in many instances, when we take into account the nature of the services we provide to the community. Examples where this strategy may be necessary are activities affecting community safety, such as our response to fallen trees.
- (ii) Where continuity of the activity can be phased over a period of time, the levels of operational capability at fixed points in time will be agreed and the type and amount of resources needed will be identified. This strategy is the option most frequently adopted by organisations, as it allows for a gradual and managed increase in capability with defined resource requirements.
- (iii) ‘Do nothing’ is an acceptable option for some activities. However, there are impacts that, if not managed, will subsequently have serious implications. These may be financial or, more likely, affect the local community.

Also detailed within the Recovery Strategies are Critical ICT Business Systems response requirements which are classified as one of the following:

## 1 Maximum Acceptable Outage (MAO)

The maximum tolerable point in time at which a recovery should occur or else the outage compromises the ability of the Council to achieve its business objectives and/or provide critical services:

## 2. Recovery Time Objective (RTO)

The maximum acceptable length of time that can elapse before the lack of a business function severely impacts the Council. This is the maximum agreed time for the recovery of the service

## 3. Recovery Point Objective (RPO)

The point in time to which systems and data must be recovered after a failure in service has occurred. For example, data should be restored up till the start of the day. It includes the amount of data needed to be reconstructed after the systems or functions have been recovered.

There may be cost implications for each recovery strategy chosen. These costs should be compared against the cost of disruption, although in some cases the impact of financial cost cannot be applied to the activity. It may be that the greatest impact could be community safety. ~~With the s~~

Supporting resources and cost implications to being considered in any related ~~the~~ decision making process.

**All The Business - eContinuity #Recovery sStrategies arewill be endorsed by their relevant Senior Leadership and Executive Leadership Team member and updated every 6 months as a minimum.**

## Business Continuity Plan

~~This Plan This step involves establishing, documenting and implementing procedures (key tasks) for the selected business continuity strategies based on the agreed timeframe requirements identified in the business impact analysis.~~ The Business Continuity Plan sets out the key actions to be implemented in response to a disruptive incident and / has a time/impact focus for those critical activities identified as supporting Council services.

~~The d~~Development of the Business Continuity Plan will be done in consultation ~~with~~across the organisation in order to minimise incorrect assumptions. As these documents are used under challenging and stressful circumstances, they need to be concise, simple and easy to follow.

The Business Continuity Plan ~~documentation~~ will form part of a suite of interconnected documentation covering workplace emergency ~~management plansplans response~~ (building evacuation), incident management, business continuity and recovery management and community emergency management at a level appropriate to Council and its obligations.

The Business Continuity Plan will provide guiding information including:

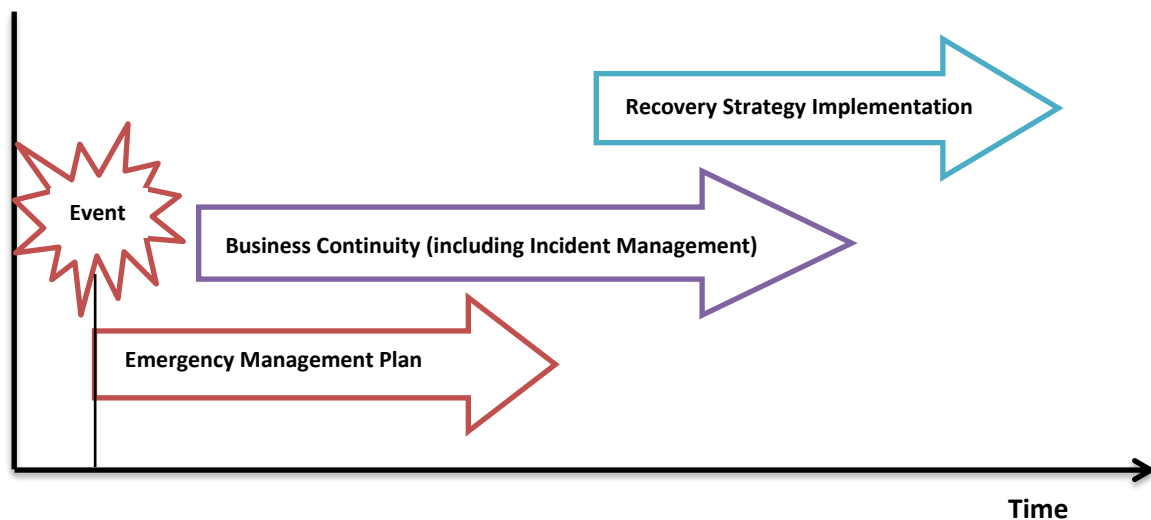
- initial activation triggers;
- alert, standby, activation and stand down processes;
- Incident Management Team structure, nominees and team role and responsibility statements ~~descriptions~~;
- an agenda for the initial meeting of the Incident Management Team covering tasks such as situation reporting (SITREP), risk assessment, communication and decision making;
- requirements and location/s for an incident management base from which to operate; and
- checklists to act as prompts for team members.

Incident management including an agreed incident management team (IMT) will be put in place when a situation arises that cannot be managed effectively as part of 'business as usual' operations or may justify activation of the Business Continuity ~~Management~~ Plan

The Business Continuity Plan has an integral Risk Management Unit ~~will work with the Communications Unit to prepare a~~ IMT communications strategy containing internal and external communications protocols that will be:

- specific – with regard to the immediate steps that should be taken during a disruption;
- flexible – so that they may be used to respond to unanticipated scenarios and changing internal and external conditions;
- focused – they should clearly relate to the impact of events that could potentially disrupt operations and be developed based on stated assumptions; and
- effective – in terms of minimising the consequences of incidents through implementation of appropriate business continuity strategies.

**Diagram 7: Overlapping Relation of Business Continuity with Emergency Management, Incident Management and Recovery Strategies**



The above chart shows the overlapping nature of the activities. A major disruptive incident requiring a building evacuation (the emergency management response) will involve handover from the Emergency Control Officers (ECO) to an activated Incident Management Team (IMT) for commencement of business continuity activities. Prior to stand down of the ~~IMT Incident Management Team~~, it will activate Recovery Strategies as required and appoint a manager to phase out the continuity procedures and progressively resume normal operations.

## Awareness Raising, Training and Testing

Those who hold positions that are named in IMT within the Business Continuity Plan will be made aware of their role and have the appropriate training to enable them to fulfill their responsibilities.

An ongoing awareness program will be implemented by the Risk Unit to ensure all staff are familiar with incident management activation procedures and initial steps that will be taken in the event of a disruptive incident affecting their work place.

Risk and business continuity will be a standard team meeting agenda item to enable issues to be raised and reported up through line management. Other in-house staff communication opportunities will also be used to raise awareness.

~~For the~~ The Business Continuity Plan to be ~~can only be~~ relied upon it needs to be tested when regular by holding exercised regular exercises; ys have been held to build confidence and awareness in IMT incident team member knowledge and working relationships and to when check the content of the plans are routinely checked for accuracy and to ensure, realistic and appropriate.

There are various forms of exercise but it is important to:

- test the systems;
- exercise the plans;
- allow people to rehearse the scenarios.

Exercising and testing is intended as a training opportunity for those who are named in the documents and to ensure the plan is both practical and accurate

Aims and objectives of Business Continuity management ~~that~~ includes:

- everyone understanding their role and that there is an overall appreciation of the plan;
- a check that activation procedures/call-out communications work;
- ensuring that office accommodation, equipment, systems and services provided are appropriate and operational verifying the critical activities can be recovered within their required time frames and to the level of service required.

Exercises & testing will be undertaken without 'risking' the organisation by causing disruptions. They will be cost-effective designed to **build confidence and appropriate** to Council.

There are various forms of exercises ranging from desktop review, where the participants review and challenge the content of the plans, a 'walk through' where the interaction between players is assessed, to a full plan test where the site or building is shut and a move undertaken to an alternative location. All exercises will involve formal planning and an exercise plan.

Although full plan testing is the only way to assure all concerned parties that the incident and continuity management arrangements will work when required, such an extensive exercise is only considered appropriate when the exercise program is mature, IMT incident management team members are well rehearsed, extensive exercise planning has been undertaken and the potential impact on service delivery has been managed.

Rehearsing the team players is vital, as people demonstrate different characteristics when put under pressure. A real activation will be a stressful situation and it is important to understand the strengths and weaknesses of the individuals concerned. Normal management culture surrounding decision making is based on consensus with the maximum information available to all parties. At times of plan activation, the management style may have to be more directive (depending on circumstances), working with less than perfect information.

At the conclusion of each exercise, a debrief session will be held to capture lessons learnt and required document changes. An exercise report will be prepared including recommendations for action and presented to the Risk Working Group. Implementation of exercise report recommendations will be monitored via the Business Continuity Working Group and reported to the Risk Working Group.

## Ongoing BCM Program Activities

Business continuity management is an ongoing cycle of activities to ensure accuracy of all information and to enable an effective response in the event of a disruptive incident.

Changes to service delivery, including continuous improvement activity outcomes and organisational or structural changes will be monitored by the Leadership Team to alert the Risk Management Unit of any potential impact on the effectiveness of business continuity.

## Appendix 1 – Definitions

Term	Meaning (*as per ISO 22301:2012 Business Continuity Systems - Requirements)
<b>Activity</b>	Process or set of processes undertaken by an organisation (or on its behalf) that produces or supports one or more products and services Example – Such processes include accounts, call centre, IT, manufacture, distribution.
<b>Business continuity</b>	Capability of the organisation to continue delivery of products or services at acceptable predefined levels following disruptive incident
<b>Business continuity management (BCM)</b>	Holistic management process that identifies potential threats to an organisation and the impacts to business operations those threats, if realised, might cause, and which provides a framework for building organisational resilience with the capability of an effective response that safeguards the interests of its key stakeholders, reputation, brand and value-creating activities
<b>Business continuity management system (BCMS)</b>	Part of the overall management system that establishes, implements, operates, monitors, reviews, maintains and improves business continuity
<b>Business continuity plan (BCP)</b>	Documented procedures that guide organisations to respond, recover, resume, and restore to a pre-defined level of operation following disruption Note: The management system includes organisational structure, policies, planning activities, responsibilities, procedures, processes and resources
<b>Business continuity program</b>	Ongoing management and governance processes supported by top management and appropriately resourced to implement and maintain business continuity management
<b>Business impact analysis (BIA)</b>	Process of analysing activities and the effect that a business disruption might have upon them
<b>Document</b>	Information and its supporting medium
<b>Documented information</b>	Information required to be controlled and maintained by an organisation and the medium on which it is contained Note 1: Documented information can be in any format and on any media from any source. Note 2: Documented information can refer to The management system, including related processes; Information created in order for the organisation to operate (documentation); Evidence of results achieved (recorded)
<b>Effectiveness</b>	Extent to which planned activities are realised and planned results achieved
<b>Event</b>	Occurrence or change of a particular set of circumstances Note 1: An event can be one or more occurrences, and can have several causes. Note 2: An event can consist of something not happening. Note 3: An event can sometimes be referred to an 'incident' or 'accident'. Note 4: An event without consequences may also be referred to as a 'near miss', 'incident', 'near hit', 'close call'.
<b>Exercise</b>	Process to train for, assess, practice, and improve performance in an organisation Note 1: Exercises can be used for: validating policies, plans, procedures, training, equipment, and inter-organisational agreements; clarifying and training personnel in roles and responsibilities; improving inter-organisational coordination and communications; identifying gaps in resources; improving individual performance; and identifying opportunities for improvement, and controlled opportunity to practice improvisation.

	Note 2: A test is a unique and particular type of exercise, which incorporates an expectation of a pass or fail element within the goal or objectives of the exercise being planned.
<b>Incident</b>	Situation that might be, or could lead to, a disruption, loss, emergency or crisis
<b>Infrastructure</b>	System of facilities, equipment and services needed for the operation of an organisation
<b>Management system</b>	Set of interrelated or interacting elements of an organisation to establish policies and objectives, and processes to achieve those objectives Note 1: A management system can address a single discipline or several disciplines. Note 2: The system elements include the organisation's structure, roles and responsibilities, planning, operation, etc. Note 3: The scope of a management system can include the whole organisation, specific and identified functions of the organisation, specific and identified sections of the organisation, or one or more functions across a group of organisations.
<b>Maximum acceptable outage (MAO)</b>	Time it would take for adverse impacts, which might arise as a result of not providing a product/service or performing an activity, to become unacceptable Note: See also maximum tolerable period of disruption.
<b>Maximum tolerable period of disruption (MTPD)</b>	Time it would take for adverse impacts, which might arise as a result of not providing a product/service or performing an activity, to become unacceptable Note: See also maximum acceptable outage.
<b>Resources</b>	All assets, people, skills, information, technology (including plan and equipment), premises, and supplies and information (whether electronic or not) that an organisation has to have available to use, when needed, in order to operate and meet its objective
<b>Risk</b>	Damage, injury, loss or other unintended occurrence, resulting from an unplanned event, impacting on achieving Community outcomes and Council objectives Note: Outcomes and Objectives can have different aspects (such as relating to people, WHS, social, cultural, financial, environmental, business continuity, organisational, reputation or public administration and can apply at different levels (such as strategic, organisational services and/or projects)
<b>Risk appetite</b>	Amount and type of risk that an organisation is willing to pursue or retain
<b>Risk assessment</b>	The overall process of risk identification, risk analysis and risk evaluation
<b>Risk management</b>	Coordinated activities to direct and control an organisation with regards to risk
<b>Stakeholder</b>	Those people and organisations who may affect, be affected by, or perceive themselves to be affected by a decision, activity or risk Note: A decision maker can be a stakeholder
<b>Testing</b>	Procedure for evaluation; a means of determining the presence, quality or veracity of something Note 1: Testing may be referred to as a 'trial' Note 2: Testing is often applied to supporting plans

## Development Delegations Policy Review

<b>Originating Officer</b>	Manager Development and Regulatory Services - Warwick Deller-Coombs
<b>Corporate Manager</b>	Manager Development and Regulatory Services - Warwick Deller-Coombs
<b>General Manager</b>	Acting General Manager City Development - Fiona Harvey
<b>Report Reference</b>	GC190924R15

### REPORT OBJECTIVE

The objective of this report is to update Council on the review of the Development Delegations Policy and consider whether to proceed in making any further changes at this time.

### EXECUTIVE SUMMARY

On 11 June 2019, Council resolved to request a review of the Development Delegations Policy:

*"Council...requests a review of the (development delegations) policy be undertaken by the Manager of Development and Regulatory Services, which includes consultation with the Council Assessment Panel (CAP) and Urban Planning Committee (UPC). The review to be presented at the 13 August 2019 General Council."*

This report forms part of that review and seeks direction on further action.

In summary following the review and subsequent discussion with the CAP a recommendation was presented to the UPC on 3 September seeking to alter the Policy to allow a single authority (e.g. Council staff or CAP) to administer a land division application where the land use had already been approved.

At the special September meeting, the UPC was supportive of the change but wanted to ensure it was drafted in such a way that would stop people 'rorting' the system i.e. through more stringent requirements to tie land use applications to land division applications.

The development delegations policy report presented at the special meeting of the UPC held 3 September 2019 is included for reference (attached).

Informal legal advice recently sought by Administration to explore the possibility of such a delegation has indicated that while complex, such a delegation may be drafted.

Further to this particular issue and further to the recent special meeting of the UPC, Council staff, Elected Members and CAP members were invited to a workshop on 12 September 2019 to discuss the State Planning Reforms. During this workshop it became evident that there will be major changes to the way Development Delegation Policies are drafted, authorised and enacted.

It is likely these changes will be progressed over the next several months until the Planning and Design Code is active from July 2020.

Given the further understanding of the planning reforms since the UPC meeting, Council may wish to consider the recommendation of the UPC in light of this information and either; Proceed as recommended by the UPC and draft the delegation change or consider taking no further action on the development delegations policy at this time.

### RECOMMENDATION

That Council:

1. Supports amending the Development Delegations Policy, subject to legal advice, to better ensure that a single 'relevant authority' can assess a land division application when a built form application is already approved (or built); and
2. Refers the draft amended Policy to the Urban Planning Committee for consideration.

## Attachment

#	Attachment	Type
1	Appendix 1 - SUPC190903R02 Development Delegations Policy Review	PDF File

## Development Delegations Policy Review

<b>Originating Officer</b>	Manager - Development and Regulatory Services. - Warwick Deller-Coombs
<b>Corporate Manager</b>	Manager Development and Regulatory Services - Warwick Deller-Coombs
<b>General Manager</b>	Acting General Manager City Development - Fiona Harvey
<b>Report Reference</b>	SUPC190903R02

### REPORT OBJECTIVE

The objective of this report is for the Urban Planning Committee to consider recommending to Council a minor change to the City of Marion Development Delegations Policy to help avoid a conflict in assessments when dealing with certain types of land division.

### EXECUTIVE SUMMARY

On 11 June 2019, Council resolved that the Manger Development and Regulatory Services should undertake a review of the Development Delegations Policy. A review has been undertaken and one issue has been identified that requires a (procedural) change to the Policy.

An issue has been identified by both Administration and the current Council Assessment Panel (CAP), with the current City of Marion Development Delegations Policy where the CAP is delegated to assess certain land division applications that may reflect already approved, and in some cases constructed and occupied, built form (usually residential housing).

CAP at their meeting on 3 July 2019, discussed this issue with staff and asked us to investigate a solution where a single authority (Council or CAP) could assess such an application. This was again raised at the August CAP meeting.

This is a technical issue and Team Leader Planning will provide additional details during the committee meeting.

#### **Brief summary of the issue:**

The issue is relevant to provisions in the Development Act 1993 that allow an applicant to develop dwellings on a site without requesting land division. It is within their rights to this, as they may (for example) choose to live in 1 dwelling and rent the others out or rent them all out.

During an initial assessment (by staff) without land division, the total site area is calculated including any driveway space (in-line with appropriate practice in assessing such applications).

However, if an applicant chooses to subsequently request land division, then the driveway space is excluded from the assessment and the site area is re-calculated. This often leads to the sites technically being under (or further under) minimum requirements for site areas and deferred to the CAP for assessment.

CAP are then in a difficult position to assess an application for under-size dwellings knowing that the dwellings have already been approved (and possibly built).

Previously, where an approval had already been given (and sometimes already built) staff were delegated to make the decision on the land division even if the allotments are technically under-sized.

This is a known issue with the Development Act and it is unclear how the new Planning and Design Code will deal with such situations.

For the remaining months until the new Planning and Design Code is introduced (July 2020) it is recommended to slightly change the Development Delegations Policy to allow staff to assess any subsequent land division application where it has been demonstrated from a built-form perspective that the dwellings are an acceptable form of development.

Given the Planning Reforms may alter or standardise delegation policies across local government, no further changes are recommended at this time.

## **RECOMMENDATION**

It is Recommended that the Urban Planning Committee:

Request Council make the following amendments (new text underlined) to clause 4.1.5 of the City of Marion Development Delegations Policy:

4.1.5 Any application for land division (including a 'combined' land use and land division application) that results in three or more allotments (excluding an allotment identified as common property or as a free an unrestricted right of way) where one or more of the proposed allotments is more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan.

This excludes applications for land division that relate to a site where current built form already exists and/or to a previously approved land use application that reflects the subject application where the allotment(s)/site(s) proposed are less than the minimum allotment or site area(s) designated in the relevant zone and/or policy area in the Marion Council Development Plan; the application in this instance would be determined by Administration.

## **DISCUSSION**

The City of Marion Development Delegations Policy sets out the types of development applications that will be determined by the Council Assessment Panel.

*Section 83 of the Planning, Development and Infrastructure Act 2016 ("the PDI Act") requires the Council to establish a Council Assessment Panel to undertake development assessment functions under that Act on its behalf.*

*Section 34(23) of the Development Act 1993 ("the Development Act") requires the Council to delegate its powers and functions as a relevant authority with respect to determining whether or not to grant development plan consent under the Dev Act to the Panel and/or Council's Administration. This delegation is made pursuant to Section 20 of the Development Act.*

Pursuant to Section 34(27) of the Development Act, Council is also required to adopt a policy setting out the basis upon which the delegations relating to development assessment are made. The Development Delegations Policy sets out the types of development applications that will be determined by the Council Assessment Panel – a copy of the current Development Delegations Policy is attached in Appendix 1.

On 11 June 2019, Council resolved that the Manager of Development and Regulatory Services review the Development Delegations Policy and present it back to Council. As part of that review, only one issue and subsequent change is recommended.

### **Background**

*Presently, land division applications proposes three or more additional allotments where the allotment(s) proposed are less than the minimum allotment area(s) designated in the relevant zone and/or policy area are required to be assessed by the Council Assessment Panel.*

The construction of dwellings and the formal division of land are separate processes. The processes are not mutually exclusive, and in some occasions Council receives applications for multiple dwellings on the same allotment without seeking an associated land division. Likewise, there are instances where land division applications are sought without an associated land use application.

Whilst it is desirable from an assessment perspective to combine land use and land division applications (there is less confusion as to what is actually proposed – i.e. it's easier to determine the nature of development, and more assessment provisions are applicable) Council cannot force an applicant to combine these applications and must processes and assess what is presented.

### **Issue**

*An issue has been identified with the current Development Delegations Policy whereby the Council Assessment Panel is having to consider land division applications that reflect already approved, and in some cases constructed and occupied, built form. Examples may include;*

*Scenario 1: Applications for land division that relate to a previously approved land use application where in certain situations the previous land use application achieved average site areas that meet the development plan minimums and was determined under delegation.*

*Scenario 2: Applications for land division that relate to a previously approved land use application where the original land use application did not propose a dwelling type listed within the development plan therefore no minimum allotment dimensions were applicable.*

#### **Scenario 1**

*This scenario is more predominate with applications that involve multiple dwellings running down the allotment and serviced by a single driveway.*

*The Development Plan requires a land use application to calculate the average of the entire site, including the driveway 'handle', whilst when assessing the land division application the Development Plan states an assessment should exclude the driveway 'handle' and ensure each individual allotment meets the minimum allotment sizes.*

In this scenario, whilst the land use application may have meet the minimum requirements as specified by the Development Plan and determined under delegation, as the land division application is subject to a different form of assessment this application may therefore require determination by the CAP (regardless if the built form application is approved and constructed/occupied).

#### **Scenario 2**

This scenario is more predominate with applications that involve multiple dwellings that achieve street frontage and are proposed on a single allotment.

The Development Plan does not provide criteria on which to assess a 'dwelling' in terms of site area and dimensions. In instances where a dwelling doesn't meet the specific dwelling types outlined in the Development Plan assessment of the dwelling is largely against the applicable quantitative and qualitative provisions (i.e. setbacks, parking, open space, design etc).

In the instance where multiple separate 'dwelling's' on the same allotment have received consent, should a future land division be lodged and the proposed site areas are to below the minimum for a 'detached dwelling' (the largest dwelling site permitted), this land division will require determination by the CAP.

### **Proposal**

To alleviate the need for the CAP to consider land division applications which reflect previously approved (therefore considered to meet the Development Plan requirements) land division applications and to ensure a better allocation of resources for the assessment of applications and provision of general day to day customer service it is suggested an amended to clause 4.1.5 be made.

The proposed clause would enable administration to determine applications for land division that relate to a site where current built form already exists and/or to a previously approved land use application where the allotment(s)/site(s) proposed are less than the minimum allotment or site area (s) designated in the relevant zone and/or policy area in the Marion Council Development Plan.

No change to the existing delegation is proposed, whereby an application for a land division proposes three or more additional allotments would be determined by the CAP (unless a land use application has already received consent).

#### Current Clause

4.1.5 Any application for land division that proposes the creation of three or more additional allotments (excluding an allotment identified as common property or as a free an unrestricted right of way) where one or more of the proposed allotments is more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan.

It is suggested the Urban Planning Committee seek Council resolve the following amendment to clause 4.1.5

4.1.5 Any application for land division (including a 'combined' land use and land division application) that results in three or more allotments (excluding an allotment identified as common property or as a free an unrestricted right of way) where one or more of the proposed allotments is more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan.

This excludes applications for land division that relate to a site where current built form already exists and/or to a previously approved land use application that reflects the subject application where the allotment(s)/site(s) proposed are less than the minimum allotment or site area(s) designated in the relevant zone and/or policy area in the Marion Council Development Plan; the application in this instance would be determined by Administration.

#### **Future Delegations Policy**

The Department of Planning has flagged changes to CAP processes and delegations during the State Planning Reform process. While the details of any proposed changes have not been made available as yet, it is recommended not to make any further changes to the Development Delegations Policy at this time.

#### **Attachment**

#	Attachment	Type
1	Attachment 1 - Development Delegations Policy	PDF File

## 1. RATIONALE

- 1.1 Section 83 of the *Planning, Development and Infrastructure Act 2016* requires the Council to establish a Council Assessment Panel (the Panel) to undertake development assessment functions on its behalf.
- 1.2 Section 34(23) of the *Development Act 1993*, requires the Council to delegate its powers and functions as a relevant authority with respect to determining whether, or not, to grant development plan consent under the *Development Act 1993*, to the Panel and/or the Council's Administration.
- 1.3 This policy meets Council's obligations under Section 34(27) of the *Development Act 1993*, which requires Council to adopt a Development Delegations Policy.

## 2. POLICY STATEMENT

- 2.1 The purpose of this policy is to outline the basis upon which Council will delegate its powers and duties, under the *Development Act 1993* and the *Planning, Development and Infrastructure Act 2016*, as a relevant authority with respect to determining whether, or not, to grant development plan consent.
- 2.2 This policy establishes what applications will be determined by Council's Assessment Panel and what applications will be determined by the Council's Administration.

## 3. OBJECTIVES

- 3.1 Council actively supports the growth of the City through appropriate development that maintains and enhances the social, economic and environmental conditions desired by the community.
- 3.2 Council acknowledges that an effective and efficient development assessment system is critical to achievement of community and council goals.
- 3.3 The aim of the policy is to identify the basis upon which delegations are made under the *Development Act 1993*. It sets out the types of Development Applications that will be determined by the Council Assessment Panel.

## 4. POLICY SCOPE AND IMPLEMENTATION

- 4.1 The Panel will undertake the role of the relevant authority pursuant to Section 33 of the *Development Act 1993*, in relation to the following types of development applications:
  - 4.1.1 Non-complying applications – the Panel will decide to refuse the application or seek the concurrence of the State Commission Assessment Panel to approve the application, except for the following:

- the decision to proceed with an assessment of a non-complying application pursuant to Regulation 17 (3)(b) of the *Development Regulations 2008*).
  - non-complying applications deemed to be minor in accordance with Regulation 17 and Schedule 9 Part 1 (3) of the *Development Regulations 2008*.
- 4.1.2 Any 'merit' application that has undergone Category 2 or Category 3 public notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.
- 4.1.3 Any application in relation to a Local Heritage Place or a State Heritage Place where the heritage advice commissioned by the Council or the State Government Department responsible for State Heritage have recommended that approval should not be granted.
- 4.1.4 Any application for the total demolition of a Local Heritage Place or a State Heritage Place.
- 4.1.5 Any application for land division that proposes the creation of three or more additional allotments (excluding an allotment identified as common property or as a free an unrestricted right of way) where one or more of the proposed allotments is more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan.
- 4.1.6 Any application for three or more dwellings (including detached, semi-detached, row and residential flat) where one or more dwelling sites are more than 5% below the minimum site area recommended by the relevant Policy Area of the Development Plan.
- 4.1.7 Any application involving development by the Council where the Minister has declined a request by the Council that the Development Assessment Commission be appointed as the relevant authority.
- 4.1.8 Any application where an appeal has been made to the Environment, Resources and Development Court, and the General Manager City Development has referred to the Panel a proposed compromise made by the appellant.
- 4.1.9 Any application where the Manager Development and Regulatory Services determines that the application warrants assessment by the Panel due to its significant, contentious or controversial nature.

## **5. Applications to be determined by Council's Administration**

- 5.1 All development applications other than applications set out in Section 4.1 of this Policy will be determined by the Administration.

## 6. AVAILABILITY

- 6.1 The Policy is available to be downloaded, free of charge, from the Council's website [www.marion.sa.gov.au](http://www.marion.sa.gov.au)
- 6.2 The Policy is available for inspection without charge at the Administration Building during standard business hours and a copy may be purchased at a fee set annually by Council.

City of Marion Administration Building  
245 Sturt Road, Sturt SA 5047

Telephone: 8375 6600

Email: [council@marion.sa.gov.au](mailto:council@marion.sa.gov.au)

Office hours: Monday to Friday, 8:30am to 5:00pm (except public holidays)

## 7. REVIEW AND EVALUATION

- 7.1 This policy will be reviewed annually in conjunction with Council's annual review of delegations required under Section 40 (6) of the Local Government Act 1999.

## 8. REFERENCES

Development Act 1993  
Development Regulations 2008  
Schedule of Delegations and Sub-delegations

## Housing Diversity DPA

<b>Originating Officer</b>	Executive Assistant to General Manager Corporate Services - Louise Herdegen
<b>Corporate Manager</b>	Manager Development and Regulatory Services - Warwick Deller-Coombs
<b>General Manager</b>	Acting General Manager City Development - Fiona Harvey
<b>Report Reference</b>	GC190924R16

### REPORT OBJECTIVE

The objective of this report is to provide Council with an update and recommendations from the Special Urban Planning Committee meeting held 3 September 2019 in relation to the Housing Diversity Development Plan Amendment

### RECOMMENDATION

It is recommended:

1. That Council notes:

(a) the decision of the Minister for Planning to approve the Housing Diversity Development Plan Amendment (DPA) (Part 1); and,

(b) the decision of the Minister for Planning not to proceed at this time with the proposed Housing Diversity DPA (Part 2) in relation to the suburbs of Darlington, Marino, Seacliff Park, Seacombe Heights and Seaview Downs, and the Urban Corridor Zone along Marion Road (Plympton Park, South Plympton, Park Holme, Ascot Park, Marion and Mitchell Park).

2. That Council waits for the transition to the Planning and Design Code before taking any further action in relation to the Housing Diversity DPA.

### GENERAL ANALYSIS

In late December 2017 Council sought the Minister's approval for the Housing Diversity DPA.

On 4 April 2019 the Minister advised Council that there were a number of issues that required further consideration and proposed to split the DPA:

- Part 1 (to be progressed)

Included the Marion Plains Policy Area, the Foothills and Seaside Policy Area in the suburb of Hallett Cove, changes to the Residential Character Policy Area, the Suburban Activity Node Zone around Marion Shopping Centre and the retention of the Medium Density Policy Area and Regeneration Policy Area in the vicinity of the shopping centre

- Part 2 (to be subject to further consultation)

Included the Foothills and Seaside Policy Area in the suburbs of Marino, Seacliff Park, Seaview Downs, Seacombe Heights and Darlington and the Urban Corridor Zone along Marion Road.

On 15 May 2019 Council advised the Minister that it supported the proposal to split the DPA but was unable to support the Minister's proposed amendments to Part 1 of the DPA (retention of the Medium Density Policy Area and Regeneration Policy Area in the vicinity of Marion shopping centre).

On 8 August 2019 the Minister advised the resolution to approve Part 1 of the DPA as amended in accordance with the letter dated 4 April 2019 (the Gazette notice backdated the resolution to 1 August 2019).

Part 1 of the DPA was consolidated into Marion's Development Plan on 15 August 2019.

The Minister requested that should Council wish to proceed with Part 2 of the DPA, that it should complete consultation by no later than January 2020, and be lodged for final approval by no later than March 2020, to ensure sufficient time is available to capture the rezoning in the final Phase 3 (the metropolitan section) of the transition to the Planning and Design Code.

At the special meeting of Council's Urban Planning Committee on 3 September 2019, the Housing Diversity DPA report was considered (attached) and the UPC recommended that:

*"1. Council note:*

- (a) the decision of the Minister for Planning to approve the Housing Diversity DPA (Part 1); and,*
- (b) the decision of the Minister for Planning not to proceed at this time with the proposed Housing Diversity DPA (Part 2) in relation to the suburbs of Darlington, Marino, Seacliff Park, Seacombe Heights and Seaview Downs, and the Urban Corridor Zone along Marion Road (Plympton Park, South Plympton, Park Holme, Ascot Park, Marion and Mitchell Park).*

*Council waits for the transition to the Planning and Design Code before taking any further action in relation to the Housing Diversity DPA.*

*(Carried Unanimously)"*

It is recommended that Council accepts the recommendation from the SUPC meeting.

## Attachment

#	Attachment	Type
1	SUPC190903R03 Housing Diversity DPA	PDF File

## Housing Diversity DPA

<b>Originating Officer</b>	Manager - Development and Regulatory Services. - Warwick Deller-Coombs
<b>Corporate Manager</b>	Manager Development and Regulatory Services - Warwick Deller-Coombs
<b>General Manager</b>	Acting General Manager City Development - Fiona Harvey
<b>Report Reference</b>	SUPC190903R03

### REPORT OBJECTIVE

The objective of this report is to give the Urban Planning Committee an update on the Housing Diversity DPA and seek feedback on next steps for Part 2 of the DPA.

### EXECUTIVE SUMMARY

In late December 2017 Council sought the Minister's approval for the Housing diversity DPA.

On 4 April 2019 the Minister advised Council that there were a number of issues that required further consideration and proposed to split the DPA:

- Part 1 (to be progressed)

Included the Marion Plains Policy Area, the Foothills and Seaside Policy Area in the suburb of Hallett Cove, changes to the Residential Character Policy Area, the Suburban Activity Node Zone around Marion Shopping Centre and the retention of the Medium Density Policy Area and Regeneration Policy Area in the vicinity of the shopping centre

- Part 2 (to be subject to further consultation)

Included the Foothills and Seaside Policy Area in the suburbs of Marino, Seacliff Park, Seaview Downs, Seacombe Heights and Darlington and the Urban Corridor Zone along Marion Road.

On 15 May 2019 Council advised the Minister that it supported the proposal to split the DPA but was unable to support the Minister's proposed amendments to Part 1 of the DPA (retention of the Medium Density Policy Area and Regeneration Policy Area in the vicinity of Marion shopping centre).

On 8 August 2019 the Minister advised the resolution to approve Part 1 of the DPA as amended in accordance with the letter dated 4 April 2019 (the Gazette notice backdated the resolution to 1 August 2019).

Part 1 of the DPA was consolidated into Marion's Development Plan on 15 August 2019.

The Minister has requested that Part 2 of the DPA should have completed consultation by no later than January 2020, and be lodged for final approval by no later than March 2020, to ensure sufficient time is available to capture the rezoning in the final Phase 3 (the metropolitan section) of the transition to the Planning and Design Code.

The Planning and Design Code will become live on 1 July 2020.

If Council does not meet the above timelines the changes proposed in Part 2 of the DPA would need to be undertaken as a Code Amendment under the Code. Although purportedly a more flexible process, the changes would still require Council to undertake an engagement/consultation process.

## RECOMMENDATION

The Urban Planning Committee recommends to Council that:

1. Council commences consultation for Part 2 of the Housing Diversity DPA under the Development Act 1993, to be completed by no later than January 2020.

OR

1. Council waits until the Planning and Design Code is implemented in July 2020 and undertakes a Code Amendment process for Part 2 of the Housing Diversity DPA.

OR

1. Council waits for the transition to the Planning and Design Code before making any further policy amendments.

## DISCUSSION

Administration seeks the UPC's feedback on recommendations to Council to proceed with Part 2 of the Housing Diversity DPA.

There are the following options available to Council:

1. Council commences consultation for Part 2 of the DPA under the Development Act 1993, which is required to be completed by no later than January 2020)
2. Council waits until July 2020 to undertake an engagement/consultation process for the changes proposed in Part 2 of the DPA as a Code Amendment under the Planning and Design Code.
3. Council takes no further action on the Housing Diversity DPA at this time.

With each of these options, community and community groups may have differing opinions. Administration is currently fielding calls from residents/developers in these areas seeking updates on the timeline for Part 2 of the Housing Diversity DPA.

The following should be taken into consideration for each option:

1. This option was previously supported by Council in its letter to the Minister for Planning on 15 May 2019 and, barring any major issues raised during consultation, the Minister's timeline for this part of the DPA can be met if commenced by the end of September 2019
2. Delaying the process and consultation for this particular DPA is less preferred as circumstances / opportunities may change under the new Planning and Design Code next year and further analysis would likely be required.
3. If Council resolved not to proceed with Part 2 of the Housing Diversity DPA at this time, there would likely be opposition from people whose sites would benefit from the higher development potential.

The Committee's feedback on its preferred option for progressing Part 2 is sought and will be provided to Council for consideration.

## CORPORATE REPORTS FOR INFORMATION/NOTING

### Finance Report - August 2019

<b>Originating Officer</b>	Assistant Financial Accountant - Melissa Virgin
<b>Corporate Manager</b>	Manager Finance - Ray Barnwell
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference</b>	GC190924R17

### REPORT OBJECTIVE

This report provides Council with information relating to the management of financial resources under its control as at August 2019. This report is one of a series of reports designed to assist Council in achieving and maintaining a financially sustainable position. Other reports assisting in this process include the Quarterly Budget Reviews and the LongTerm Financial Plan.

It is considered appropriate that financial information regarding Major Projects be presented on a monthly basis in this report. The principles used for assessment of reportable projects are according to the following criteria:

- Council has agreed to proceed with the project and approved a Section 48 Prudential Report.
- The Whole-of-Life Cost is greater than \$4 million dollars (including grant assisted projects).

### RECOMMENDATION

**That Council:**

1. **Receives the report “Finance Report – August 2019”**

### GENERAL ANALYSIS

#### BACKGROUND

This report is presented on a monthly basis to provide Elected Members with key financial information to assist in monitoring Council's financial performance against budget.

#### APPENDICES

Appendix 1: Monthly Financial Reporting  
Appendix 2: Capital Works Reporting including Major Projects  
Appendix 3: Debtors Reports for Sundry Debtors & Rates Debtors

#### Attachment

#	Attachment	Type
1	Finance Report_August Appendix 1 pts 1 2 3 4	PDF File
2	Finance Report_August Appendix 2	PDF File
3	Finance Report_August Appendix 3 pts 1 2	PDF File

## Funding Statement – Actual versus Budget

The Funding Statement provides a view of Council's financial performance against the approved budget and is consistent with the information provided at budget reviews. It provides a review against all of the elements contained within the Statement of Comprehensive Income and the Statement of Financial Position that are adopted as part of the Annual Budget Report. It details Council's:

### Statement of Comprehensive Income -

The operating result is recognised as one of Council's key financial indicators. The budget framework includes a commitment to its ongoing Financial Sustainability maintaining an Operating Surplus Ratio of between 0% and 10%, on average over each five-year period, which for 2019/20 means a targeted operating surplus of between \$0 and \$9.314m.

**Comment:** Council currently has a net operating surplus result of \$3.565m before capital revenues, against a year to date forecast budget of \$2.594m surplus. This position is detailed in the attached Funding Statement and variation notes.

### Capital Budget -

The Capital Budget is linked to Council's key financial indicator – "Asset Sustainability Ratio" and an actual to budget comparison reflects Council's progress in achieving its Capital program.

**Comment:** The actual to budget position reveals that 61.48% of the year to date Capital Renewal Budget has been spent.

### Loans -

The loans component of the Funding Statement identifies any new proposed loan receipts or principal payments. Council's borrowings are included in Council's key financial indicator – "Net Financial Liabilities" which reflects Council's total indebtedness.

**Comment:** \$10.000m in new borrowings are included in the 2019/20 budget and principal repayments of \$1.171m mean that the overall loan liability balance is forecast to increase by \$8.829m to \$15.635m at 30 June 2020.

### Reserves & Cash -

Various fund movements such as surplus budget review results, unspent grants and carryover projects at year end are reflected as transfers to reserves, whilst utilisation of reserve funds are recognised as transfers from reserves.

Cash may be utilised to fund expenditure within the context of Treasury Management to ensure loans are not drawn down where temporary cash holdings are available.

**Comment:** Council's Reserves are detailed in the below table. Transfer to Reserves of \$0.520m and Transfers from Reserves of \$22.252m are forecast to occur in 2019/20, and after accounting for amounts quarantined for specific projects or works, there is \$7.439m available.

Reserves (\$000s)	Asset Sustainability Reserve						Water Reserve - Oaklands Wetland	Open Space Reserve	Grants & Carryover Reserve	TOTAL ALL RESERVES
	Major Infrastructure Failure	General	Other	Major New Projects	CFPP	TOTAL ASR				
Opening Balance	2,000	8,118	600	1,525	6,015	18,258	531	2,187	17,436	38,412
Budgeted transfers to reserve	0	0	240	0	181	421	80	19	0	520
Budgeted transfers from reserve	0	(5,382)	0	(1,500)	(4,083)	(10,965)	0	0	(11,287)	(22,252)
Current Budgeted Closing Balance	2,000	2,736	840	25	2,113	7,714	611	2,206	6,149	16,680
Quarantined Funds	(2,000)	(392)	0	0	(539)	(2,931)	(161)	0	(6,149)	(9,241)
Projected Available Balance	0	2,344	840	25	1,574	4,783	450	2,206	0	7,439

The 2019/20 budget forecasts a net cash surplus of \$0.000m.

\*CFPP: Community Facilities Partnership Program

\*Other includes Walking & Cycling and Energy Efficiency.

**Funding Statement  
as at 31 August 2019**

Original Adopted Budget \$'000	Carryovers \$'000		YTD Actual \$'000	YTD Budget \$'000	YTD Variance \$'000		Annual Budget \$'000	Note
<b>Operating Revenue</b>								
79,265	-	<b>Rates</b>	13,238	13,226	12	F	79,265	
2,203	-	<b>Statutory Charges</b>	312	486	(174)	U	2,203	<b>A</b>
2,210	-	<b>User Charges</b>	297	242	55	F	2,210	
7,180	(1,594)	<b>Operating Grants &amp; Subsidies</b>	920	829	91	F	5,586	
708	-	<b>Investment Income</b>	37	32	5	F	708	
530	-	<b>Reimbursements</b>	128	71	57	F	530	
1,361	-	<b>Other Revenues</b>	51	224	(173)	U	1,361	<b>B</b>
1,278	-	<b>Net gain - Equity Accounted Investments</b>	-	-	-	-	1,278	
<b>94,735</b>	<b>(1,594)</b>		<b>14,983</b>	<b>15,110</b>	<b>(127)</b>	<b>U</b>	<b>93,141</b>	
<b>Operating Expenses</b>								
35,905	-	<b>Employee Costs</b>	4,265	5,118	853	F	35,905	<b>C</b>
23,812	1,590	<b>Contractual Services</b>	2,516	3,238	722	F	25,402	<b>D</b>
5,021	42	<b>Materials</b>	864	723	(141)	U	5,063	<b>E</b>
397	-	<b>Finance Charges</b>	-	-	-	-	397	
15,056	-	<b>Depreciation</b>	2,509	2,509	-	-	15,056	
7,263	33	<b>Other Expenses</b>	1,264	928	(336)	U	7,296	<b>F</b>
<b>87,454</b>	<b>1,665</b>		<b>11,418</b>	<b>12,516</b>	<b>1,098</b>	<b>F</b>	<b>89,119</b>	
<b>7,281</b>	<b>(3,259)</b>	<b>Operating Surplus/(Deficit) before Capital Revenues</b>	<b>3,565</b>	<b>2,594</b>	<b>971</b>	<b>F</b>	<b>4,022</b>	
<b>Capital Revenue</b>								
5,000	-	<b>Capital Grants &amp; Subsidies</b>	18	-	18	F	5,000	
-	-	<b>Contributed Assets</b>	-	-	-	-	-	
-	-	<b>Asset Disposal and Fair Value Adjustment</b>	-	-	-	F	-	
<b>5,000</b>	<b>-</b>		<b>18</b>	<b>-</b>	<b>18</b>	<b>F</b>	<b>5,000</b>	
<b>12,281</b>	<b>(3,259)</b>	<b>Net Surplus/(Deficit) resulting from operations</b>	<b>3,583</b>	<b>2,594</b>	<b>989</b>	<b>F</b>	<b>9,022</b>	
15,056	-	<b>add Depreciation</b>	2,509	2,509	-		15,056	
-	-	<b>add (Gain)/Loss on Asset Disposal</b>	-	-	-		-	
(1,278)	-	<b>less Share of Profit Equity Accounted Investments</b>	-	-	-		(1,278)	
<b>26,059</b>	<b>(3,259)</b>	<b>Funding available for Capital Investment</b>	<b>6,092</b>	<b>5,103</b>	<b>989</b>	<b>F</b>	<b>22,800</b>	
<b>Capital</b>								
12,063	1,614	<b>less Capital Expenditure - Renewal</b>	466	758	292	F	13,677	<b>G</b>
32,265	7,420	<b>less Capital Expenditure - New</b>	761	2,342	1,581	F	39,685	<b>H</b>
-	-	<b>less Capital - contributed assets</b>	-	-	-	-	-	
-	-	<b>add Proceeds from Sale of Surplus Assets</b>	-	-	-	-	-	
<b>(18,269)</b>	<b>(12,293)</b>	<b>Net funding increase/(decrease)</b>	<b>4,865</b>	<b>2,003</b>	<b>2,862</b>	<b>F</b>	<b>(30,562)</b>	

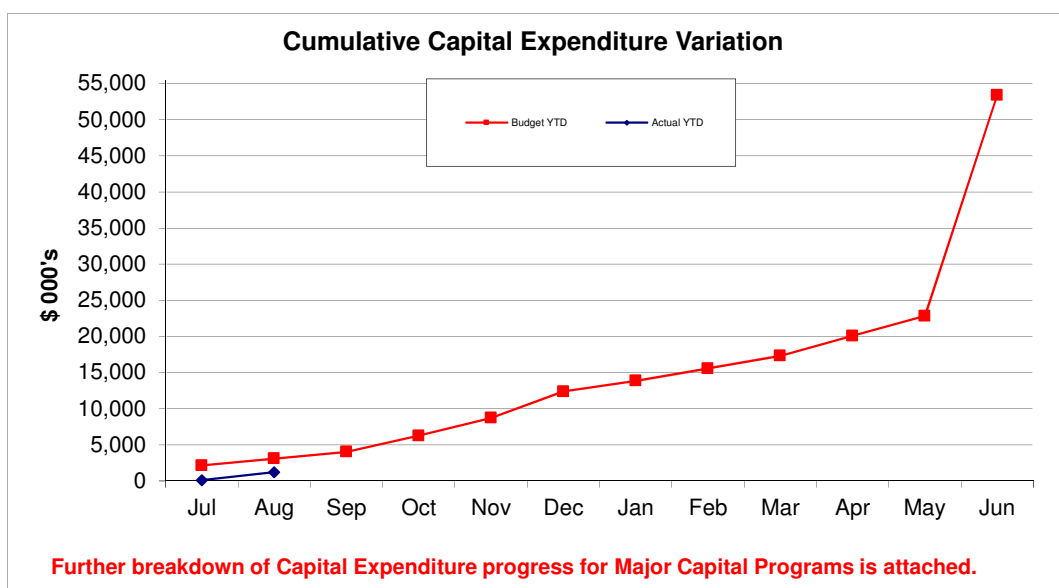
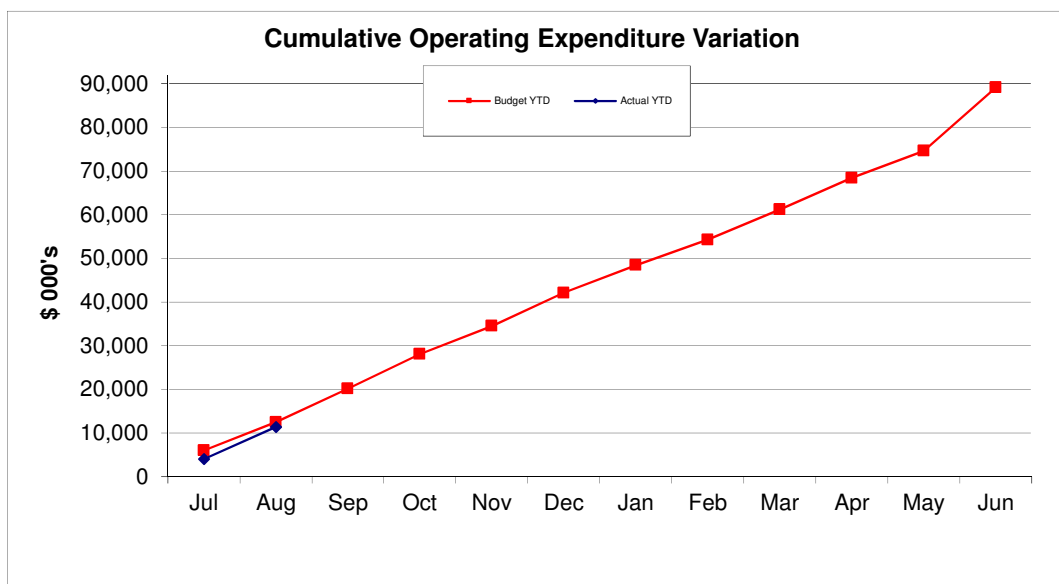
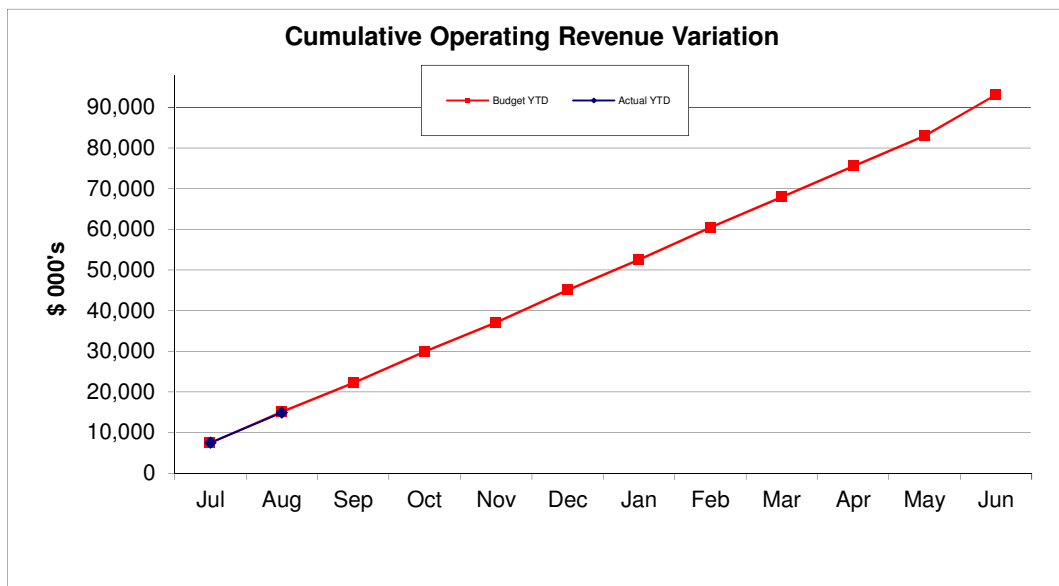
Original Adopted Budget \$'000	Carryovers \$'000		YTD Actual \$'000	YTD Budget \$'000	YTD Variance \$'000	Annual Budget \$'000	Note
<b>Funded by</b>							
<b>Loans</b>							
10,000		Loan Principal Receipts (Net)	-	-	-	10,000	
		Loan Receipts/(Payments) from Sporting Clubs (Net)	-	-	-	-	
(1,171)		Loan Principal Repayments	-	-	-	(1,171)	
<b>8,829</b>	<b>-</b>	<b>Loan Funding (Net)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>8,829</b>	
<b>Movement in level of cash, investments and accruals</b>							
-		Cash Surplus/(Deficit) funding requirements	14,305	11,443	2,862	-	
(9,440)	(12,293)	Reserves Net - Transfer to/(Transfer from)	(9,440)	(9,440)	-	(21,733)	
<b>(9,440)</b>	<b>(12,293)</b>	<b>Cash/Investments/Accruals Funding</b>	<b>4,865</b>	<b>2,003</b>	<b>2,862</b>	<b>(21,733)</b>	
<b>18,269</b>	<b>12,293</b>	Funding Transactions	<b>(4,865)</b>	<b>(2,003)</b>	<b>(2,862)</b>	<b>F 30,562</b>	<b>I</b>

**Variation Notes**

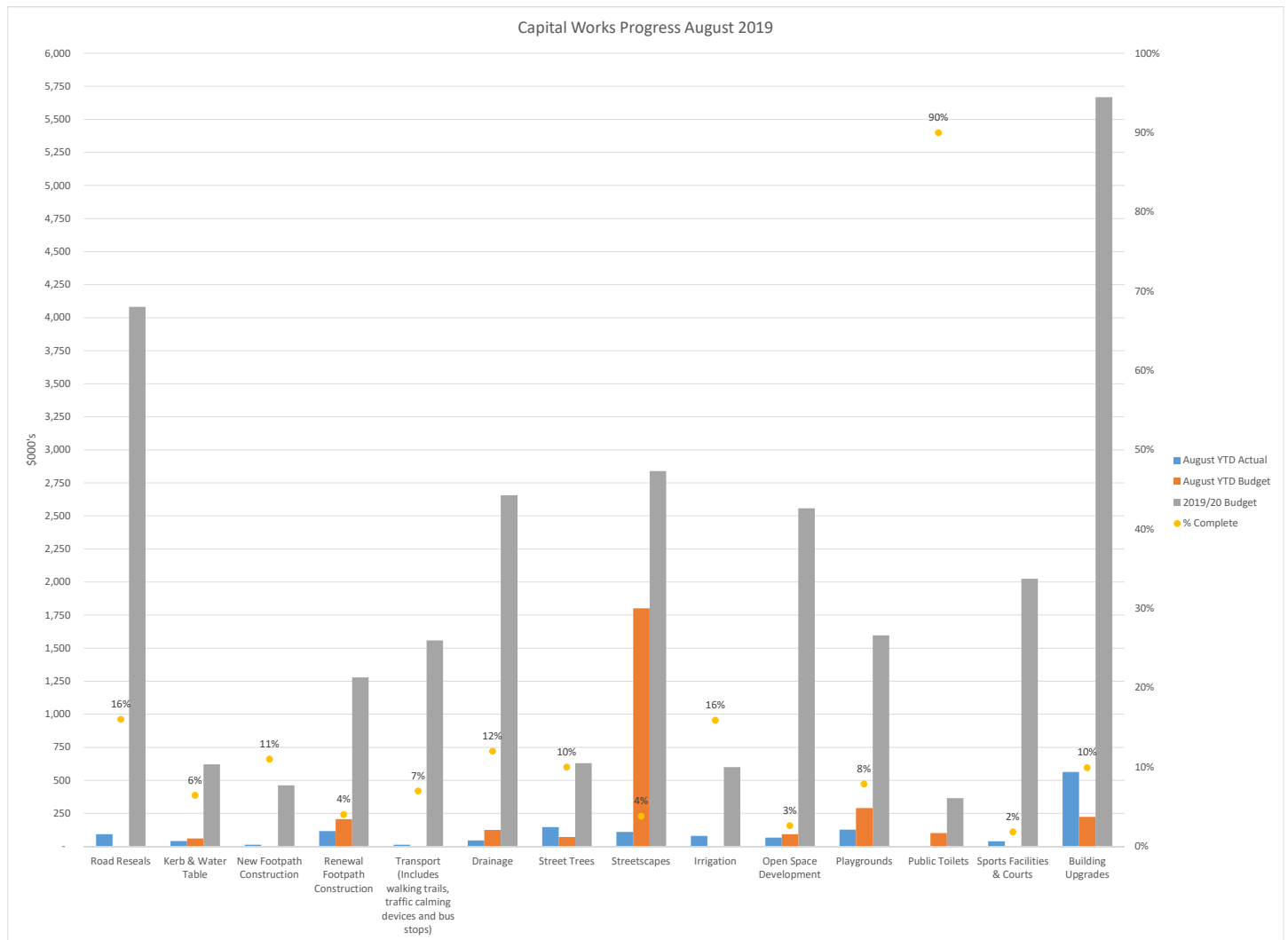
<b>A</b>	<b>Statutory Charges</b>	<b>Unfavourable \$174k</b>	Predominately reflects budget-timing variances with regards to the receipt of Dog Registration fees in relation to centralised registrations through DACO.
<b>B</b>	<b>Other Revenues</b>	<b>Unfavourable \$173k</b>	Predominantly reflects budget-timing variances with regards to a number of variances which are individually insignificant.
<b>C</b>	<b>Employee Costs</b>	<b>Favourable \$853k</b>	Predominantly reflects budget-timing variances in addition to savings from temporarily vacant positions.
<b>D</b>	<b>Contractors</b>	<b>Favourable \$722k</b>	Predominately reflects budget-timing variances with regards to Waste.
<b>E</b>	<b>Materials</b>	<b>Unfavourable \$141k</b>	Predominately reflects budget timing variances with regards to SA Water (\$53k), Electricity (\$48k) and a number of other variances which are individually insignificant.
<b>F</b>	<b>Other Expenses</b>	<b>Unfavourable \$336k</b>	Predominately reflects budget-timing variances with regards to the payment insurance premiums (\$260k) and registration and insurance (\$132k).
<b>G</b>	<b>Capital Expenditure (Renewal)</b>	<b>Favourable \$292k</b>	Predominately reflects budget-timing variances with regards to Reserve Development Projects (\$140k), Proactive Footpath Repair Program (\$122k) and a number of other variances which are individually insignificant.
<b>H</b>	<b>Capital Expenditure (New)</b>	<b>Favourable \$1,581k</b>	Predominately reflects budget-timing variances with regards to Streetscape Development (\$1,535k) and a number of other variances which are individually insignificant.
<b>I</b>	<b>Funding Transactions</b>	<b>Favourable \$2,862k</b>	This variance is the sum total of all variances and reflects an increase against council's expected YTD cash position.

The above comments referring to budget timing variations are where some monthly budget estimates are not reflective of the actual expenditure patterns as at the reporting date.

## Funding Statement Cumulative Position - 2019/20



\* Major Projects timed for June include Mitchell Park Sports Club Redevelopment (\$14.8m), Sam Willoughby International BMX Facility (\$2.1m) and Southern Soccer Facility (\$2.5m).



Program	% complete	Comment
Road Reseals	16%	Program commenced - 16% complete, invoicing for July and August works received in September.
Kerb & Water Table	6%	Program commenced - 6% complete.
New Footpath Construction	11%	Program commenced - 11% complete.
Renewal Footpath Construction	4%	Program commenced - 4% complete.
Transport (Includes walking trails, traffic calming devices and bus stops)	7%	Design and planning commenced.
Drainage	12%	Designs complete for Mercedes Ave, Shaftesbury Tce and Coolah Tce. Construction in progress for Alison Ave.
Street Trees	10%	Program commenced - 10% complete. Looking to engage external contractor to meet increased target.
Streetscapes	4%	Railway Terrace - construction has commenced and due to be completed in October 2019. Birch Crescent - discussions with DPTI, fee proposal being sought to design the short section of path immediately north of Sturt Road. Bray Street - construction commenced. Sturt Road - design plans obtained and forwarded to DPTI for consideration. Sturt Road (Marion to Morphett) - fee proposal for design being sought. Quick Road - survey and design commenced.
Irrigation	16%	Program progressing well with cross-council irrigation team.
Open Space Development	3%	Dwyer Road Reserve - consultant engaged for detailed design. Hazelmere Dog Park - construction near completion.
Playgrounds	8%	First Avenue Reserve - Construction complete. Shamrock Road Reserve, Mitchell Park Sports - Construction in progress. Skipper Close - Final design commenced. Central Avenue, The Crescent - Final design and documentation to commence.
Public Toilets	90%	Hamilton Park Reserve Toilet scheduled to be installed in September, Shamrock Road Reserve Toilet pre-construction works complete.
Sports Facilities & Courts	2%	Planning commenced - works in progress.
Building Upgrades	10%	Marion Outdoor Pool Carpark complete - tree planting in progress. Marion Outdoor Pool building works on track for pre-season opening.

## Major Projects

### Mitchell Park Sports Club Development

	2019/20 Actual YTD 31/08/2019	2019/20 Budget	Project Cost At Completion
<b>Income</b>			
State Budget Grant Contribution	-	5,000,000	5,000,000
<b>Total Income</b>	-	<b>5,000,000</b>	<b>5,000,000</b>
<b>Expenditure</b>			
<b>Operating</b>	-	-	-
<b>Capital Construction</b>	-	(15,000,000)	(15,000,000)
<b>Total Expenditure</b>	-	<b>(15,000,000)</b>	<b>(15,000,000)</b>
<b>Project Result Surplus/(Deficit)</b>	-	<b>(10,000,000)</b>	<b>(10,000,000)</b>

The net deficit forecast will be funded in the following manner:

**Funded By :**

**(Over Project Life)**

Proposed Borrowings

\$

10,000,000

**10,000,000**

The Mitchell Park Sports Club Development is subject to the approval of a prudential section 48 report.

**Sam Willoughby International BMX Facility**

	<b>2019/20 Actual YTD 31/08/2019</b>	<b>2019/20 Budget</b>	<b>Project Cost At Completion</b>
<b>Income</b>			
City of Onkaparinga Contribution	-	750,000	750,000
State Budget Grant Contribution		-	3,300,000
<b>Total Income</b>	<b>-</b>	<b>750,000</b>	<b>4,050,000</b>
<b>Expenditure</b>			
<b>Operating</b>	-	-	-
<b>Capital Construction</b>	(7)	(2,050,000)	(5,800,000)
<b>Total Expenditure</b>	<b>(7)</b>	<b>(2,050,000)</b>	<b>(5,800,000)</b>
<b>Project Result Surplus/(Deficit)</b>	<b>(7)</b>	<b>(1,300,000)</b>	<b>(1,750,000)</b>

The net deficit forecast will be funded in the following manner:

**Funded By :  
(Over Project Life)**

**\$**

Reserve Transfer  
- Asset Sustainability Reserve

1,750,000

**1,750,000**

The Sam Willoughby International BMX Facility is subject to the approval of a prudential section 48 report and the State Government funding the traffic management solution for Majors Road.

Council have received the State Governments \$3.3m contribution to this project. This money is currently quarantined in council's reserves.

Debtor	Total Balance	Current	30 Days	60 Days	90 Days	90+ Days	Percentage of total 90+ day balance	Comments for 90+ Day balances
Employee Total		3,920.10	.00	3,920.10	.00	.00	.00	0%
General Total		51,222.49	2,386.44	46,582.23	2,253.82	.00	.00	0%
Neighbourhood Centres Total		6,072.70	922.70	730.00	1,005.00	.00	3,415.00	1% Made up of 1 out of 8 debtors. This debtor is on a payment plan through the debt collector which is not being met.
Regulatory Services Land Clearing Total		3,591.42	.00	.00	867.15	.00	2,724.27	1% Made up of 3 out of 4 debtors, with one account totalling \$1,725.35.
City Property Facilities Total		88,575.27	64,120.04	4,062.14	12,994.50	191.18	7,207.41	2% Made up of 3 out of 34 debtors, with one account totalling \$4,107.39. One account totalling \$135.56 has subsequently been settled in September.
Civil Services Private Works Total		44,932.00	12,090.00	3,060.00	350.00	1,340.00	28,092.00	6% Made up of 19 out of 30 debtors in this category, with nine of these totalling \$12,877.00 relating to works not commenced, awaiting payment, one of the remaining accounts totals \$3,190.00. Six accounts totalling \$9,215.00 are on payment plans, payments of \$445.00 have subsequently been received in September.
Swim Centre Debtors Total		618.00	.00	.00	.00	.00	618.00	0% Made up of 1 debtor.
Grants & Subsidies Total		430,735.32	14,235.32	16,500.00	.00	.00	400,000.00	87% Made up of 1 out of 3 debtors. This account relates to the final progress claim for Edwardstown Soldiers Memorial Recreation Ground from the State Government. Payment of this invoice will occur on submission of a final audit and acquittal, which is in progress.
Environmental Health Inspections Total		13,252.50	4,676.00	242.00	242.00	605.00	7,487.50	2% Made up of 45 out of 83 debtors, with none individually significant. One account totalling \$46.00 has subsequently been settled in September.
Regulatory Services Other Total		16,738.00	.00	3,120.00	2,850.00	830.00	9,938.00	2% Made up of 50 out of 75 debtors in this category, with none individually significant. A payment of \$15.00 has subsequently been received in September.
Living Kaurna Cultural Centre Total		6,748.10	6,509.40	.00	.00	238.70	.00	0%
Local Government Total		31,289.98	31,289.98	.00	.00	.00	.00	0%
Marion Cultural Centre Total		6,089.52	6,089.52	.00	.00	.00	.00	0%
Total		703,785.40	142,319.40	78,216.47	20,562.47	3,204.88	459,482.18	
Total Aging Profile			20%	11%	3%	0%	65%	

Category	Description
Employees	Anything that relates to CoM employees.
General	Anything that does not fit into one of the below categories.
Neighbourhood Centres	For hire of rooms in Neighbourhood Centres, etc. - usually charged out at an hourly rate. Also includes cultural workshops and tours.
Regulatory Services Land Clearing	When council has had to clear land due to non-compliance of owner.
Sporting Clubs & Other Leases	Rent, electricity, water, maintenance, etc. charged out to lessees.
Civil Services Private Works	Repairs or modifications to infrastructure (footpaths, kerbs, driveway inverts). Can be at resident request.
Swim Centre Debtors	Outdoor Swimming Centre - used for lane hire, school visits, etc.
Grants & Subsidies	Government grants and subsidies.
Environmental Health Inspections	Food Inspection fees.
Regulatory Services Other	Vehicle Impoundment fees and other regulatory services.
Supplier Refunds	Where a supplier owes the City of Marion funds. This category is used to keep track to ensure we have received payment for credits.
Development Services	Includes contribution from residents and/or developers for the removal and/or replacement of Council Street Trees and significant trees.
Living Kaurna Cultural Centre	Relates to programs run through the LKCC.
Environmental Health Testing	Environmental testing fees.
Local Government	Transactions with other Local Government corporations.
Communications	Anything related to communications.
Economic Development	Events, etc. relating to economic development within the City of Marion.
Marion Cultural Centre	Hiring of the Marion Cultural Centre.

\*any category that does not have any outstanding invoices will not be displayed.

## **Rates Report - Collection of Rates to 31 August 2019**

### **ANALYSIS OF OUTSTANDING RATES AS AT 31 AUGUST 2019**

	<u>Note</u>		<b>% of Total Annual Rates</b>
CURRENT	1	\$ 63,843,266	<b>80.5%</b>
OVERDUE	2	\$ 1,865	<b>0.0%</b>
ARREARS	3	\$ 2,456,204	<b>3.1%</b>
INTEREST	4	\$ 92,036	<b>0.1%</b>
POSTPONED	5	\$ 202,755	<b>0.3%</b>
LEGALS	6	\$ 23,329	<b>0.0%</b>
		<b>\$ 66,619,455</b>	<b>84.0%</b>
<b>TOTAL ANNUAL RATES FOR 2019/20</b>		<b>\$ 79,264,817</b>	

#### **Note 1: Current**

Current rates represent the total amount of rates levied in the current financial year that are not yet due for payment. For example at 1st January this represents Quarter 3 & Quarter 4 rates unpaid.

#### **Note 2: Overdue**

Overdue rates represent rates levied in the current financial year that remain unpaid past their due payment date. For example on 1st January, this represents rates from Quarter 1 and Quarter 2 that remain unpaid.

#### **Note 3: Arrears**

Rates in arrears represent rates and charges levied in previous financial years that remain unpaid .

#### **Note 4: Interest**

Interest represent the fines and interest applied to overdue rates and rates in arrears.

#### **Note 5: Postponed**

Postponed rates represent any rates amount due by seniors that have been granted a deferral, until the eventual sale of their property, as allowable under the Local Government Act. Interest is charged on these deferred rates and is recoverable when the property is sold.

#### **Note 6: Legals**

Legals represent any legal fees, court costs that have been incurred by Council in the collection of rates in the current financial year. These amounts represent costs that have been on-charged to the defaulting ratepayers and are currently outstanding.

## Questions Taken on Notice Register

<b>Originating Officer</b>	Governance Officer - Victoria Moritz
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference</b>	GC190924R18

### REPORT OBJECTIVE

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.

### RECOMMENDATION

**That Council:**

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

### DISCUSSION

#### Attachment

#	Attachment	Type
1	GC190924 - QON Register	PDF File

# Questions Taken on Notice Register



Report Reference	Meeting Date	Councillor	Responsible Officer	Question taken on notice during the meeting	Response
Questions Taken on Notice Register GC190813R14	13 August 2019	Councillor Hull	Fiona Harvey	When will the Police Station be re-opened?	<p>Remedial works are progressing well and are expected to be complete by the end of September.</p> <p>A risk assessment has also been completed and workforce consultation is commencing.</p> <p>SAPOL Media Unit will release a formal statement in the very near future regarding the impending re-occupation of site, with confirmed dates.</p>
Cat Curfew By-law update GC190827F01	27 August 2019	Councillor Hull	Sharon Perin /Warwick Deller-Coombs	When would the lawyers be happy to release the legal advice?	<p>The lawyer has advised that the legal advice was provided to Council regarding specific matters, to assist Council to make a decision. The lawyer advised that they would not recommend that legal advice be released publicly.</p> <p>Regarding legal advice generally being released publicly, the lawyer recommended that this be considered on an individual case by case basis and advice be sought from the lawyer for each particular legal advice.</p>
Cat Curfew By-law update GC190827F01	27 August 2019	Councillor Hull	Sharon Perin /Warwick Deller-Coombs	How many times per year do we hire out Councils cat traps?	For the 2018/19 Financial Year 48 cat cages were hired out. Since July 2019 until 13 September 2019, 7 cat cages have been hired out.
Cat Curfew By-law update GC190827F01	27 August 2019	Councillor Prior	Sharon Perin /Warwick Deller-Coombs	How many cats have been trapped using CoM traps in the past 12 months?	The Customer Service Centre does not ask nor record the actual number of cats trapped by residents. For the 2018/19 Financial Year 55 cats were impounded by Community Safety Inspectors. Between July 2019 and 19 September 2019, 15 cats have been impounded by Community Safety Inspectors.

## Questions Taken on Notice Register



<b>Mobile Food Vendor Location Rules</b> <b>GC190827R05</b>	<b>27 August 2019</b>	<b>Councillor Hull</b>	<b>Sharon Perin /Warwick Deller-Coombs</b>	<p>Environmental Health Team – what is the food passport requirements and does this cross council boundaries. How does Council ensure that the health regulations are complied with?</p>	<p>The Food Safety Passport Scheme is an initiative of the State Government to benefit mobile food vendor businesses so they can trade in various Council localities without the need for each Council to undertake regular planned inspections of the mobile food vendor.</p> <p>The food business initially contacts the Council where the business is based and an Environmental Health Officer of that Council inspects the mobile food vendor for compliance with the Food Safety Act and associated Food Safety Standards. When the mobile food vendor is trading, the mobile food vendor is inspected. This may be by an Environmental Health Officer of the Council where the business is based, or by an Environmental Health Officer from a different Council, depending on where the business is trading. Communication occurs between the two Councils as relevant.</p> <p>A Food Safety Passport is issued to the mobile food vendor by the Council where the business is based.</p> <p>A mobile food vendor can be inspected at any time if considered necessary, even if it has a Food Safety Passport.</p>
--	-----------------------	------------------------	--	--	--

## Work Health & Safety - Monthly Performance Report - August 2019

<b>Originating Officer</b>	Unit Manager Risk - Sherie Walczak
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	General Manager Corporate Services - Sorana Dinmore
<b>Report Reference</b>	GC190924R19

### REPORT OBJECTIVE

The objective of this monthly report is to provide Council with assurance that the City of Marion has effective strategies in place to meet its legal obligations as outlined in the Work Health and Safety Act (SA) 2012 and to monitor Council's core target of a 10% reduction of the Lost Time Injury Frequency Rate (LTIFR) from the previous year.

### RECOMMENDATION

**That Council:**

- 1. Notes the report and statistical data contained therein.**

### DISCUSSION

Targets and performance indicators have been established in order to measure the continual improvement of the program. Performance against these targets are measured in two ways:

- positive performance indicators (PPI's); and
- lag performance indicators (LPI's) both of which are outlined in **Appendix 1**.

Council KPI is the achievement of a 10% reduction on last year's LTIFR of 9.4, to reach 8.4 or less in 2019/20.

The rolling LTIFR, based on internal incident reports, is 11.0 with 7 lost time injuries being recorded over the last twelve months.

The current LTIFR, based on LGAWCS (Schemes) claims data, is 0.0 with no lost time injury claims being accepted so far this financial year (as outlined in **Appendix 1**). It should be noted that further LTI data is yet to be processed by the LGAWCS for the 2018-19 reporting period which may alter the LTIFR target in future reporting. The LTIFR is the same when compared to last year's results and is currently below the industry comparison LTIFR rate of 2.0.

Key initiatives implemented aimed at the reduction of the LTIFR include:

- Implementation of a four year HSE 2019-23 Strategic Plan
- Review of the monthly SLT report to align with the new HSE Plan
- Recognition of and rewarding our Safety Champions
- Delivering visible safety leadership initiatives
- Delivery of further training to front-line leaders via Lead in the Field
- Review of the light duties register

- Program of hazardous manual task training and risk assessments
- Comprehensive review of Safe Work guidance documents
- Comprehensive review of Confined Space, Plan and Chemical Risk Assessments
- Improvement of hazard identification and control through mentoring of workplace inspectors
- Enhanced focus from Executive whilst LTIFR is trending upwards
- Further maturing of SkyTrust WHS Management System.
- Promotion of the Safety Observation program where front-line staff are observed by people leaders.
- Implementation of the internal WHS Audit and Contractor Surveillance program.
- Positive fit-for-work and well-being programs

## CONCLUSION

The significant reduction in Lost Time Injuries of 67% from 28.8 in 2015-16 to 9.4 in 2018-19 has been a commendable achievement for the City of Marion as it continues in its commitment to place the community and safety at the forefront of everything we do in line with our corporate values. In the 2019-20 reporting period, we aim to further build on the good work already implemented in the aim to achieve Council's KPI of 10% or greater reduction in LTIFR compared to the end of 2018-19 reporting period.

## Attachment

#	Attachment	Type
1	GC240919R - WHS Monthly Performance Report – August 2019	PDF File

## APPENDIX 1 – WHS Monthly Performance Report – August 2019

The Think Safe Live Well program's vision is **'We can all make a difference and reduce harm'**. It specifically focuses on further developing our leadership styles, organisational culture and WHS systems by:

- Developing our people to lead the change across the City of Marion
- Embedding a culture of safety and wellbeing as a part of normal business practice
- Continually improving our WHS Management System (WHSMS) to achieve best practice

### POSITIVE PERFORMANCE INDICATORS

#### Hazard and Near Miss Reports (Internal WHS SkyTrust reporting data)

Historical statistics inform us that when there is a healthy culture of Hazard/Near Miss Reporting, there is a consequential reduction in injuries to Workers. Hazards and Near Misses are reported to date for this financial year and are outlined in Table 1 and can be compared against those reported last financial year which are outlined in Table 2.

**Table 1: Hazard and Near Miss Reports - Financial Year 2019-20**

Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Total	Ave
14	13											27	13.5

**Table 2: Hazard and Near Miss Reports - Financial Year 2018-19**

Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Total	Ave
17	9	13	12	3	10	6	8	9	1	11	15	114	9.5

#### Lost Time Injuries Reported (Internal WHS SkyTrust reporting data)

Lost Time Injuries (LTI's) are those injuries where a whole work day or more has been lost due to a workplace injury. LTI's reported to date for this financial year are outlined in Table 3 and can be compared against those reported last financial year which are outlined in Table 4.

**Table 3: Number of LTI's per month - Financial Year 2019-20**

Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Total
0	1											1

**Table 4: Number of LTIs per month - Financial Year 2018-19**

Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Total
1	0	0	0	0	0	0	1	1	0	3	1	7

**Table 5: Outline of LTIs reported - Financial Year 2019-20**

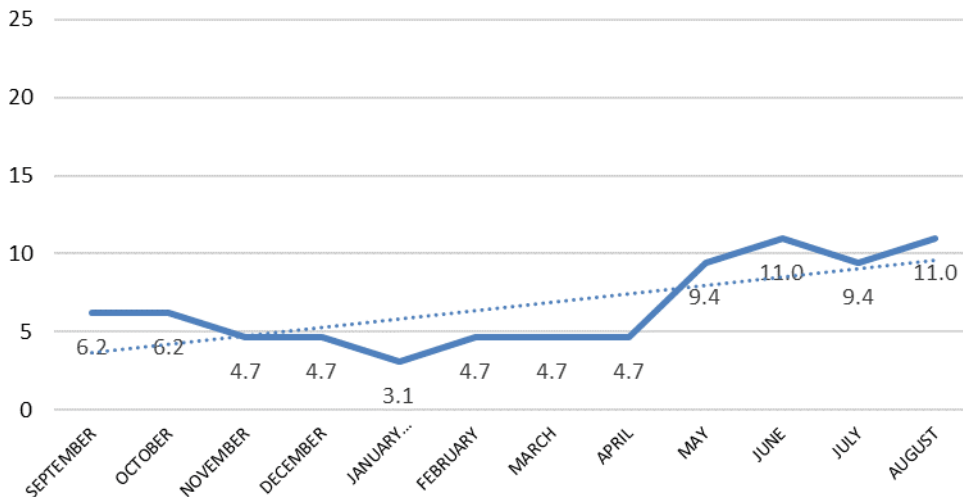
No.	Description of Incident	Mechanism of Injury	Injury Description
1	Slipped on wet floor of hard rubbish truck	Fall on same level	Strain to left side lower back

### Rolling Lost Time Injury Frequency Rate (Internal WHS SkyTrust reporting data)

Rolling LTIFR, outlined with a solid blue line in Figure 1 from internal incident report data, provides analysis of the average LTIFR over the last 12 months. The dotted blue 'median' line tracks the trend.

**Figure 1: Rolling LTIFR**

The current rolling LTIFR for the City of Marion is **11.0**, which represents a **77%** increase over the previous 12 months.

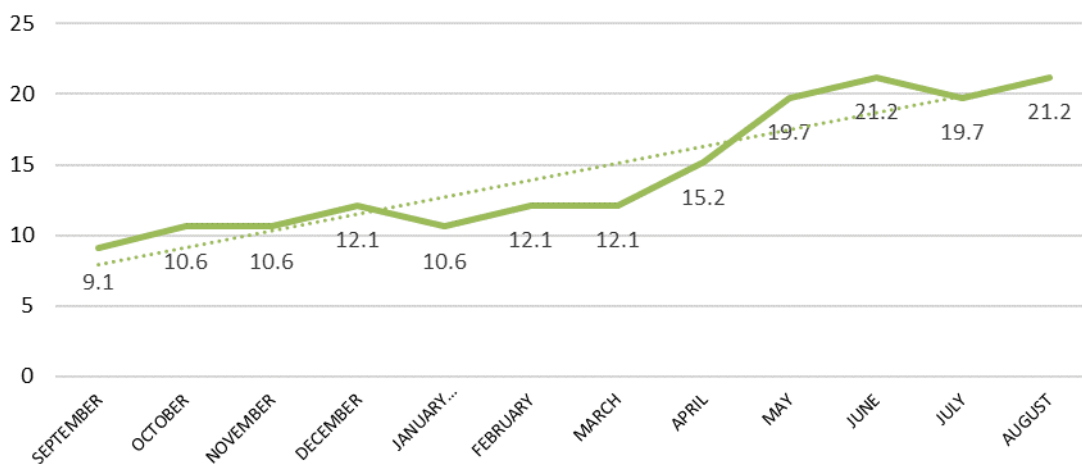


### Rolling Total Recordable Incident Frequency Rate (Internal WHS SkyTrust reporting data)

Total Recordable Incidents include fatalities, LTI's and incidents resulting in the employee receiving medical treatment and/or is certified as only fit to undertake suitable duties. The Rolling Total Recordable Incident Frequency Rate (TRIFR), outlined with a solid green line in Figure 2 from internal incident report data, provides analysis of the average TRIFR over the last 12 months. The dotted green 'median' line tracks the trend.

**Figure 2: Rolling TRIFR**

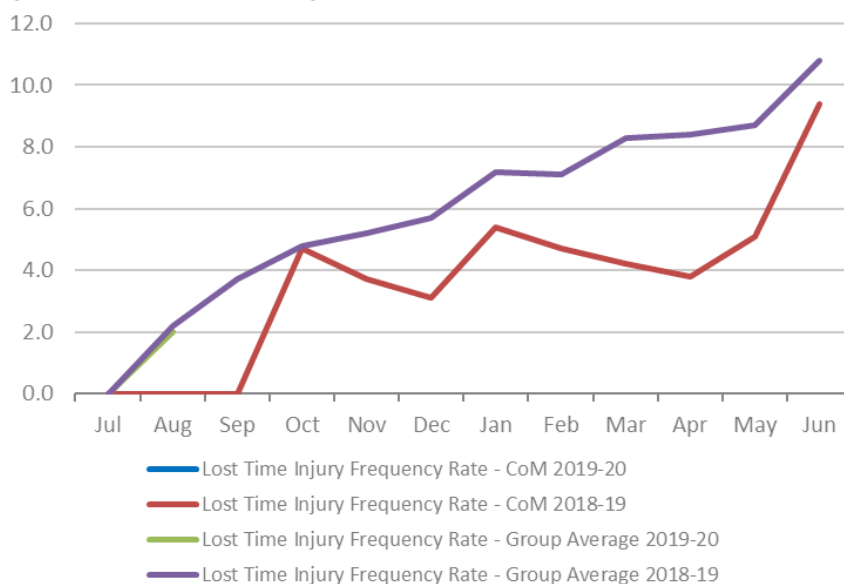
The current rolling TRIFR for the City of Marion is **21.2** which represents a **132%** increase over the previous 12 months.



### Lost Time Injury Frequency Rate (LGAWCS Claims Data)

Lost Time Injury Frequency Rate (LTIFR), is an industry standard tool for measuring LTI's within a given reporting period which enables comparison to other organisations. Council's LTIFR is outlined in Figure 3, from the LGA's Member Portal data once claims have been determined and can be measured and monitored against our industry counterparts being the Group A Councils (1GaC).

**Figure 3: LTIFR compared against Group A Councils**

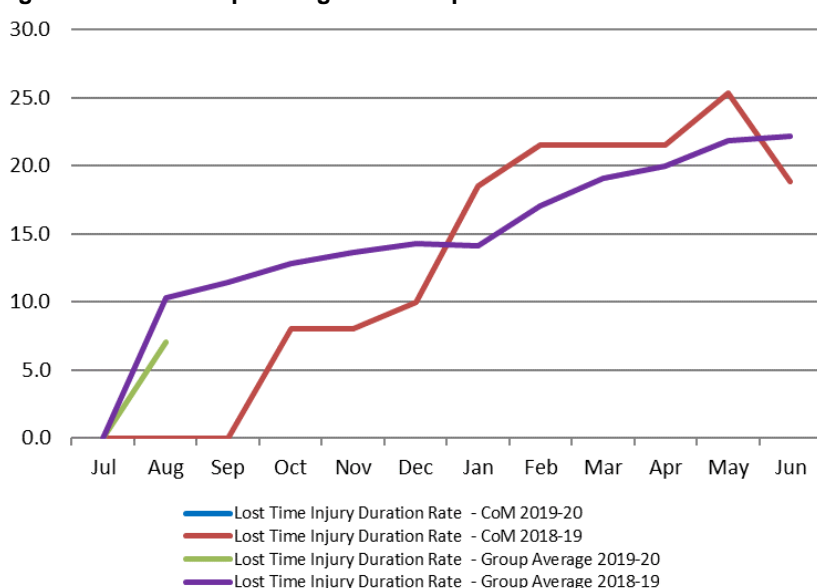


The current LTIFR for the City of Marion (represented in blue) is **0.0** with zero lost time injuries being claimed. It should be noted there is a lag in statistical data which should be corrected during the June reporting period. The LTIFR has reset to zero, with the start of the new financial year.

### Lost Time Injury Duration Rate (LGAWCS Claims Data)

The Lost Time Injury Duration Rate (LTIDR), is an industry standard tool for measuring the average days lost from LTI's within a reporting period to enable comparison to other organisations. Council's LTIDR is outlined in Figure 4, data is sourced from the LGA's Member Portal once claims have been determined and can be measured and monitored against our industry counterparts being the GaC.

**Figure 4: LTIDR compared against Group A Councils**



The current LTIDR for the City of Marion (represented in blue) is **0.0** to start the new financial year.

<sup>1</sup> GaC are metropolitan councils with more than 300 staff (Marion, Adelaide, Charles Sturt, Onkaparinga, Playford, Port Adelaide Enfield, Salisbury and Tee Tree Gully).

**WORKSHOP / PRESENTATION ITEMS - Nil****MOTIONS WITH NOTICE****Request for a Report on Council Community Facilities Leases and Licences**

**Elected Member** Councillor Raelene Telfer

**Report Reference:** GC190924M01

**Motion:**

That a report come back in table form to the General Council meeting of October 8th on progress on the lease and licence agreements of community facilities as of the 30th September 2019.

That this report include the standard lease or licence as an appendix.

**Supporting Information:**

Council set out a policy for the lease and licencing of community facilities over two years ago. The signing of these leases and licences has been slow to occur. Council may understand the hesitations and sticking points of the management committees of community facilities and suggest ways to vary agreements and ways of working.

The table could well include the date of the signing of the Letter of Intent, the date of signing of the Lease/Licence, a short precise of the special terms and the amount of rent pa from the relevant community facilities, plus agreements outstanding. Some community facilities to be listed include Cosgrove Hall, Parkholme Hall, Clovelly Park Community Centre, Marion RSL, Perry Barr Farm, Marino Hall, Active Elders Charles St, Ascot Park, Edwardstown Memorial building, Mitchell Park Sports and Community Centre, Dover Dog Club.

**Corporate Manager** Acting Manager City Property - Clare Benn

**General Manager** Acting General Manager City Development - Fiona Harvey

**Staff Comments:**

Council adopted a new leasing and Licensing policy in 2017.

As a result of the implementation of the new policy, new 'standard' lease and License documentation has been finalised by our Solicitors earlier this year and a review of 'Schedule B' (the maintenance obligations under the Lease / License) has also been undertaken.

Following finalisation of the documents, Administration has been issuing draft leases to tenants that have been 'holding over' on a priority basis.

Should Council approve this motion, Administration will bring a report to Council advising of the current status of this programme.

**QUESTIONS WITH NOTICE****Elected Member Equipment**

**Elected Member** Councillor Luke Hutchinson

**Report Reference:** GC190924Q01

**Question:**

May council please advise if all IT equipment issued to elected members was returned at the end of the 2014-2018 council term, and if not, what were the circumstances in which items were not returned?; and secondly, what financial recovery action has occurred to ensure ratepayers money has been protected?

**Supporting Information:**

Nil

**Response Received From:****Staff Comments:**

One Elected Member did not return all equipment, due to theft of the items during a break in.

A police report was made following the incident and some of the stolen items were recovered by the police. However, the recovered items did not include the Council ipad or laptop.

The cost of the stolen items (\$790.47) was referred to Council's insurer and this amount was paid out (less the \$500 insurance excess).

**MOTIONS WITHOUT NOTICE****QUESTIONS WITHOUT NOTICE****CONFIDENTIAL ITEMS****Cover Report - Confirmation of Confidential Minutes of the Finance and Audit Committee Meeting - 20 August 2019**

<b>Originating Officer</b>	Unit Manager Governance and Records - Jaimie Thwaites
<b>Corporate Manager</b>	Manager Corporate Governance - Kate McKenzie
<b>General Manager</b>	Acting General Manager Corporate Services - Ray Barnwell
<b>Report Reference</b>	GC190924F01

**RECOMMENDATION**

That:

1. Pursuant to Section 90(2) and (3)(a) and (d) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Tony Lines, Sorana Dinmore, Fiona Harvey, Steph Roberts, Annmarie Mabarrack, Nicola Beckwith-Jones, Kate McKenzie, Cass Gannon and Mel Nottle-Justice be excluded from the meeting as the Committee receives and considers information relating to the Confirmation of Confidential Minutes of the Finance and Audit Committee Meeting - 20 August 2019, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information, relates to personnel matters and commercial information of a confidential nature.

**Confirmation of Confidential Minutes of the Finance and Audit Committee Meeting - 20 August 2019****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(a)**: information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

**Cover Report - Cove Investigation - Response to Findings of Fact**

<b>Originating Officer</b>	Acting General Manager City Development - Fiona Harvey
<b>Corporate Manager</b>	N/A
<b>General Manager</b>	N/A
<b>Report Reference</b>	GC190924F02

**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 persons: Adrian Skull, Sorana Dinmore, Fiona Harvey, Tony Lines, Kate McKenzie, Jaimie Thwaites, Craig Clarke, and Clare Benn, be excluded from the meeting as the Council receives and considers information relating to Cove Investigation - Response to Findings of Fact, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to personal information.***

## Cove Investigation - Response to Tentative Findings of Fact

### 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).

**Cover Report - Marion Outdoor Pool Stage 3 - Progress Update**

<b>Originating Officer</b>	Acting Manager City Property - Clare Benn
<b>Corporate Manager</b>	Acting Manager City Property - Clare Benn
<b>General Manager</b>	Acting General Manager City Development - Fiona Harvey
<b>Report Reference</b>	GC190924F03

**RECOMMENDATION****That:**

1. Pursuant to Section 90(2) and (3)(b) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Tony Lines, Fiona Harvey, Sorana Dinmore, Kate McKenzie, Ray Barnwell, Clare Benn, Jaimie Thwaites, and Craig Clarke, be excluded from the meeting as the Council receives and considers information relating to Marion Outdoor Pool, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates commercial confidence.

## Marion Outdoor Pool Stage 3 –Progress Update

### CONFIDENTIAL

#### Reason For Passing This Resolution:

**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.

**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.