His Worship the Mayor
Councillors
CITY OF MARION

NOTICE OF GENERAL COUNCIL MEETING

Council Chamber, Council Administration Centre
245 Sturt Road, Sturt

Tuesday, 10 December 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

CITY OF MARION

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OPEN MEETING

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)

CONFIRMATION OF MINUTES

Confirmation of the minutes for the Special General Council Meeting held on 25 November 2019 and General Council Meeting held on 26 November 2019

Originating Officer Governance Officer - Victoria Moritz

Corporate Manager Manager Corporate Governance - Kate McKenzie

Report Reference: GC191210R01

RECOMMENDATION:

That the minutes of the Special General Council Meeting held on 25 November 2019 and General Council Meeting held on 26 November 2019 be taken as read and confirmed.

ATTACHMENTS:

#	Attachment	Type
1	SGC191125 - Final Minutes	PDF File
2	GC191126 - Final Minutes	PDF File

MINUTES OF THE SGC191125 - SPECIAL GENERAL COUNCIL MEETING

Monday, 25 November 2019 at 06:30 PM

Council Administration Centre, 245 Sturt Road, Sturt

PRESENT:

Elected Members

Mayor - Kris Hanna, Councillor - Ian Crossland, Councillor - Tim Gard, Councillor - Jason Veliskou, Councillor - Bruce Hull, Councillor - Nathan Prior, Councillor - Raelene Telfer, Councillor - Luke Hutchinson (from 6.34pm), Councillor - Kendra Clancy, Councillor - Maggie Duncan, Councillor - Matthew Shilling, Councillor - Joseph Masika

DATE:

Monday, 25 November, 2019 | Time 6:30 PM

VENUE:

Council Chamber

In Attendance

Chief Executive Officer – Adrian Skull
General Manager City Services – Tony Lines
General Manager City Property – Ilia Houridis
Manager Corporate Governance – Kate McKenzie
Unit Manager Governance and Council Support – Jaimie Thwaites

OPEN MEETING

The Mayor opened the meeting at 06:30pm

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 declarations were made.

CONFIRMATION OF MINUTES - Nil

COMMUNICATIONS - Nil

ADJOURNED ITEMS Nil

DEPUTATIONS - Nil

PETITIONS - Nil

COMMITTEE RECOMMENDATIONS - Nil

CONFIDENTIAL ITEMS

Outcome of Capella Investigations and Direction for Southern Soccer

Report Reference SGC191125F01

Moved Councillor - Jason Veliskou Seconded Councillor - Matthew Shilling

That pursuant to Section 90(2) 3 (i) and (ii) of the *Local Government Act 1999,* the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ilia Houridis, Tony Lines, Sorana Dinmore, Kate McKenzie, Greg Salmon, Carla Zub, Craig Clarke and Jaimie Thwaites, be excluded from the meeting as the Council receives and considers information relating to the report O*utcome of Capella Investigations and Direction for Southern Soccer*, 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 relating to matters pertaining to commercial operations of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the council.

Carried Unanimously

6.31pm the meeting went into confidence

6.34pm Councillor - Luke Hutchinson entered the meeting

Moved Councillor - Ian Crossland Seconded Councillor - Tim Gard

That formal meeting procedures be suspended to enable discussion on the item.

Carried Unanimously

6.39pm formal meeting procedures were suspended

6.44pm formal meeting procedures were resumed

Moved Councillor - Ian Crossland Seconded Councillor - Matthew Shilling

That Council:

1. Endorse that no further investigations are required into the relocation of AFL and Cricket to Capella Drive Reserve.
2. Endorse Administration to take the lead in the project delivery of the Southern Soccer facility at Majors Road and negotiate this transfer of lead with the Football Federation South Australia and the State Government.
3. Endorse Administration to proceed with the delivery of Southern Soccer facility at Majors Road with:
    a. three natural turf soccer pitches at a cost of up to $7,000,000 GST exclusive;
    b. development of the site to allow capacity for future development of one additional natural turf soccer pitches;
    c. commit additional funding of up to $2,000,000 from Council's reserve towards the Southern Soccer Project increasing Council's funding contribution from $2,500,000 to $4,500,000 subject to the transfer of the Football Federation of South Australia's funding of $2,500,000 to the City of Marion.
    d. Council writes to the Cove Football Club (Soccer) seeking their interest as a future lease holder of the proposed new facility at Majors Road. (Noting that the Cove Football Clubs new licence agreement at the Cove Community and Sports Club could include provision for termination once the new southern soccer facility is complete if required).
4. Endorse Council and the State Government entering into a funding Deed for the delivery of the project at Majors Road.
5. Note that the forecast operating expenditure for three pitches is $382,171 per annum ($102,171 operating and maintenance; $280,000 depreciation).
6. Note that Council must consider a Section 48 prudential report under the Local Government Act 1999 prior to committing to undertake this project and this report will be prepared for Council's consideration once all required funding is committed.
7. Notes that after community consultation the southern end of Capella Reserve will be upgraded as part of the Capella / Nannigai Reserve Redevelopment.

Carried Unanimously

Moved Councillor - Ian Crossland 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 and attachments, having been considered in confidence under Section 90(2) and (3)(b and d) of the Act, except when required to effect or comply with Council’s resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the

General Council Meeting in December 2019.

2. Notwithstanding the confidential order, authorises the Mayor and/or CEO to advise the Cove Football Club (Soccer) and make public statements as required.

Carried Unanimously

7.01pm the meeting came out of confidence

Future Land Strategy: City Services Surplus Land

Report Reference SGC191125F02

Moved Councillor - Raelene Telfer Seconded Councillor - Jason Veliskou

That pursuant to Section 90(2) and (b) and (d) of the *Local Government Act 1999,* the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ilia Houridis, Tony Lines, Sorana Dinmore, Kate McKenzie, Greg Salmon, Carla Zub, Clare Benn, Craig Clarke and Jaimie Thwaites, be excluded from the meeting as the Council receives and considers information relating to the report Future Land Strategy - City Services Surplus Land, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential relating to matters pertaining to commercial operations of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the council.

Carried Unanimously

7.02pm the meeting went into confidence

Moved Councillor - Jason Veliskou, Seconded Councillor - Ian Crossland

That formal meeting procedures be suspended to enable discussion on the item.

Carried Unanimously

7.02pm formal meeting procedures were suspended

7.09pm Councillor - Jason Veliskou left the meeting
7.11pm Councillor - Jason Veliskou re-entered the meeting

7.20 pm formal meeting procedures were resumed

Moved **Councillor - Luke Hutchinson** **Seconded** **Councillor - Raelene Telfer**

That Council:

1. Notes the report outlining options for the surplus City Services land (the Land) being the northern 7,539m2 portion of the land contained within Certification of Title Volume 5494 Folio 674.

2. Authorises Administration to test market interest for medium to long term lease of the site as currently presented.

Carried Unanimously

Moved **Councillor - Raelene Telfer** **Seconded** **Councillor - Luke Hutchinson**

That Council:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report and attachments, Future Land Strategy: City Services Surplus Land, having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

Carried Unanimously

7.25pm the meeting came out of confidence

Cat Curfew By-law Update

Report Reference SGC191125F03

Moved **Councillor - Jason Veliskou** **Seconded** **Councillor - Raelene Telfer**

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, Sorana Dinmore, Ilia Houridis, Tony Lines, Kate McKenzie, Jaimie Thwaites, 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

The vote was set aside to allow a vote for which individual Councillor decisions are recorded:

Voters	Against	For
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

7.28pm the meeting went into confidence

Moved Councillor - Jason Veliskou Seconded Councillor - Bruce Hull

That formal meeting procedures be suspended to enable discussion on the item.

Carried Unanimously

7.32pm formal meeting procedures suspended

8.03pm formal meeting procedures were resumed

Moved Councillor - Bruce Hull Seconded Councillor - Ian Crossland

That:

1. Council endorses Administration to pursue the following option:
   - *Option 1: Administration progress the By-law as originally drafted and put to the community.*
2. A microchip reader be hired out with Council owned cat traps.

AMENDMENT

Moved Councillor - Jason Veliskou Seconded Councillor - Joseph Masika

That:

1. Council endorses Administration to pursue the following option:
   - *Option 1: Administration progress the By-law as originally drafted and put to the community.*
2. A microchip reader be hired out with Council owned cat traps.
3. A report be provided to Council with various options to support the community to abide by the curfew and deal with the issue of feral and unidentified cats.

The amendment to become the motion was **Carried**

The motion as amended was **Carried**

Moved Councillor - Jason Veliskou Seconded Councillor - Ian Crossland

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 Appendix 1 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

8.18pm Councillor - Maggie Duncan left the meeting

8.21pm meeting came out of confidence

Section 270 Report Cove Football Club

Report Reference SGC191125F04

8.21pm Councillor Duncan re-entered the meeting

Moved Councillor - Jason Veliskou

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, Sorana Dinmore, Ilia Houridis, Kate McKenzie, Craig Clarke and Jaimie Thwaites, be excluded from the meeting as the Council receives and considers information relating to - Cove Cobra Football Club Section 270 Internal Review of Decision, 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 release personal information and prejudice the maintenance of law, including by affecting (or potentially affecting) the prevention, detection or investigation, or the right to a fair trial.

The motion Lapsed for want of a Seconder

8.31pm Councillor - Luke Hutchinson left the meeting
8.33pm Councillor - Luke Hutchinson re-entered the meeting

Moved Councillor - Raelene Telfer Seconded Councillor - Matthew Shilling

That:

1. Council endorses the Section 270 Internal Review of Decision Report from Minter Ellison that indicates:
   - Council had the power to make the Decision.
   - Council considered all relevant factors, and reasonably relied on legal advice in making its Decision.
   - Cove Cobra Football Club was afforded procedural fairness and were notified of the potential for the making of the decision, were afforded a right of reply, and were provided with as much information as necessary.
   - Council's Decision was also reasonable.

2. Council notes the report recommendation to review the all confidential orders relating to this matter which is scheduled to occur at the December 2019 General Council Meeting.

3. Council notes a redacted version of the report has been released to Cove Cobra Football Club and this version (ensuring all confidential information redacted) can be released with the minutes.

4. That the Cove Cobras Football Club is formally advised of the outcome of the review.

Carried

8.46 pm Councillor Prior left the meeting

Moved **Councillor - Jason Veliskou** **Seconded** **Councillor - Joseph Masika**

That:

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the un-redacted version of Appendix 1 of 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

CORPORATE REPORTS FOR DECISION

Policy Review - Draft Sister Cities Policy

Report Reference SGC191125R01

Moved **Councillor - Jason Veliskou** **Seconded** **Councillor - Raelene Telfer**

That Council:

1. Endorses the draft Sister Cities Policy with the following amendments:
    - item 4.2.1 be removed
    - item 4.3 'Sister Cities Friendship Group' be removed
    - item 5 'definitions' be removed

Carried

8.51pm Councillor - Nathan Prior re-entered the meeting

8.54pm Councillor - Jason Veliskou left the meeting
8.56pm Councillor - Jason Veliskou re-entered the meeting

8.56pm Councillor - Kendra Clancy left the meeting
8.58pm Councillor - Kendra Clancy re-entered the meeting

Policy Review - Draft Disposal of Land and Assets Policy

Report Reference SGC191125R02

Moved Councillor - Raelene Telfer Seconded Councillor - Luke Hutchinson

That Council:

1. Endorses the DRAFT Disposal of Land and Assets Policy (Attachment 1) with the following amendments:
    - if land is to auctioned or placed on the open market or disposed of by an expression of interest, the independent valuation must take into account current and future land zoning
    - the term "Recycled products" be changed to "recycled depot materials"

Carried Unanimously

Policy Review - Draft Economic Development Policy

Report Reference SGC191125R03

Moved Councillor - Bruce Hull Seconded Councillor - Tim Gard

That Council:

1. Endorse the DRAFT Economic Development Policy.

Carried Unanimously

Moved Councillor - Kendra Clancy Seconded Councillor - Matthew Shilling

That the following items be moved en bloc:

- Policy Review - Final Environmental Policy (Report Reference: SGC191125R04)
- Policy Review - Final Waste Management Policy (Report Reference: SGC191125R05)
- Policy Review - Draft Donations & Sponsorship Policy (Report Reference: SGC191125R06)

Carried Unanimously

Policy Review - Final Environmental Policy

Report Reference SGC191125R04

Moved **Councillor - Kendra Clancy** **Seconded** **Councillor - Matthew Shilling**

That Council:

1. Endorses the FINAL Environmental Policy (Attachment 1).

Carried Unanimously

Policy Review - Final Waste Management Policy

Report Reference SGC191125R05

Moved **Councillor - Kendra Clancy** **Seconded** **Councillor - Matthew Shilling**

That Council:

1. Notes the outcomes of the public consultation on the DRAFT Waste Management Policy (Attachment 1);
2. Endorses the FINAL Waste Management Policy (Attachment 2).

Carried Unanimously

Policy Review - Draft Donations & Sponsorship Policy

Report Reference SGC191125R06

Moved **Councillor - Kendra Clancy** **Seconded** **Councillor - Matthew Shilling**

That Council:

1. Endorses the reviewed Donations and Sponsorship Policy as included in Appendix 1.

Carried Unanimously

Policy Review - Draft Council Grants Policy

Report Reference SGC191125R07

This item was not considered.

CORPORATE REPORTS FOR INFORMATION/NOTING - Nil

WORKSHOP / PRESENTATION ITEMS - Nil

MOTIONS WITH NOTICE

Elected Member Conduct Register

Report Reference: SGC191125M01

9.14pm Councillor - Raelene Telfer left the meeting
9.16pm Councillor - Raelene Telfer re-entered the meeting

Moved Councillor - Luke Hutchinson Seconded Councillor - Ian Crossland

That Council:

1. Establish an "Elected Member Conduct Register" and publish it on the City of Marion website by December 2019, with the following parameters:

   a. Disclosure types will include all resolved/confirmed:
      i. Censures;
      ii. Meeting suspensions;
      iii. Confirmed misconduct;
      which transpired/transpires in the course of an elected member formally discharging their duties.

   b. Disclosures shall provide:
      i. The name of the elected member;
      ii. The date of resolution;
      iii. A description of the nature of the conduct.

   c. Disclosures shall include a hyperlink relevant public reports and/or minutes relating to the resolution.

   d. Disclosures shall encompass the period from the commencement of the 2010 council term to current date, then be rolling as no less than 3 consecutive council terms.

   e. Disclosures shall be updated as resolutions are passed by council.

Carried

Division called by Councillor - Luke Hutchinson

The vote was set aside to allow a vote for which individual Councillor decisions are recorded:

Voters	Against	For
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

MEETING EXTENSION

Moved Councillor - Matthew Shilling Seconded Councillor - Maggie Duncan

That the meeting be extended until the end of the agenda items.

Carried

9.25pm meeting extended

Citizenship Dress Code

Report Reference: SGC191125M02

Moved Councillor - Raelene Telfer Seconded Councillor - Ian Crossland

That Council:

1. Write to the Minister for Home Affairs submitting the following dress code for the Minister's approval:

   "Candidates for citizenship and others attending citizenship ceremonies should be dressed to reflect the significance of the occasion. Candidates are welcome to wear the national dress of their original country".

Carried Unanimously

Rescission Motion - Youth Engagement and Consultation Report

Report Reference: SGC191125M03

Moved Councillor - Ian Crossland Seconded Councillor - Matthew Shilling

That Council:

1. Rescinds the following motion GC190924R07 - *Youth Engagement and Consultation Report*

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 3 (maintain status quo and establish a Youth Advisory Committee) relating to youth leadership opportunities and participation groups (Appendix 2).

4. Endorses the ongoing funding allocation for 0.5 FTE for year 1 and 0.4 FTE ongoing required for option 3, noting $45,000 for year 1 and $36,000 ongoing will be incorporated into the 2019/20 budget through the quarterly budget review process.

2. Adopts the following proposed motion:

1. Notes the report provided by Youth Affairs Council SA (YACSA) (Appendix 1 of GC190924R07).

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. Endorses an 18 month trial of a Youth Collective Committee from January 2020 to June 2021, to be coordinated by a 0.3 FTE employed on a contract basis.

4. Notes that staff costs of $15,000 for the 0.3 FTE for 2019/20 will be sourced through the quarterly budget review process.

5. Notes that staff costs of $30,000 for the 0.3 FTE for 2020/21 will be included in the 2020/21 Annual Business Plan and Budget process.

3. Requests a review of Youth Grants, partnerships and other initiatives and activities at an Elected Member Forum in the first half of 2020.

4. Requests a progress report of the Youth Collective Committee be presented to Council in April 2021.

Carried Unanimously

Marion Ewell Vineyards Historical Signage

Report Reference: SGC191125M04

Moved **Councillor - Bruce Hull** **Seconded** **Councillor - Nathan Prior**

1. That Council endorses administration to explore appropriate signage recognising the historical significance of the 110 year old Marion Ewell Vineyards site, this exploration exercise may include repurposing the existing brick wall or installing a new structure to identify the vineyards role in our local history, remember those who contributed to the vineyards establishment and protection. And that Administration report back on their findings, with suggested options including an estimated budget by February 2020 General Council meeting.

Carried

Central Avenue Reserve Re-Development

Report Reference: SGC191125M05

Moved **Councillor - Ian Crossland** **Seconded** **Councillor - Tim Gard**

That:

1. The Central Avenue Reserve re-development be upgraded to a neighbourhood level playground based on the current gaps in provision of playgrounds in the area.

2. Council endorse funding the additional amount of $140,250 to increase the hierarchy of Central Avenue Reserve from local to neighbourhood in the 2020/2021 budget with an increase of operations and maintenance cost of $9,818 per annum and depreciation of $5,610 per annum in the Long Term Financial Plan.

3. Note the upgrade will be delivered across financial years with the existing budget of $95,250 still timed for 2019/2020.

Carried Unanimously

QUESTIONS WITH NOTICE

Solar Garage at Tonsley Project

Elected Member Mayor Kris Hanna

Report Reference: SGC191125Q01

Question:

1. In 2017, Council approved a partnership funding contribution of $30,000 towards the "Solar Garage @ Tonsley" project, which would provide a facility free of charge to the community to enable them to charge-up their electric vehicles as and when required. Can Council please have an update on the progress of this project?

Supporting Information:

A copy of the 8 August 2017 General Council report "Solar Garage @ Tonsley" Project (Report Reference: GC080817R03) is attached as appendix 1.

Response Received From: Unit Manager Governance and Council Support – Jaimie Thwaites

Staff Comments:

The following response to the question was provided by Flinders University on 21 November 2019:

We have been dealing with evie networks in order to get two of their 350KW ultra fast charging stations for the Solar Garage, the use of these Ultra Fast charging stations would future proof the Solar Garage and contribute to the aims of it being an iconic piece of electric vehicle recharging infrastructure. Unfortunately after many months of negotiating, we are not able to achieve an agreement with evie, their conditions around recharging payments, infrastructure requirements and guarantees on future site availability just did not fit in with what we all are trying to achieve with the Solar Garage. Namely, providing the public with free electric vehicle charging, in an iconic recharging station located at Tonsley, right next to South Rd that will ensure ease of access and visibility to the masses, hence promoting ev's and renewable energy and sustainable transport. Obviously these negotiations have cause delays to a project that has already experienced many other delays, but the intentions were always to provide the best possible solution for all the stakeholders.

We currently have two Tritium 50kW recharging stations in Mitsubishi's warehouse, and will use these in the Solar Garage as well as two Level 2 chargers provided by Gelco, that will have the ability to recharge 4 vehicles, giving us a total of 6 recharging bays.

The immediate next steps are to get a distribution board designed and made in order to meet these recharging requirements as well as power to light the Solar Garage, we will work with enwave and Gelco to see that this happens as quickly as possible.

The intention is still to launch the Solar Garage, in conjunction with South Australia's electric vehicle strategy that DEM are currently working on, at Tonsley, with the appropriate Ministers, media and project stakeholders present. More information on this will be made once confirmed.

MOTIONS WITHOUT NOTICE - Nil

QUESTIONS WITHOUT NOTICE - Nil

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 9.45pm

CONFIRMED THIS 10 DAY OF DECEMBER 2019

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CHAIRPERSON

MINUTES OF THE GC191126 - GENERAL COUNCIL MEETING - 26 November 2019

Tuesday, 26 November 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 - Bruce Hull, Councillor - Nathan Prior, Councillor - Raelene Telfer, Councillor - Kendra Clancy, Councillor - Maggie Duncan, Councillor - Matthew Shilling, Councillor - Joseph Masika

DATE :

Tuesday, 26 November, 2019 | Time 6:30 PM

VENUE :

Council Chamber

In Attendance

Chief Executive Officer - Adrian Skull	General Manager City Development - Ilia Houridis
General Manager Corporate Services - Sorana Dinmore	General Manager City Services - Tony Lines
Manager Corporate Governance - Kate McKenzie	Governance Officer - Victoria Moritz

OPEN MEETING

The Mayor opened the meeting at 6:31pm

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)

The following interests were disclosed:

- Councillor Veliskou declared a perceived conflict of interest in the item *Oaklands Park Precinct GC191126R10*

CONFIRMATION OF MINUTES

Confirmation of the minutes for the General Council Meeting held on 22 October 2019

Report Reference: GC191126R01

Moved **Councillor - Matthew Shilling** **Seconded** **Councillor - Maggie Duncan**

1. That the minutes of the General Council Meeting held on 22 October 2019 be taken as read and confirmed.

Carried Unanimously

COMMUNICATIONS

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Joseph Masika**

That the following communication reports be moved en bloc:

- Mayoral Communication Report
- Deputy Mayoral Communication Report
- CEO and Executive Communication Report

Carried Unanimously

Mayoral Communication Report

Name of Elected Member Mayor - Kris Hanna

Report Reference GC191126R02

Date	Event	Comments
16/10/19	Draft Planning & Design Code Briefing with Michael Lennon, Chair of the State Planning Commission	Attended
19/10/19	Oaklands Estate Residents Association General Meeting	Attended
23/10/19	Nannigai Reserve On-Site Consultation	Attended
23/10/19	By-Election Council Briefing	Attended, gave speech
26/10/19	Mosque Open Day	Attended
27/10/19	Rima's Fundraising Luncheon for Women's Safety Services SA	Attended
28/10/19	Hallett Cove School Year 12 Graduation Evening	Attended
29/10/19	Bahai Community Bicentenary of the Bab Celebration	Attended, gave speech
31/10/19	Local Government Association Annual General Meeting	Attended
1/11/19	Hindu Society of SA: Siva Selva's 80th Birthday Celebrations	Attended
3/11/19	CoastFM Open Day	Attended, gave speech
7/11/19	The Other Side of Ego: An Evening with Jonathan Gravenor, at Cove Civic Centre	Attended

8/11/19	Venezuelan New Arrivals Welcome	Attended, gave speech in Spanish
9/11/19	Sunset Symphony	Attended, Master of Ceremonies
10/11/19	South Adelaide Basketball Club AGM	Attended
11/11/19	Marion RSL Remembrance Day Service	Attended, laid wreath
13/11/19	Meeting with Lord Mayor of Adelaide	Attended
14/11/19	KMart Wishing Tree Appeal	Attended, gave present
14/11/19	Brave New Wave: Desert Women Painters	Attended
16/11/19	Coastal Walkway Rally	Attended
16/11/19	Muriel Matters documentary screening at MCC	Attended, introduced event
17/11/19	St Anthony School Fete	Attended
19/11/19	Trott Park Centre International Men's Day Lunch	Attended
20/11/19	Rembrandt Living AGM	Attended, gave speech
21/11/19	Local Government Reform Deep Dive Session	Attended
21/11/19	Seaview High School Year 12 Graduation and Presentation of Awards Ceremony	Attended
21/11/19	Meeting with local service groups	Attended
22/11/19	Edwardstown Probus Club Guest Speaker Event	Attended, gave speech

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Joseph Masika**

That:

1. The Mayoral Communication Report be noted

Carried Unanimously

Deputy Mayor Communication Report

Date of Council Meeting 26 November 2019

Name of Elected Member Councillor - Matthew Shilling

Report Reference GC191126R03

Date	Event	Comments
22/10/19	Meeting with Kate McKenzie re Meeting Regulations	
24/10/19	Seacliff DPA Joint Committee	Attended as Committee Member
27/10/19	Cove Cobras AGM	Spoke
31/10/19	Meeting with Nicolle Flint MP	Attended with Cr Duncan
2/11/19	Marion Life Hunger Walk	Gave Kaurna acknowledgment
5/11/19	Southern Hills Ward Briefing	
6/11/19	Meeting with Ilia Houridis	
9/11/19	Sunset Symphony	
11/11/19	Presidents Quarterly Meeting (all Cove Centre Sports Clubs)	Attended with Cr Crossland, Ilia Houridis, Clare Benn, James O'Hanlon and Andy Sakkas
13/11/19	Planning Code Briefing	Attended, hosted by DPTI at Hawthorn Community Centre. Cr Duncan, Cr Prior and Mr Houridis were present
14/11/19	Cove Cobras Committee Meeting	Attended as Council Liason Officer
17/11/19	Church of Jesus Christ of Latter-Day Saints, Marion Stake Conference	Attended as Deputy on behalf of the Mayor
21/11/19	Meeting with Tony Kernahan and Adrian Skull	
22/11/19	SA Special Olympics Opening Ceremony	Attended as Deputy on behalf of the Mayor
26/11/19	Meeting with Tony Lines	

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Joseph Masika**

That:

1. The Deputy Mayoral Communication Report be noted (with the removal of the entry on 22 November *SA Special Olympics Opening Ceremony removed* as the Deputy Mayor was unable to attend this event).

Carried Unanimously

Elected Member Communication Report

Date of Council Meeting 26 November 2019

Name of Elected Member Councillor - Raelene Telfer

Date	Event	Comment
23/10/19	Myer Road Residents	Barking dog concerns
25/10/19	Mitchell Park Sports & Community	AGM spoke of upgrade
28/10/19	Cosgrove Hall Committee	Liaison role
2/11/19	Marion Life	Joined Hunger Walk
4/11/19	Warriparinga Development Group	Observer to meeting
7/11/19	Reconciliation Action Plan	Attended
7/11/19	Mitchell Park Sports & Community	Design discussion and Management model
7/11/19	Mitchell Pk S&C management	Met with staff and representatives to find efficiency
9/11/19	Sunset Symphony	Attended with family and met VIPs
10/11/19	Marion RSL	Attended Committee about memorials
11/11/19	Marion Heritage Research	Light Square signage edit
12/11/19	Warriparinga Ward Briefing	Discussions
13/11/19	Seaview High Governing Council	Liaison role
18/11/19	Warriparinga Development Group	Observer of Kaurna leadership
21/11/19	Darlington Community Liaison Group	Community feedback
24/11/19	Dover Dog Club AGM	Patron attendance
24/11/19	Marion Historical Society	Met members at Christmas breakup

CEO and Executive Communications Report

Date of Council Meeting 26 November 2019

Report Reference GC191126R04

Date	Activity	Attended By
23 October 2019	LGASA Commercial - CEO Advisory Group meeting	Adrian Skull
23 October 2019	Meeting | Adrian Skull, Bruce Needham and Alan Sibbons (Department of Employment, Skills, Small and Family Business)	Adrian Skull
23 October 2019	Meeting | Adrian Skull and Michael Arman (LGA Emergency Management) re Business Continuity	Adrian Skull
23 October 2019	Candidate Briefing Session (Supplementary Election)	Adrian Skull Sorana Dinmore Ilia Houridis
24 October 2019	Seacliff Park DPA - Public Meeting	Ilia Houridis
25 October 2019	Meeting with Minister Speirs re Proposed BMX Facility on site (Majors Road)	Adrian Skull Ilia Houridis
29 October 2019	Meeting | Housing Renewal Australia re Oaklands Precinct	Tony Lines

30 October 2019	Meeting | Cross Council Quarterly Executive - Cities of Marion, Charles Sturt and Port Adelaide Enfield	Adrian Skull Tony Lines Sorana Dinmore Ilia Houridis
30 October 2019	Meeting | Adrian Skull, Roberto Bria, Kirk Richardson, Mark Booth and Chris Adams re MRF	Adrian Skull
31 October 2019	Meeting | Adrian Skull and Christian Reynolds	Adrian Skull
1 November 2019	Teleconference | Adrian Skull, Paul Sutton, John Moyle, Bruce Wright and Jeff Tate re Council Solutions	Adrian Skull
1 November 2019	Meeting | Ilia Houridis and SAALC re MCC Masterplan	Ilia Houridis
4 November 2019	Meeting | Warriparinga Development Group	Tony Lines
4 November 2019	SA Productivity Commission Local Government Reference Group	Adrian Skull
4 November 2019	Meeting | Minister Speirs, Roberto Bria (City of Holdfast Bay), Michael Visintin (Design IQ), Frank Gasparin, Andrew Brazzale and David Tonellato (Seacliff JV Group) re Seacliff DPA	Adrian Skull
4 November 2019	SRWRA Boarding Meeting	Sorana Dinmore
7 November 2019	Meeting | Sorana Dinmore, Kirk Richardson (City of Onkaparinga), David Singh, The Hon. Robert Hill and Garth Lamb (Re.Group), Mark Booth (Chairman SRWRA)	Sorana Dinmore
9 November 2019	Event | City of Marion Sunset Symphony	Adrian Skull Tony Lines Sorana Dinmore Ilia Houridis
11 November 2019	Minister's LG Reform CEOS Reference Group - November Workshop Session	Adrian Skull
11 November 2019	Cove Sports & Community Club - Club Presidents Quarterly Meeting	Ilia Houridis
13 November 2019	Planning and Design Code - DPTI Consultation event for Elected Members	Ilia Houridis

15 November 2019	Meeting | Adrian Skull and Kirk Richardson	Adrian Skull
15 November 2019	Meeting | Minister Speirs, Kirk Richardson (CoO), Nikki Govern (SAEDB) and Adrian Skull (CoM) re SAEDB	Adrian Skull
15 November 2019	Winston Churchill Memorial Trust presentation	Adrian Skull
18 November 2019	Meeting | Warriparinga Development Group	Tony Lines
20 November 2019	Meeting | Adrian Skull and Lachlan Monfries (Scentre Group)	Adrian Skull
21 November 2019	Meeting | Southern Adelaide Zone Emergency Management Committee	Tony Lines
21 November 2019	Meeting | Adrian Skull, Ilia Houridis and Paul Stevenson (RSPCA)	Adrian Skull Ilia Houridis
21 November 2019	Meeting | Adrian Skull, Tony Kernahan, Cr. Matthew Shilling	Adrian Skull

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Joseph Masika**

That:

1. The CEO and Executive Communication Report be noted.

Carried Unanimously

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).

Nil

DEPUTATIONS

Mr George Dunlop - Resident

Report Reference: GC191126D01

Mr George Dunlop gave a five minute deputation to Council about the levels of noise around Delaine Avenue, Edwardstown.

ORDER OF AGENDA ITEMS

The Mayor sought and was granted leave of the meeting to vary the order of the agenda and bring forward motion the motion in relation to this item *Driveway Link - Delaine Avenue, Edwardstown GC191126M03*

Driveway Link - Delaine Ave, Edwardstown

Report Reference: GC191126M03

Moved **Councillor - Joseph Masika** **Seconded** **Councillor - Tim Gard**

That:

1. The Driveway Link in Delaine Avenue, Edwardstown be removed as per the request of residents.
2. The work to be undertaken (as soon as possible) within the 2020/21 financial year as part of the Capital Works Program.
3. That $47,000 be allocated with the 2020/21 Annual Business Plan (Transport).

Carried

7.02pm Councillor Masika left the meeting

PETITIONS

Diagonal Way Oaklands Park Road Closure

Subject: Diagonal Way Oaklands Park Road Closure

Report Reference: GC191126P01

Moved **Councillor - Raelene Telfer** **Seconded** **Councillor - Nathan Prior**

That Council:

1. Notes the petition
2. Advises the head petitioners that Council has noted the petition and of Council's decisions made on 22 October 2019 (GC191022R14)

7.03pm Councillor Masika re-entered the meeting

Carried

Division called by **Councillor - Bruce Hull**

The vote was set aside to allow a vote for which individual Councillor decisions are recorded.

Voters	Against	For
Councillor - Bruce Hull	X	
Councillor - Jason Veliskou		X
Councillor - Joseph Masika		X
Councillor - Kendra Clancy		X
Councillor - Maggie Duncan		X
Councillor - Matthew Shilling	X	
Councillor - Nathan Prior		X
Councillor - Raelene Telfer		X
Councillor - Tim Gard		X

Carried

COMMITTEE RECOMMENDATIONS

Moved **Councillor - Raelene Telfer** **Seconded** **Councillor - Matthew Shilling**

That the following Committee Recommendation Reports be moved en bloc:

- Confirmation of Minutes of the Infrastructure and Strategy Committee Meeting held on 5 November 2019
- Confirmation of Minutes of the Review and Selection Committee Meeting held on 5 November 2019

Carried Unanimously

Confirmation of Minutes of the Infrastructure and Strategy Committee Meeting held on 5 November 2019

Report Reference GC191126R05

Moved **Councillor - Raelene Telfer** **Seconded** **Councillor - Matthew Shilling**

That Council:

1. Receives and notes the minutes of the Infrastructure and Strategy Committee meeting of 5 November 2019.

2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Infrastructure and Strategy Committee.

Carried Unanimously

Confirmation of Minutes of the Review and Selection Committee Meeting held on 5 November 2019

Report Reference GC191126R06

Moved **Councillor - Raelene Telfer** **Seconded** **Councillor - Matthew Shilling**

That Council:

1. Receives and notes the minutes of the Review and Selection Committee meeting of 5 November 2019.

2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.

Carried Unanimously

ORDER OF AGENDA ITEMS

The Mayor sought and was granted leave of the meeting to vary the order of agenda items and bring forward the item *Coastal Walkway Project GC191126R07* to be considered next on the agenda.

Coastal Walkway Project

Report Reference GC191126R07

Moved **Councillor - Tim Gard** **Seconded** **Councillor - Joseph Masika**

That Council:

1. Notes the final structural investigation findings, repaired and re-opened structures and repair costing and re-opening time frames for the remaining structures (refer Appendix 1).

2. Endorses the draft Coastal Walkway Plan (Appendix 2) including the timing and costing for renewal priorities.

3. Commits up to $2,440,604 towards renewal of Stages 1 and 2 of the Coastal Walkway Plan over the next four years to be funded through Council's Asset Sustainability Reserve Fund, subject to a commitment of $2,440,604 from Federal and/or State Government.

4. Endorses a new FTE position up to Level 6 - $97,280 per annum (adjusted with enterprise agreement) for four years to project manage the implementation of the draft Coastal Walkway Plan subject to funding being secured for Stages 1 and 2.

5. Notes the prioritisation of the remaining renewal stages (2024/25 - 2034/35) along with ongoing operating, maintenance and depreciation costs will be developed within the Coastal Walkway Asset Management Plan for adoption by Council by November 2020.

Carried Unanimously

ORDER OF AGENDA ITEMS

The Mayor sought and was granted leave of the meeting to amend the order of agenda items and bring forward the item *Oaklands Park Precinct - GC19112610* to be considered next on the agenda.

Oaklands Park Precinct

Report Reference GC191126R10

Councillor Veliksou declared a perceived conflict of interest in the item *Oaklands Park Precinct* as a direct relative lives within the area and left the meeting.

7.32pm Councillor Veliskou left the meeting

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Kendra Clancy**

That Council:

1. Supports the establishment of the Oaklands Park Precinct.

2. Delegates to the Chief Executive Officer to submit comments back to the Minister for Transport, Infrastructure and Local Government regarding the proposal; noting that appropriate comments will be provided regarding Council infrastructure such as stormwater, open space, roads etc.

3. Notes that the council would rather increased useable open space than a financial contribution in lieu of open space requirements.

Carried

Division called by **Councillor - Bruce Hull**

The vote was set aside to allow a vote for which individual Councillor decisions are recorded.

Voters	Against	For
Councillor - Bruce Hull	X	
Councillor - Joseph Masika		X
Councillor - Kendra Clancy		X
Councillor - Maggie Duncan		X
Councillor - Matthew Shilling	X	
Councillor - Nathan Prior		X
Councillor - Raelene Telfer		X
Councillor - Tim Gard		X

Carried

7.52pm Councillor Veliskou re-entered the meeting

CONFIDENTIAL ITEMS

Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held on 5 November 2019

Report Reference GC191126F01

Moved **Councillor - Joseph Masika** **Seconded** **Councillor - Raelene Telfer**

That:

Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Committee orders that all persons present, with the exception of the following persons: Steph Roberts, be excluded from the meeting as the Committee receives and considers information relating to the CEO Annual Performance Review 2018/19, 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 the performance of the CEO.

Carried Unanimously

7.55 the meeting went into confidence

Moved **Councillor - Matthew Shilling** **Seconded** **Councillor - Jason Veliskou**

That Council:

1. Receives and notes the confidential minutes of the Review and Selection Committee meeting of 5 November 2019 (Appendix 1).

2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.

Carried Unanimously

Moved **Councillor - Jason Veliskou** **Seconded** **Councillor - Raelene Telfer**

That:

3. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held 5 November 2019, and any appendices arising from this report having been considered in confidence under Section 90(2) and (3)(a), 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

7.57pm the meeting came out of confidence

CEO Annual Performance Review 2018/19

Report Reference GC191126F02

Moved **Councillor - Tim Gard** **Seconded** **Councillor - Nathan Prior**

That:

1. Pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, Council orders that all persons present, with the exception of the following persons: Steph Roberts, be excluded from the meeting as Council receives and considers information relating to the CEO Annual Performance Review 2018/19, upon the basis that Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential, given the information relates to the performance of the CEO.

Carried Unanimously

7.57pm the meeting went into confidence

Moved **Councillor - Matthew Shilling** **Seconded** **Councillor - Raelene Telfer**

That:

1. In accordance with 90(2) and (3)(a) of the Local Government Act 1999 the Council orders that this report, all appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting (except for discussions about the minutes and the report between the Mayor and the Chief Executive Officer). This confidentiality order will be reviewed at the General Council Meeting in December 2019.

Carried Unanimously

8.15pm the meeting came out of confidence

Winding up of Section 43 Regional Subsidiary (Council Solutions)

Report Reference GC191126F03

Moved **Councillor - Matthew Shilling** **Seconded** **Councillor - Jason Veliskou**

That

1. Pursuant to Section 90(2) and (3)(g) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ilia Houridis, Tony Lines, Sorana Dinmore, Kate McKenzie Victoria Moritz and Craig Clarke, be excluded from the meeting as the Council receives and considers information relating to Winding up of Section 43 Regional Subsidiary (Council Solutions), 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 to ensure that the Council does not breach any confidential order currently in place.

Carried Unanimously

8.16 the meeting went into confidence

Moved **Councillor - Raelene Telfer** **Seconded** **Councillor - Matthew Shilling**

That:

1. Having received and considered all necessary reports and information both recommending and supporting the recommendation to wind-up Council Solutions Regional Authority (Council Solutions), Council resolves, pursuant to Schedule 2 Part 2 Clause 33(1)(a) of the Local Government Act 1999, for the reasons set out in the Report, that Council Solutions, being a regional subsidiary under section 43 of the Local Government Act 1999, of which the Council is a Constituent Council, be wound-up on the following terms:

- surplus assets of Council Solutions will be distributed and all liabilities incurred or assumed by Council Solutions will be met in accordance with the Charter, namely, in proportion to the equity shares of the Constituent Councils (as identified in the Report); and

- that Council makes formal application and request to the Minister, for the purpose of achieving the winding-up of Council Solutions.

2. The Council's Chief Executive Officer is authorised to make written application and request on behalf of the Council and in conjunction with the other Constituent Councils to the Minister for Transport, Infrastructure and Local Government, for the Minister's approval to wind-up Council Solutions, with the request of the Chief Executive Officer to include:

- the reasons for the request;
- confirmation that the assets and liabilities have been identified and addressed appropriately in accordance with the Council Solutions' Charter; and
- a copy of the Report and this resolution.

3. The confidentiality order pertaining to the Report "*Consideration of Councils Strategic Procurement Direction, GC190611F06*" appendices and minutes be revoked.

Carried Unanimously

8.21pm the meeting came out of confidence

CORPORATE REPORTS FOR DECISION

Community Grants 2019/2020

Report Reference GC191126R08

Moved **Councillor - Maggie Duncan** **Seconded** **Councillor - Raelene Telfer**

That Council:

1. Approves the panel recommendations in Appendix 1.

Carried Unanimously

Youth Development Grants 2019/2020

Report Reference GC191126R09

Moved **Councillor - Bruce Hull** **Seconded** **Councillor - Matthew Shilling**

That Council:

1. Approves the Youth Development Grant applications, totalling $109,825 as outlined in Appendix 1.

Carried Unanimously

South Australian Coastal Councils Alliance and Metropolitan Seaside Councils Committee

Report Reference GC191126R11

Moved **Councillor - Tim Gard** **Seconded** **Councillor - Joseph Masika**

That Council:

1. Endorses the establishment of the South Australia Coastal Council Alliance (SACCA) and the position of the SACCA Executive Committee that future administrative and policy support for the SACCA be integrated with the South Australian Local Government Association (LGA) Secretariat following completion of the current project phase in December 2019.

2. Continues membership of the Metropolitan Seaside Councils Committee including the allocation of the $1,200 (excluding GST) per annum as a membership fee to support the ongoing activities of this group.

3. Writes to the SACCA Executive Committee and LGA President advising them of this resolution.

Carried

Audio of Confidential Items

Report Reference GC191126R12

Moved **Councillor - Jason Veliskou** **Seconded** **Councillor - Joseph Masika**

That:

1. Council does not record confidential discussions at General Council meetings.

Carried

Division called by **Councillor - Bruce Hull**

The vote was set aside to allow a vote for which individual Councillor decisions are recorded.

Voters	Against	For
Councillor - Bruce Hull	X	
Councillor - Jason Veliskou		X
Councillor - Joseph Masika		X
Councillor - Kendra Clancy		X
Councillor - Maggie Duncan		X
Councillor - Matthew Shilling	X	
Councillor - Nathan Prior		X
Councillor - Raelene Telfer		X
Councillor - Tim Gard		X

Carried

Mayor's Multicultural Forum

Report Reference GC191126R13

8.54pm Councillor Masika left the meeting

Moved **Councillor - Matthew Shilling** **Seconded** **Councillor - Jason Veliskou**

That Council:

1. Approves four Multicultural Events each year around the themes:

- Community led concert
- Multicultural business forum
- Cultural engagement
- Summer celebration at Marion Outdoor Pool

2. Approves the required additional funding of $3800 per year for 2019/20 to 2022/23 to deliver the forums. Funding will be from savings within existing budgets.

3. Receives a report by May 2023 on future options for the Multicultural Events.

Carried Unanimously

Glenthorne National Park Draft Masterplan - City of Marion Response

Report Reference GC191126R14

8.59pm Councillor Masika re-entered the meeting

Moved **Councillor - Tim Gard** **Seconded** **Councillor - Maggie Duncan**

That Council:

1. Provides in principle support for the Glenthorne National Park Draft Master Plan Report (Attachment 1) subject to ongoing engagement with Council in the development of more detailed plans.

2. Endorses the submission on Glenthorne National Park Draft Master Plan (Attachment 2).

3. Writes to the Minister for Environment and Water to advise of this resolution.

AMENDMENT

Moved **Councillor - Bruce Hull** **Seconded** **Councillor - Nathan Prior**

That Council:

1. Provides in principle support for the Glenthorne National Park Draft Master Plan Report (Attachment 1) subject to ongoing engagement with Council in the development of more detailed plans.

2. Endorses the submission on Glenthorne National Park Draft Master Plan (Attachment 2) with the promotion of the City of Marion's proposed cat by-law to the benefit of the fauna of Glenthorne National Park.

3. Writes to the Minister for Environment and Water to advise of this resolution.

The amendment to become the motion was **Carried**

The motion as amended was **Carried Unanimously**

Hamilton Park Reserve Community Court November 2019

Report Reference GC191126R15

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Bruce Hull**

That Council:

1. Constructs a community tennis court at Hamilton Park Reserve, with facility for basketball and netball.

2. Fund $150,000 for an acrylic community court at Hamilton Park Reserve through the unfunded initiatives program with a operating, maintenance and renewal cost of $15,500 per annum.

Carried Unanimously

ORDER OF AGENDA ITEMS

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

- Items listed under *Corporate Reports for Information / Noting* (with the exception of the item *Leases and Licenses Update)*
- 1st Budget Review2019/20
- Leases and Licenses Update

CORPORATE REPORTS FOR INFORMATION/NOTING

PROCEDURAL MOTION

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Matthew Shilling**

That the following reports be moved en bloc:

- Review of Hire Charges of Council Operated Facilities
- Minutes of the LGA Annual General Meeting held on 31 October 2019
- Acquisition of Land
- Corporate Risk Quarterly Report
- Work Health & Safety - Monthly Performance Report - September / October 2019
- Finance Report - October 2019
- Investment Performance 2018/19
- Urban Activation Project - Data Update
- Corporate and CEO KPI Report - Quarter One 2019/20
- Finance Report - September 2019
- Questions Taken on Notice Register

Carried Unanimously

Review of Hire Charges of Council Operated Facilities

Report Reference GC191126R17

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Matthew Shilling**

That Council:

1. Notes the report.

Carried Unanimously

Minutes of the LGA Annual General Meeting held on 31 October 2019

Report Reference GC191126R18

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Matthew Shilling**

1. That the minutes of the LGA AGM held on 31 October 2019 be noted.

Carried Unanimously

Acquisition of Land

Report Reference GC191126R19

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Matthew Shilling**

That Council:

1. Approves the CEO having delegated authority for strategic land acquisitions, using the approved procedure, up to $1,000,000.
2. Endorses the revised governance framework 'Acquisition of Land Process Under Delegation' (Appendix 1).

Carried Unanimously

Corporate Risk Quarterly Report

Report Reference GC191126R21

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Matthew Shilling**

That Council:

1. Notes the report including the reduction of risk and the mitigation strategies of high rated risks.

Carried Unanimously

Work Health & Safety - Monthly Performance Report - September / October 2019

Report Reference GC191126R22

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Matthew Shilling**

That Council:

1. Notes the report and statistical data contained therein.

Carried Unanimously

Finance Report - October 2019

Report Reference GC191126R25

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Matthew Shilling**

That Council:

1. Receives the report “Finance Report – October 2019”

Carried Unanimously

Investment Performance 2018/19

Report Reference GC191126R26

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Matthew Shilling**

That Council:

1. Note Investment Performance Report 2018/19.

Carried Unanimously

Corporate and CEO KPI Report Quarter One 2019/20

Report Reference GC191126R27

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Matthew Shilling**

That Council

1. Note this report

Carried Unanimously

Urban Activation Project - Data Update

Report Reference GC191126R23

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Matthew Shilling**

That Council:

1. Notes the first year report for the Urban Activation Project.
2. Notes the Urban Activation Project has been successful at two of the five sites.
3. Considers the Urban Activation Project finalised without future monitoring or review.

Carried Unanimously

Finance Report - September 2019

Report Reference GC191126R24

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Matthew Shilling**

That Council:

1. Receives the report “Finance Report – September 2019”

Carried Unanimously

Questions Taken on Notice Register

Report Reference GC191126R28

Moved **Councillor - Nathan Prior** **Seconded** **Councillor - Matthew Shilling**

That Council:

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

Carried Unanimously

PROCEDURAL MOTION - EXTENSION OF TIME

Moved **Councillor - Matthew Shilling** **Seconded** **Councillor - Maggie Duncan**

1. That the meeting be extended until the conclusion of all items listed on the agenda.

Carried

9.25pm meeting extended

9.32pm Councillor Prior left the meeting
9.33pm Councillor Prior re-entered the meeting

1st Budget Review 2019/20

Report Reference GC191126R16

Moved **Councillor - Jason Veliskou** **Seconded** **Councillor - Nathan Prior**

That Council:

1. Adopt the revised budgeted statements including the Income Statement, Balance Sheet, Statement of Changes in Equity and Statement of Cash Flows (Appendix 2)

2. Approves the identified once-off cash surplus/savings following the completion of the 2018/19 audited Annual Financial Statements of $3.270M to be transferred to the Asset Sustainability Reserve

Carried Unanimously

9.37pm The Mayor left the meeting and did not return.

In the absence of the Mayor, Councillor Shilling resumed the Chair.

9.38pm Councillor Prior left the meeting and did not return

Leases and Licences Update

Report Reference GC191126R20

Moved **Councillor - Raelene Telfer** **Seconded** **Councillor - Maggie Duncan**

That Council:

1. Notes the progress of the implementation of Council's Leasing and Licensing of Council Owned Facilities Policy

2. Notes the current status of all leases / licenses

Carried Unanimously

WORKSHOP / PRESENTATION ITEMS - Nil

MOTIONS WITH NOTICE

Marion Road/Tramway Crossing Planning Study

Report Reference: GC191126M01

Moved **Councillor - Bruce Hull** **Seconded** **Councillor - Tim Gard**

That:

1. Given the Marion Road/Tram Crossing Study is now complete. Council now seeks to collaborate with the City of West Torrens to establish with Government what the possible treatments are and to actively seek dialogue in terms of design, community engagement and funding advocacy for this project leading up to the next State and Federal elections.

Carried Unanimously

Gaming Machine Bank Note Acceptors

Report Reference: GC191126M02

Moved **Councillor - Bruce Hull** **Seconded** **Councillor - Jason Veliskou**

That Council:

1. Notes that 21-27 October was Gambling Harm Awareness Week which aims to encourage community discussions about why gambling harm matters; and

2. Make a submission to the South Australian government poker machine reform objecting to allowing bank note acceptors to be fitted to gaming machines on the grounds of the negative social effect that it would cause to our community.

Carried Unanimously

QUESTIONS WITH NOTICE - Nil

MOTIONS WITHOUT NOTICE - Nil

QUESTIONS WITHOUT NOTICE - Nil

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 Declared Closed at 9.47pm

CONFIRMED THIS 10TH DAY OF DECEMBER 2019

.....
CHAIRPERSON

ADJOURNED ITEMS - Nil

DEPUTATIONS

Lucretia Way Reserve Lake deputation

Originating Officer	Elected Member Support Officer - Tom Matthews
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager City Services - Tony Lines
Report Reference:	GC191210D01

SPEAKER:

Leanne Marchington

ORGANISATION:

Resident

COMMENTS:

Leanne Marchington has requested to give a deputation regarding the Public Consultation that is currently under way for the Lucretia Reserve Lake in Hallett Cove.

PETITIONS - Nil

COMMITTEE RECOMMENDATIONS

Confirmation of Minutes of the Infrastructure and Strategy Committee Meeting held on 3 December 2019

Originating Officer	Executive Assistant to General Manager Corporate Services - Louise Herdegen
Corporate Manager	Manager Innovation and Strategy - Fiona Harvey
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC191210R02

REPORT OBJECTIVE

The purpose of this report is to facilitate the receiving and noting of the minutes from the Infrastructure and Strategy Committee Meeting held on 3 December 2019.

EXECUTIVE SUMMARY

A summary of items considered by Committee Members are noted below. Key discussion points for each item are outlined within the attached minutes (Appendix 1):

- Presentation: Tonsley Railway Station;
- Panel: The Value of Data;
- Playground Data Analysis;
- Oaklands Smart Precinct Project - Update; and
- Independent Member Report.

RECOMMENDATION

That Council:

1. **Receives and notes the minutes of the Infrastructure and Strategy Committee meeting of 3 December 2019.**

2. **Notes that separate reports will be brought to Council for consideration of any recommendations from the Infrastructure and Strategy Committee.**

Attachment

#	Attachment	Type
1	ISC191203 - Draft Minutes	PDF File

MINUTES OF THE INFRASTRUCTURE AND STRATEGY COMMITTEE MEETING - 3 December 2019

Tuesday, 03 December 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 - Bruce Hull, Councillor - Raelene Telfer, Mr Christian Reynolds (from 6:46 pm)

DATE:

Tuesday, 03 December, 2019 | Time 6:30 PM

VENUE:

Council Chamber

IN ATTENDANCE:

Chief Executive Officer - Adrian Skull
General Manager Corporate Services - Sorana Dinmore
General Manager City Development - Ilia Houridis
General Manager City Services - Tony Lines
Manager Innovation & Strategy - Fiona Harvey
Manager Development & Regulatory Services - Warwick Deller-Coombs
Team Leader Asset Solutions - Brendon Lyons
Smart Cities Project Officer - Georgie Johnson
Department of Planning, Transport & Infrastructure - Neil Welsh, DPTI Project Lead Flinders Link
Department of Planning, Transport & Infrastructure - Tyla Clayson
New Venture Institute - Aron Hausler
SAGE Automation - Damian Hewitt
ESRI Australia - David Trengove
Independent Member - Russell Colbourne

OPEN MEETING

Councillor Veliskou opened the meeting at 06:31 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 MEMBER'S DECLARATION (if any)

Nil

CONFIRMATION OF MINUTES

Confirmation of the minutes for the Infrastructure and Strategy Committee Meeting held on 5 November 2019 (Report Reference: ISC191203R01)

Moved: Mayor - Kris Hanna **Seconded: Councillor - Bruce Hull**

That the minutes of the Infrastructure and Strategy Committee Meeting held on 5 November 2019 be taken as read and confirmed.

Carried

BUSINESS ARISING

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

Business Arising Statement - Action Items (Report Reference: ISC191203R02)

Moved: Councillor - Raelene Telfer **Seconded: Mayor - Kris Hanna**

The Infrastructure and Strategy Committee noted the business arising statement, meeting schedule and upcoming items.

Carried Unanimously

CONFIDENTIAL ITEMS – Nil

WORKSHOP / PRESENTATION ITEMS

Tonsley Railway Station Presentation (Report Reference: ISC191203R03)

The DPTI Project Lead for Flinders Link, Mr Neil Welsh presented to the Committee on the delivery of the new Tonsley Railway Station (part of the Flinders Link Project).

A summary of the discussion points noted below:

- DPTI received approximately 1,000 responses as part of the community engagement process in February 2019. The responses highlighted the need for increased rail services, safety, shelter and better station access.
- Connectivity of the station to Flinders Link, Greenway, Tonsley Innovation District, Flinders University, Flinders Medical Centre and residential areas.
- Council would like to see an additional pedestrian crossing point near the Mitchell Park Station added to the project as this is critical to the success of pedestrian and greenways links.
- DPTI working through drainage issues with the City of Marion & Renewal SA.

Mr Reynolds joined the meeting at 6.46 PM

- Smart infrastructure at the railway station to include real time passenger information displays and voice announcements. Members expressed disappointment that more smart technology is not being included given the surrounding innovation district. DPTI had limited scope to deliver outside a standard railway station.
- Disabled access - experience at Oaklands, while may meet standards, it is difficult for people with disabilities / elderly passengers to use the long ramp.
- Community member requested DPTI consider the design of the shelter to cover the blue disabled boarding areas.
- Concern that no car parking is being provided leading to pressure on surrounding residents, Flinders Uni, Medical Centre. DPTI will be promoting how to access the station, connect from other lines, stations, proximity of other public transport options to help alleviate the need for people to drive to the station.
- Construction of railway station and Greenway will be completed late 2020.
- DPTI collaborating with Flinders Uni to connect the station with the uni given the surrounding elevation.
- DPTI meeting regularly with representatives from the City of Marion to ensure optimal outcome for council and delivery team.
- Street scape project will redefine areas of Birch Crescent. Work is scheduled for next year.
- Request DPTI to present final design to the committee prior to construction.

Panel - The Value of Data (Report Reference: ISC191203R04)

The Manager Innovation & Strategy joined the meeting, along with the three panellists for the session - Mr Aron Hausler (New Venture Institute), Mr Damian Hewitt (SAGE Automation) and Mr David Trengove (ESRI Australia). A brief introduction by each panel member followed by an open Q&A session. The following discussion points were noted:

- availability of raw data important to enable full analysis and integration into systems;
- data assists in better decision making for everyone;
- data needs to be used for a purpose - to deliver better outcomes and benefits for the community;
- data sharing benefits, insights, opportunities.

Lessons learned:

- avoid adding too much technology on the road networks and invest in good design, collaboratively use sensor data sets;
- shift mindset of agencies from data ownership to a custodian mindset;
- start with community in mind to determine the outcomes;
- small projects that deliver value and learning opportunities;
- simple, straightforward issues can use data effectively to produce improved outcomes for the community;
- technology has enabled the acceleration from data collection to analysis;
- ethics of data use needs to be considered and addressed.

Councillor Veliskou left meeting at 8:02 PM

- awareness that data could be matched with other data sets and used for unintended

purposes. Take the time to consider ramifications of using data.

Councillor Veliskou returned to the meeting at 8.07 PM

- encourage administration to continue to bring to the Committee emerging technologies, collaborative opportunities for research and development;
- opportunities for using technology to assist with public safety;
- concerns about adding our infrastructure on existing poles and how we can access that data;
- data collection - get back to basics - what do we need to do our job well;
- Melbourne Water - data sharing portal not only provides information to the community, it also encourages community interaction;
- data strategy - data collection and align with organisational strategy/KPI's;
- data sharing has potential for economic and social benefits;
- data availability and modelling can lead to investment into the area;
- building data literacy of staff is important - requires investment in people before technology;
- asset management key driver around use of smart technologies.
- Harness others to find value from data (where appropriate) eg build apps etc

Councillor Veliskou left meeting the meeting at 8.37 PM

Councillor Veliskou returned to the meeting at 8.38 PM

REPORTS FOR DISCUSSION

Playground Data Analysis Report (Report Reference: ISC191203R05)

The Infrastructure and Strategy Committee noted the progress report on the use of data collection technologies within Council playgrounds.

The Manager Innovation & Strategy provided an update on the innovation trial for playground data collection and analysis.

The following discussion points were noted:

- visual representation of data collection provided in the report.
- pilot project finishes early next year.
- the data can help with the future design of playgrounds ie equipment most frequently used
- interpreting the data will be a key factor in realising the benefits of the investment
- in the past critical decisions have been made without any data so this is a starting point

Mayor Hanna left the meeting at 9.04 PM

- City of Marion own the sensors in the playground. After the completion of the pilot, they can remain in place or be relocated to other sites;
- the pilot project is in partnership with SAGE. Open Space team can login to view data in real time;
- clear definitions of the questions we are trying to get answers to is required to provide quality data over quantity.

Mayor Hanna returned to the meeting at 9.07 PM

- sensor technology has improved over past 12 months and costs will come down;
- the costs are not just in the hardware but getting value out of the data - commitment to resourcing staff / outsourcing for good data analysis;
- most cost efficient to embed sensors in new playgrounds rather than retrofitting;
- data to assist in understanding the value of playgrounds to the community - are we over/under providing;
- data gathering from different levels of playgrounds would be beneficial and understanding where people coming from to use the playground - demographics in the area - forecasting demographics ie growing/aging.

Action: Review whether there is data for the period between 7 pm & 7 am (F Harvey)

Procedural Motion

Moved: Councillor Hull **Seconded: Councillor Telfer**

That the meeting be extended to the end of discussion of the Oaklands Smart Precinct & Independent Member Report items. The remaining item be deferred to the next meeting.

Carried

Meeting extended at 9:26 PM

Oaklands Smart Precinct Project – Update (Report Reference: ISC191203R06)

Moved: Mayor - Kris Hanna **Seconded: Councillor - Raelene Telfer**

That the Infrastructure and Strategy Committee:

1. Notes the Oaklands Precinct Project progress report, designs and smart solutions identified to trial within the project.

2. The design be referred to a General Council meeting before going out to tender.

Carried Unanimously

The Smart Cities Project Officer presented a progress update on the Oaklands Precinct project. The following discussion points were noted:

- report articulates the technology that will be included within the precinct
- designs for Oaklands Precinct planning include Marion Cultural Centre (MCC) plaza planning. Oaklands precinct three year program of works funding does not include funding for the MCC Plaza Project.
- City of Marion have extended the DPTI Addinsight Traffic intelligence system by installing four traffic

monitoring beacons in the area and are sharing the data with SAGE & DPTI
- designs enable future proofing for an autonomous vehicle between Oaklands Railway Station to Marion Regional Centre
- smart water fountain is not currently within scope staff are exploring opportunity with SA water to provide one for Dwyer Reserve

Additional considerations include:

- pedestrian destination data is required to assess where people are walking to/from now and how far
- potential to extend on street parking along Diagonal Way to compensate for loss of parking for the community through the redistribution of parking at Oaklands Station
- high quality CCTV could assist with public safety
- leverage digital kiosk wayfinding within Dwyer Reserve to inform community of Oaklands Station Plaza for public toilets

Action: Temporary sensors to collect pedestrian movement data. G Johnson to discuss further with SAGE.

REPORTS FOR NOTING

Independent Member Report (Report Reference: ISC191203R08)

Moved: Councillor - Bruce Hull **Seconded: Councillor - Tim Gard**

The Infrastructure and Strategy Committee noted the report.

Carried

The Independent Member, Mr Christian Reynolds presented his summary of the committee's achievements, structure, responsibilities, areas of focus and opportunities for the future efficiency and effectiveness of the committee.

Mayor Hanna left the meeting at 10:15 PM

The Committee thanked Mr Reynolds for his contribution to the Committee over the past three years and noted that the members valued and welcomed his participation.

OTHER BUSINESS

Nil

MEETING CLOSURE

Meeting Declared Closed at 10:43 PM

CONFIRMED THIS xx DAY OF xx

.....
CHAIRPERSON

CONFIDENTIAL ITEMS

Cover Report - SWBMX Facility - Traffic Solution on Majors Road

Originating Officer	Project Manager Strategic Projects - Carla Zub
Corporate Manager	Manager City Activation - Greg Salmon
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC191210F01

RECOMMENDATION

That pursuant to Section 90(2) 3(b)(i) and (ii) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ilia Houridis, Tony Lines, Sorana Dinmore, Kate McKenzie, Greg Salmon, Carla Zub, Craig Clarke and Jaimie Thwaites, be excluded from the meeting as the Council receives and considers information relating to the report SWBMX Facility - Traffic Solution, 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 relating to matters pertaining to commercial operations of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the council.

SWBMX Facility - Traffic Solution on Majors Road

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.

Cover Report - Electric Vehicle Charging Stations

Originating Officer	Operations Engineer - Carl Lundborg
Corporate Manager	Manager Engineering and Field Services - Mathew Allen
General Manager	General Manager City Services - Tony Lines
Report Reference	GC191210F02

RECOMMENDATION

That:

1. **That pursuant to Section 90(2) 3(b) (i) and (ii) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Ilia Houridis, Tony Lines, Sorana Dinmore, Kate McKenzie, Mathew Allen, Carl Lundborg, Craig Clarke and Jaimie Thwaites, be excluded from the meeting as the Council receives and considers information relating to the report Electric Vehicle Charging Stations, 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 relating to matters pertaining to commercial operations of a confidential nature, the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the council.**

Electric Vehicle Charging Stations

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.

Cover Report - SRWRA Materials Recovery Facility (MRF)

Originating Officer	Executive Assistant to CEO - Dana Bartlett
Corporate Manager	Manager Finance - Ray Barnwell
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210F03

RECOMMENDATION

That pursuant to Section 90(2) 3(d) (i) and (ii) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Tony Lines, Ilia Houridis, Sorana Dinmore, Kate McKenzie, Ray Barnwell, Craig Clarke and Jaimie Thwaites, be excluded from the meeting as the Council receives and considers information relating to SRWRA Materials Recovery Facility (MRF), 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 commercial information, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would on balance be contrary to the public interest.

Southern Region Waste Resource Authority - Materials Recovery Facility (MRF)

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.

Cover Report - Edwardstown Soldiers Memorial Community Club

Originating Officer	Unit Manager Sport & Recreation Facilities - James O'Hanlon
Corporate Manager	N/A
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC191210F04

RECOMMENDATION

That pursuant to Section 90(2) 3(d) (i) and (ii) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Tony Lines, Ilia Houridis, Sorana Dinmore, Kate McKenzie, Craig Clarke, James O'Hanlon and Jaimie Thwaites, be excluded from the meeting as the Council receives and considers information relating to Edwardstown Soldiers Memorial Community 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 commercial information, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would on balance be contrary to the public interest.

Edwardstown Soldiers Memorial Community Club

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.

CITY OF MARION

CORPORATE REPORTS FOR DECISION

Spinnaker Circuit Reserve East - Community Engagement

Originating Officer	Land Asset Officer/Registered Conveyancer - Heather Carthew
Corporate Manager	N/A
General Manager	General Manager City Development - Ilia Houridis
General Manager	General Manager City Services - Tony Lines
Report Reference	GC191210R03

REPORT OBJECTIVE

To provide Council with the outcome of the community consultation on Spinnaker Circuit Reserve – East Sheidow Park (the Reserve) and to seek direction from Council in relation to the future use of the Reserve.

EXECUTIVE SUMMARY

Spinnaker Circuit Reserve East is adjacent St Martin de Porres School (the School), Sheidow Park.

The School has approached Council and shown an interest in using the space as additional parking and potentially for other purposes such as a sealed court area, a garden or a play area.

On 24 September 2019 (GC190924R03) Council considered a report on the future use of the reserve and resolved:

That Council:

1. *Notes the report.*

2. *Undertakes Community Consultation regarding Spinnaker Circuit Reserve East(Allotment 88 in Field Plan 17901) on the following 5 options:*

   i. no sale or lease of land and maintain as reserve;
   ii. sell/lease the Eastern section, subdividing the remaining land for residential purposes;
   iii. sell/lease the Northern section, and subdivide the remaining land for residential purposes;
   iv. sell/lease all the reserve to the school'
   v. sell/lease the Eastern section, retaining the remaining as open space.

Community consultation has been undertaken to ascertain the current use of Spinnaker Circuit Reserve East Sheidow Park and to determine the Community's preference for the Reserve. The community consultation included a direct mail out to 232 residents within 400m of the Reserve and was promoted in the School's newsletter and on their facebook page. School enrolments for 2019 is 409 students representing 290 families.

A summary of the consultation feedback is attached (Attachment 1). Feedback received comprises both support for the retention and for the disposal or lease of the whole or part of the Reserve. Further engagement will be undertaken should Council decide to dispose of the whole or part of the Reserve or for the lease of the whole of part of the Reserve for more than five years, as per legislative requirements.

To consider disposal of whole or part of the Reserve, Council needs to consider that the retention of the land does not contribute to Council's strategic objectives and that the reserve is surplus to Council's requirements. The criteria for the disposal of land is set out in Council's Disposal of Land and Assets Policy. An extract from the Policy is attached (Attachment 2).

Should Council resolve to dispose of the whole or part of the Reserve, subject to Ministerial approval, the net proceeds will be paid to the Open Space Reserve Fund for the development of open space facilities as approved by Council as per Council's Reserve Funds Policy . Alternatively, Council may resolve that the funds are to be used for the development of a particular reserve or reserves in the surrounding area.

RECOMMENDATION

That Council :

Option 1 (Retains the whole Reserve)

1. **Notes the report.**

2. **Retains the whole of Spinnaker Circuit Reserve East**

Option 2 (Short term lease then disposal of the whole Reserve) (delete the inapplicable lease option – northern / eastern)

1. **Notes the report.**

2. **Notes that the retention of the land known as Spinnaker Circuit Reserve East at Allotment 88 in Filed Plan 17901 comprised in Certificate of Title Volume 5546 Folio 484 does not contribute to Council's strategic objectives and is surplus to Council's requirements.**

3. **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 comprised in Certificate of Title Volume 5546 Folio 484.**

4. **Notes that Administration will bring a report to Council 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.**

5. **Endorses the Chief Executive Officer to negotiate and enter into a lease of the northern / eastern portion of Spinnaker Circuit Reserve East 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.**

Option 3 (Short term lease then disposal of portion of the Reserve, retaining the balance) (Delete the inapplicable sale and lease options – northern / eastern)

1. **Notes the report.**

2. **Notes that the retention of the northern / eastern portion of the land known as Spinnaker Circuit Reserve East at Allotment 88 in Filed Plan 17901 comprised in Certificate of Title Volume 5546 Folio 484 does not contribute to Council's strategic objectives and is surplus to Council's requirements.**

3. **Authorises Administration to commence the revocation process over 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 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 northern / eastern portion land.**

4. **Notes that Administration will bring a report to Council for consideration of the public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential disposal of the northern / eastern portion of the land known as Spinnaker Circuit Reserve East, Allotment 88 in Filed Plan 17901 comprised in Certificate of Title Volume 5546 Folio 484.**

5. **Endorses the Chief Executive Officer to negotiate and enter into a lease of the northern / eastern portion of Spinnaker Circuit Reserve East 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.**

6. **The balance of the land will be retained by Council as open space.**

Option 4 (Five year lease with Community Consultation) (delete the inapplicable – whole / northern / eastern portion)

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.**

3. **Notes that Administration will bring a report to Council for consideration regarding leasing Spinnaker Circuit Reserve East to the St Martin de Porres School for a period of five years.**

4. **Authorises the Chief Executive Officer to negotiate and enter into a lease of the whole / northern / eastern portion of Spinnaker Circuit Reserve East at an amount that reflects a market rent from January 2020 for a five year term.**

Option 5 (Five year lease without Community Consultation) (delete the inapplicable - whole / northern / eastern portion)

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. **Authorises the Chief Executive Officer to negotiate and enter into a lease of the whole / northern / eastern portion of Spinnaker Circuit Reserve East at an amount that reflects a market rent from January 2020 for a five year term.**

GENERAL ANALYSIS

Liveable:	Other open space exists within the required 400 - 500 metre radius of this reserve (Attachment 6)
Engaged:	Community engagement has been undertaken to determine the current use of the reserve and the community's vision for the reserve
Legal / Legislative / Policy:	Should Council resolve to sell the reserve or enter into a lease for more than five years, further community engagement will be undertaken as required under the Local Government Act 1999
Proposed Future Budget Allocation:	Should Council resolve to sell the reserve, the costs associated with the revocation of the Community Land Classification, contamination assessment and disposal will be offset against the sale price

DISCUSSION

The School has approached Council and shown an interest in using the Reserve as additional parking and potentially for other purposes such as a sealed court area, a garden or a play area. Any gardens or play areas would be for school and not community use. Any court areas could possibly be for community hire.

Community engagement regarding school parking on Berrima Road will be undertaken in early 2020.

Council does not have plans for additional community facilities on the reserve and the reserve is not included in Council's long-term plans to provide open space. There are already facilities on the Spinnaker Circuit Reserve West.

Public consultation was undertaken from 8 November 2019 to 29 November 2019 on the sale/lease options and included a question about current use and whether the community is supportive of a SALE or LEASE of the reserve.

The community consultation included a direct mail out of 232 flyers to residents within a 400 metre radius of the reserve, excluding the area to the west of Lonsdale Road. A site specific website was set up – www.makingmarion.com.au/spinnaker-circuit-reserve-east. The School promoted participation in the survey in their Term 4 newsletter and on their Facebook page. School enrolments for 2019 is 409 students representing 290 families.

All responses were requested by electronic submission with the option of submitting a hard copy if requested, by 29 November 2019.

The Options included:

Do you currently use Spinnaker Circuit Reserve East?

Option A: No Sale or Lease, and Retain as Open Space.
Option B: Sell/Lease the Eastern Section to the School, Dividing the Balance for Residential Purpose for Sale?
Option C: Sell/Lease the Eastern Section ot the School and Retaining the Balance as Open Space?
Option D: Sell/Lease the Northern Section to the School, Dividing the Balance for Residential Purposes for Sale?
Option E: Sell/Lease the Whole of the Reserve to the School?

If you answered **yes** to any of the options B to E, please tell us whether you would prefer council to **SELL** or **LEASE** the land?

The specific feedback received is attached (Attachment 1).

The plans showing the areas of land described in Options A to E are attached (Attachment 3).

In summary:

- A total of 498 unique participants made 166 survey submissions online
- 54% of participants who made submissions live in Sheidow Park. A breakdown of the number of responses on a suburb of residence basis is attached (Attachment 4)
- No hard copy submissions were made
- No emails or letter responses were received

Online survey responses are summarised as:

Do you currently use the Spinnaker Circuit Reserve – East?

- 31.5% of people who participated in the survey indicated that they use the reserve (60% for those people within 400m of the Reserve)
- 68.5% of people who participated in the survey indicated that they do not use the reserve (40% for those people within 400m of the Reserve)

General Commentary about how the site was currently used included as a walk through short-cut to school, walking dogs and exercise and playing sport or kicking footy.

Comments about why people did not use the reserve mainly was due to their being no facilities on the site and quality of space – not well maintained.

Option A: No Sale or Lease, and Retain as Open Space?

- 19% of participants supported the proposal (42% for those people within 400m of the Reserve)

Option B:Sell / Lease the Eastern Section to the School, dividing the balance for Residential Purposes for Sale?

- 36% of participants supported the proposal (21% for those people within 400m of the Reserve)

Option C:Sell / Lease the Eastern Section to the School and Retaining the Balance as Open Space?

- 52% of participants supported the proposal (45% for those people within 400m of the Reserve)

Option D:Sell / Lease the Northern section to the School, Dividing the Balance for Residential Purposes for Sale?

- 53% of participants supported the proposal (29% for those people within 400m of the Reserve)

Option E:Sell / Lease the Whole of the Reserve to the School?

- 77% of participants supported the proposal (45% for those people within 400m of the Reserve)

If you answered **yes** to any of the options B to E, please tell us whether you would prefer council to SELL or LEASE the land?

- 40% of participants supported a sale (24% for those people within 400m of the Reserve)
- 15% of participants supported a lease (19% for those people within 400m of the Reserve)

- 14% of participants supported either a sale or lease (12% for those people within 400m of the Reserve)
- 16% of participants did not respond (31% for those people within 400m of the Reserve)
- 11% of participants made other comments (12% for those people within 400m of the Reserve)
- 4% of participants supported a lease with the option to sell later (2% for those people within 400m of the Reserve)

Response rates to the direct mail out were 32% based on a total of 522 direct recipients (232 flyers and 290 school families).

The feedback received comprises both support for retention and for disposal of all or part of the reserve with 77% of participants supportive of the sale or lease of the whole reserve. (45% for those people within 400m of the Reserve)

Community Land - Sale or Lease

The Reserve is classified as Community Land and is contained in Community Land Management Plan 10 - General Reserves.

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 further community consultation and Ministerial approval.

Should Council decide to proceed with the potential disposal of the whole or part of the Reserve or a lease of more than five years, further community consultation will be undertaken in accordance with the legislative requirements. This consultation would be specifically around the disposal or lease of the land.

An overview of the process for the sale or lease of Community Land is attached (Attachment 5).

Land Management Agreement

Should Council resolve to sell the whole or portion of the Reserve, it is recommended that Council enter into a Land Management Agreement (LMA) placing obligations or restrictions on the School and that the LMA is 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.

Sale of portion of the Reserve only

Should Council resolve to sell only a portion of the Reserve, a land division would be required to divide the land being sold from the balance to be retained by Council.

The Community Land Classification must be revoked over the whole of the reserve. Upon completion of the land division, the Community Land Classification will automatically be reinstated over the balance to be retained by Council.

Disposal of Land and Assets Policy

To consider the disposal of the whole or portion of the Reserve, Council needs to consider that the retention of the land does not contribute to Council's strategic objective and that the reserve is subject to Council's requirements. The criteria and other requirements for disposal of land is set out in Council's Disposal of Land and Assets Policy (Attachment 2).

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 proceeds

Should Council resolve to dispose of the whole or portion of the Reserve, subject to Ministerial approval, the net sale proceeds will be paid to the Open Space Reserve Fund for the development of open space facilities as approved by Council as per Council's Reserve Funds Policy. Alternatively, Council may resolve that the funds are to be used for the development of a particular reserve or reserves in the surrounding areas.

Spinnaker Circuit Reserve West

Spinnaker Circuit Reserve – West is a local level playground which was constructed in 2010. This reserve fits the requirements of the playground and Open Space Policies and requires no further amenities and upgrades to meet these standards. The reserve is not programmed for an upgrade until at least 2030.

Contamination

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

The soil tests can be undertaken concurrently with the community consultation for the revocation of the Community Land Classification.

The costs associated with the soil assessment would depend on the area of the Reserve to be sold.

CONCLUSION

Community consultation on the options for the future use of the reserve has concluded.

There is significant community support for the sale of the whole of the reserve to St Martin De Porres School with 77% of the respondents supporting a sale or lease of the whole of the reserve (45% for those people within 400m of the Reserve) and 40% of those who said Yes to Options B to E (24% for those people within 400m of the Reserve) prefer a sale of the reserve rather than a lease.

Attachment

#	Attachment	Type
1	Attachment 1 - Community Engagement report	PDF File
2	Attachment 2 - Extract from Disposal of Land and Assets Policy	PDF File
3	Attachment 3 - Options Plans for Community Engagement	PDF File
4	Attachment 4 - Breakdown of Suburb of Residence	PDF File
5	Attachment 5 - Sale and lease process	PDF File
6	Attachment 6 - Map of 500m radius	PDF File

Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

Community consultation was undertaken between 8 and 29 November 2019 and has now concluded.

WHAT IS BEING PROPOSED?

This community consultation is to understand the community's vision for the parcel of land at Spinnaker Circuit Reserve – East, Sheidow Park.

The neighbouring school, St Martin de Porres, has approached Council and shown an interest in using the space as additional parking and potentially for other purposes such as a sealed court area, a garden or a play area. Any gardens or play areas would be for school and not community use. Any court areas could possibly be for community hire.

The disposal of any community land is subject to Ministerial approval and further community consultation would be undertaken in this case.

All feedback as a result of the community consultation is considered by the Minister when making a decision about revoking the community land classification. If sold the proceeds would be paid into the Open Space Reserve Fund for the development of open space as approved by Council. Alternatively, Council may resolve that the funds are to be used for the development of a particular reserve or reserves in the surrounding area.

WHAT THIS WOULD INVOLVE:

We offered the community a range of potential scenarios to vote on to gather sentiment about the future of the site. The Options included:

- **Option A:** No Sale or Lease, and Retain as Open Space
- **Option B:** Sell / Lease the Eastern Section to the School, Dividing the Balance for Residential Purposes for Sale
- **Option C:** Sell / Lease the Eastern Section to the School and Retaining the Balance as Open Space
- **Option D:** Sell / Lease the Northern Section to the School, Dividing the Balance for Residential Purposes for Sale
- **Option E:** Sell / Lease the Whole of the Reserve to the School

If you answered yes to any of the options B to E, please tell us whether you would prefer council to SELL or LEASE the land?

It was noted that Council does not have plans for additional community facilities on the reserve and the reserve is not included in Council's long-term plans to provide open space. There are already facilities on the Spinnaker Circuit Reserve West.

HOW WE ENGAGED:

Feedback on Spinnaker Circuit Reserve was sought via:

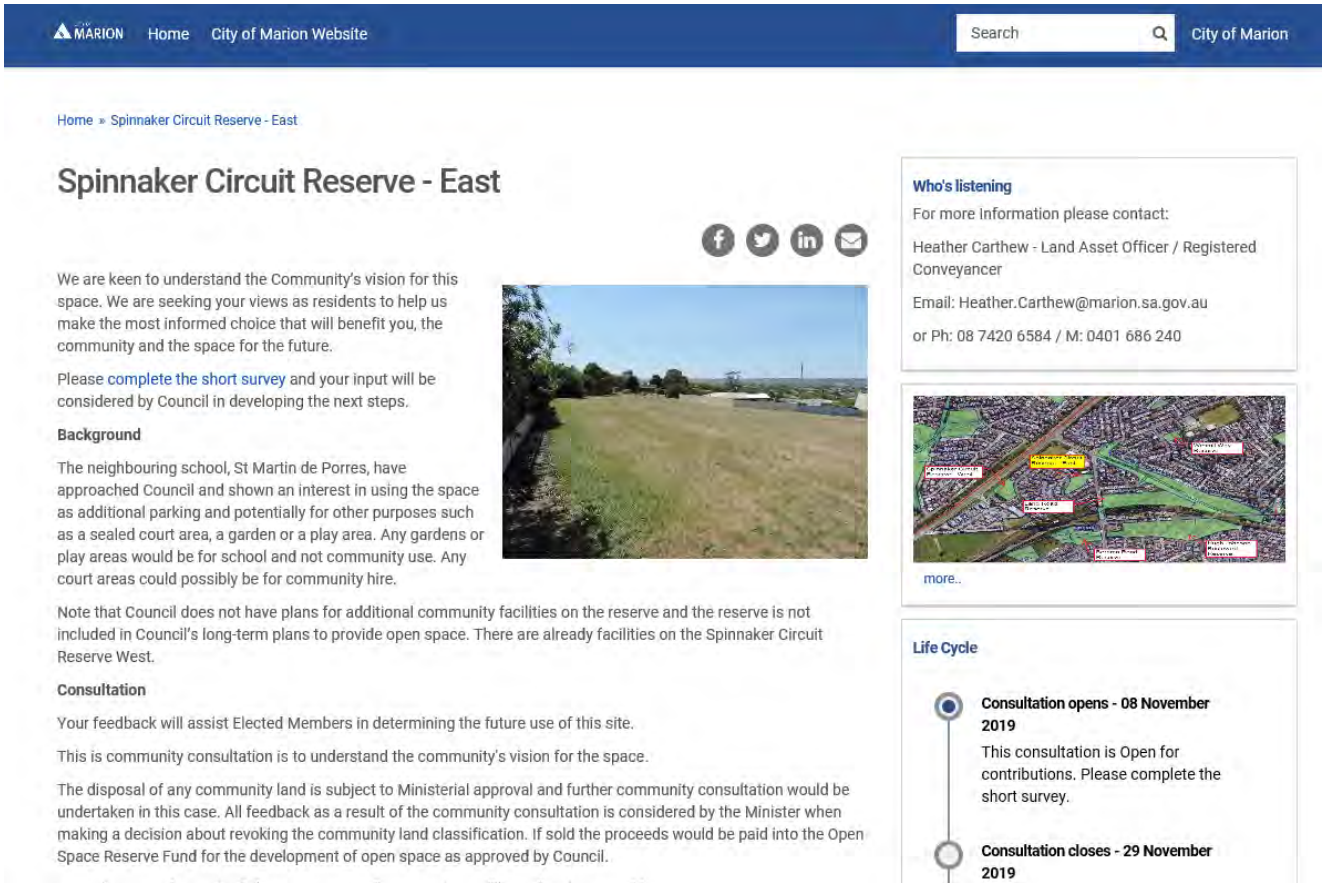
- A direct mail out of 232 flyers to residents within a 400 metre radius of the reserve, excluding the area to the west of Lonsdale Road. A site specific website was set up www.makingmarion.com.au/spinnaker-circuit-reserve-east
- The School promoted participation in the survey in their Term 4 newsletter and on their Facebook page (School enrolments for 2019 is 409 students representing 290 families)
- All submissions were via Making Marion – there were no hard copy or email responses.

Prepared by Patrice Pearson, Community Engagement Coordinator

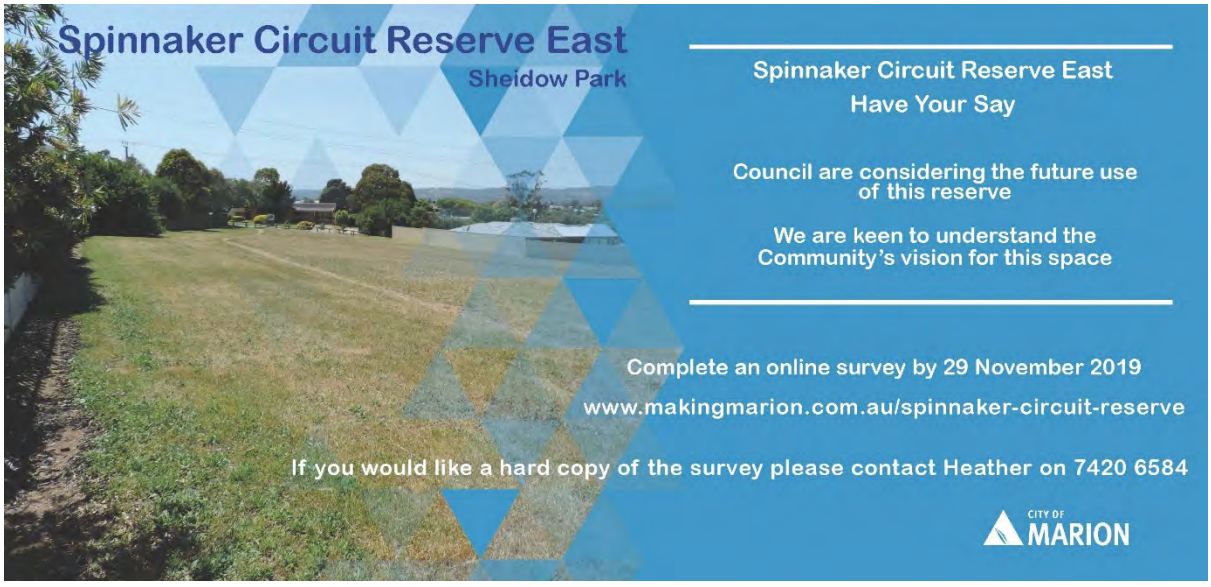
Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

CITY OF MARION

Example of Website



Example of Postcard



Prepared by Patrice Pearson, Community Engagement Coordinator

Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

The engagement asked people to respond to which options people would prefer and why via a survey tool.

COMMUNITY FEEDBACK STATISTICS

The consultation via Making Marion was viewed by just under 498 people.

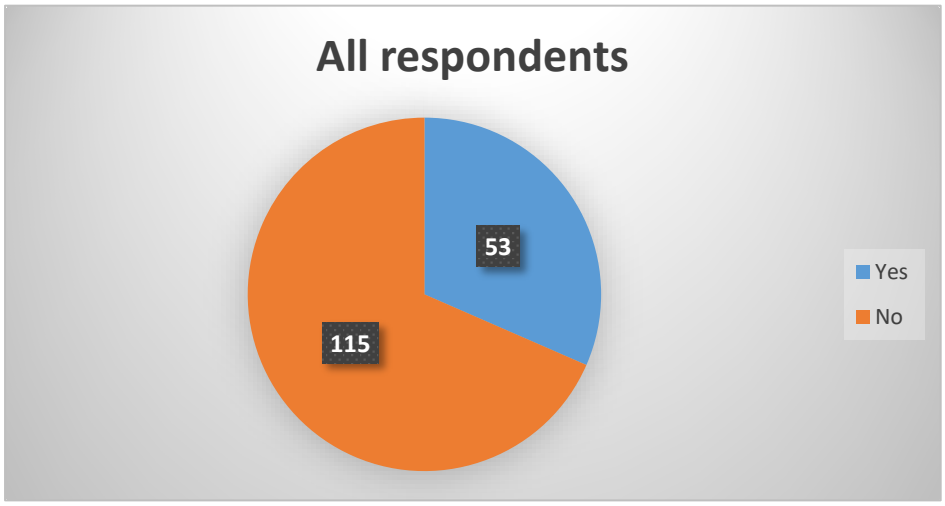
- *A total of **498** unique participants making **166** survey submissions online*
- *The relevant photos were viewed **87** times*
- *No emails / letters written responses were received*

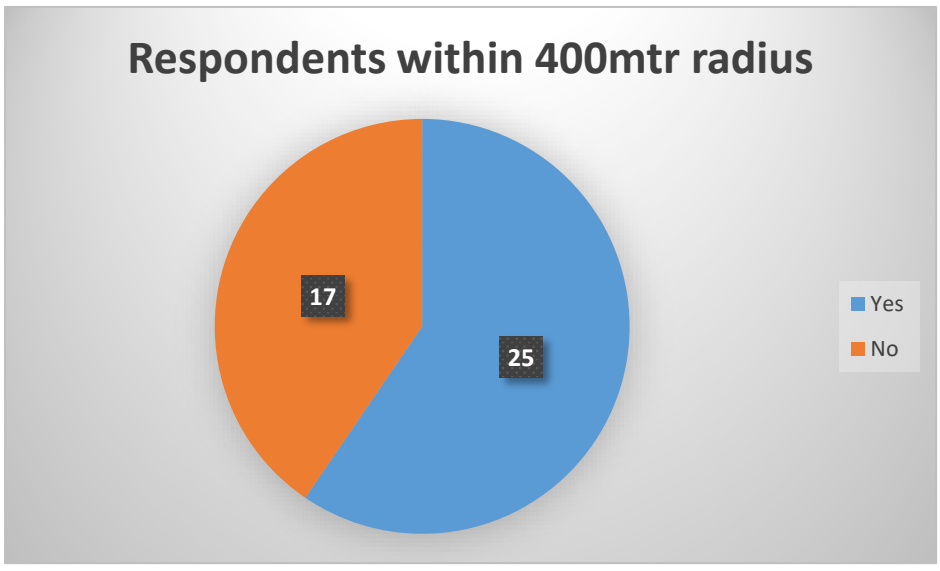
Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

COMMUNITY FEEDBACK

We asked people questions about the reserve and to identify how they used the reserve and their preference for each of the Options

Question 1. Do you currently use the Spinnaker Reserve East?





31% of all respondents said they do use the reserve
60% of respondents within a 400m radius said they use the reserve

General Commentary about how the site was currently used included as a walk through short-cut to school, walking dogs and exercise and playing sport or kicking footy.

Comments about why people did not use the reserve mainly was due to their being no facilities on the site and quality of space – not well maintained.

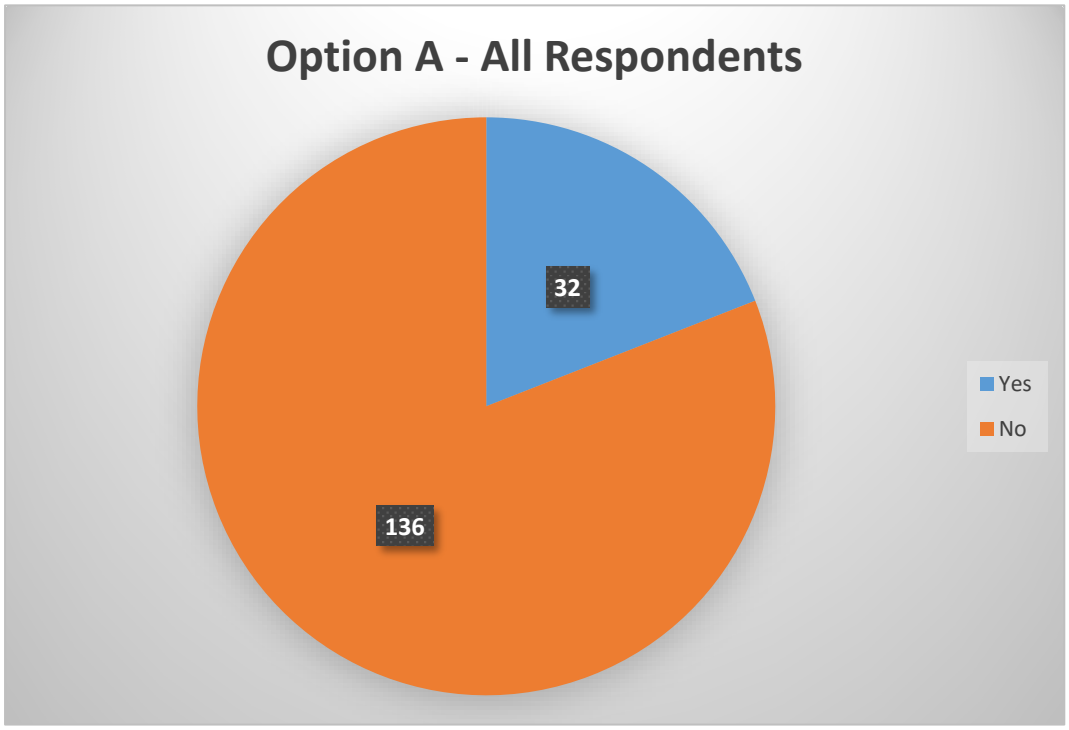
A full summary of all comments received is provided as an Appendix.

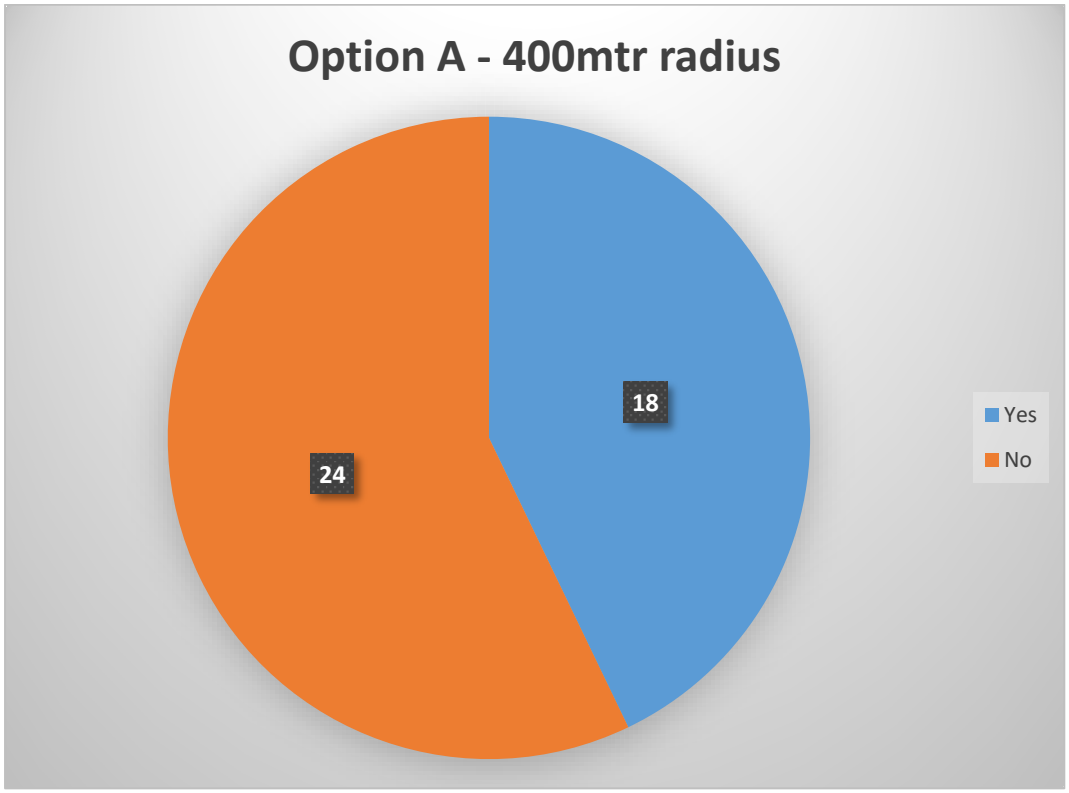
Prepared by Patrice Pearson, Community Engagement Coordinator

Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

The following data shows the preferences for each Option

Option A – No Sale or Lease, and Retain as Open Space





Prepared by Patrice Pearson, Community Engagement Coordinator

Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

Option A Commentary

19% of all respondents indicated that they would like no sale of the land and retain as open space, i.e. 81% of respondents were happy with a sale or lease of the land.

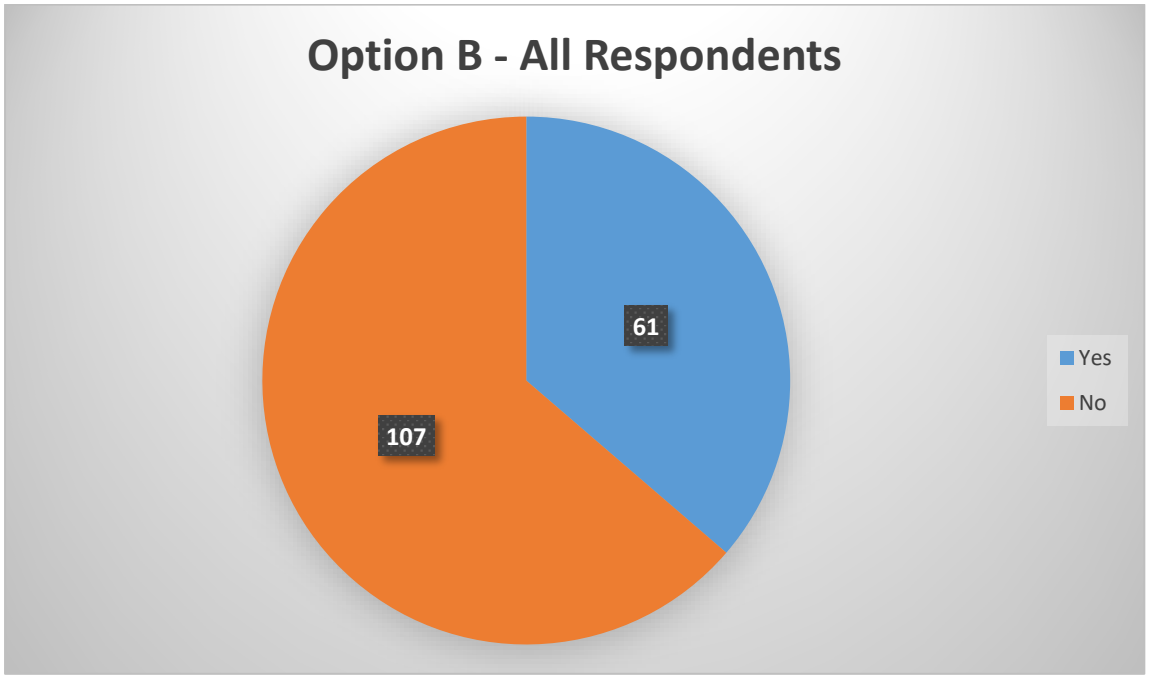
42% of respondents within a 400m radius indicated that they would like no sale of the land and retain as open space, i.e. 58% of respondents were happy with a sale or lease of the land.

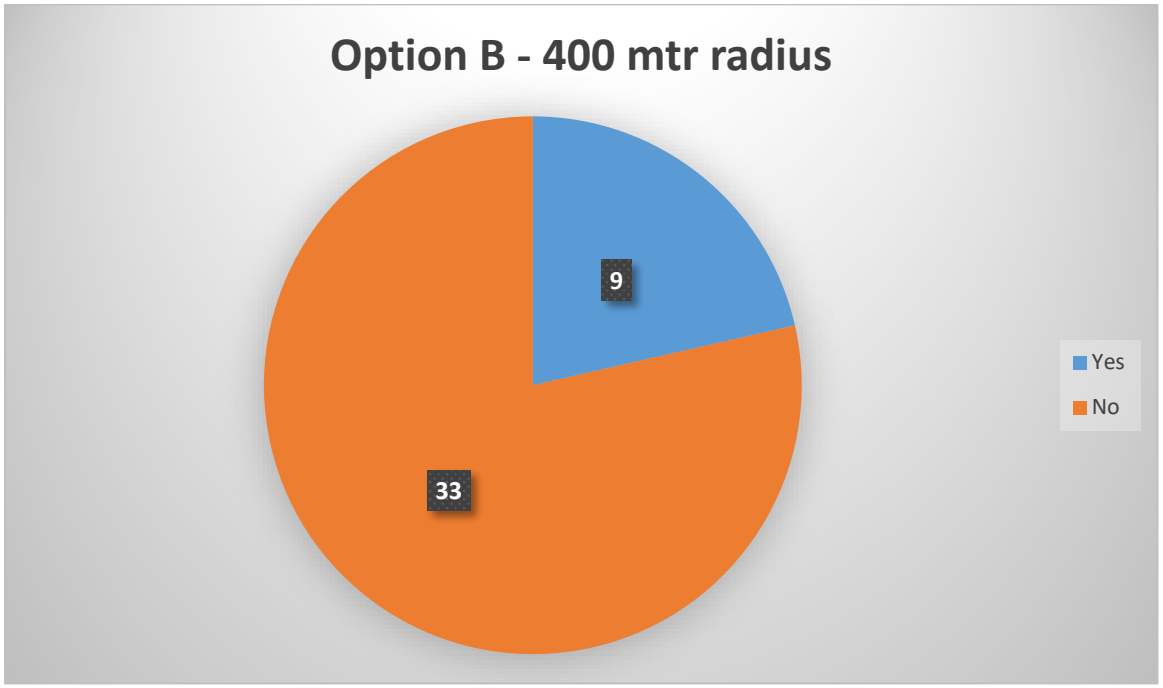
We asked through the use of skip logic on the survey - If people who said NO to this option, If not, why not. General commentary provided about why people did not support this option included:

- Currently a wasted space - no community benefit
- Car parking off the road – traffic management in area needed
- School needs more space

Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

Option B – Sell / Lease the Eastern Section to the School, Dividing the Balance for Residential Purposes for Sale?





Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

Option B Commentary

36% of all respondents indicated they would be happy for the Eastern Section of the land sold or leased to the School, Dividing the Balance for Residential Purposes for Sale.

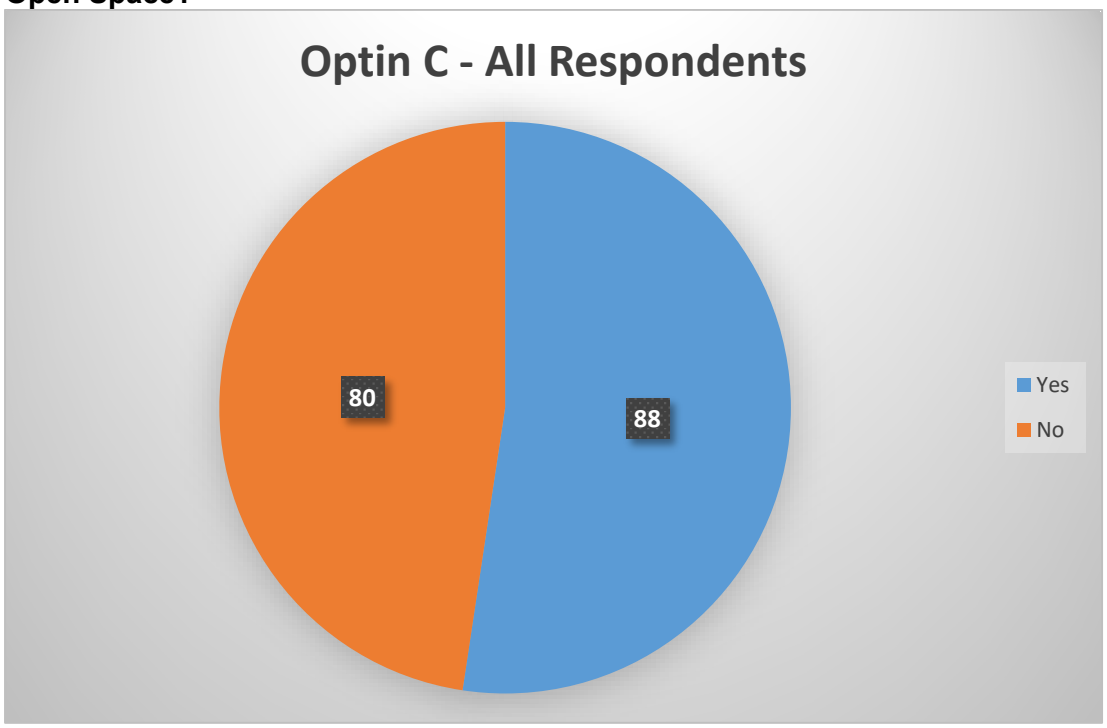
21% of people within a 400m radius indicated they would be happy for the Eastern Section of the land sold or leased to the School, Dividing the Balance for Residential Purposes for Sale.

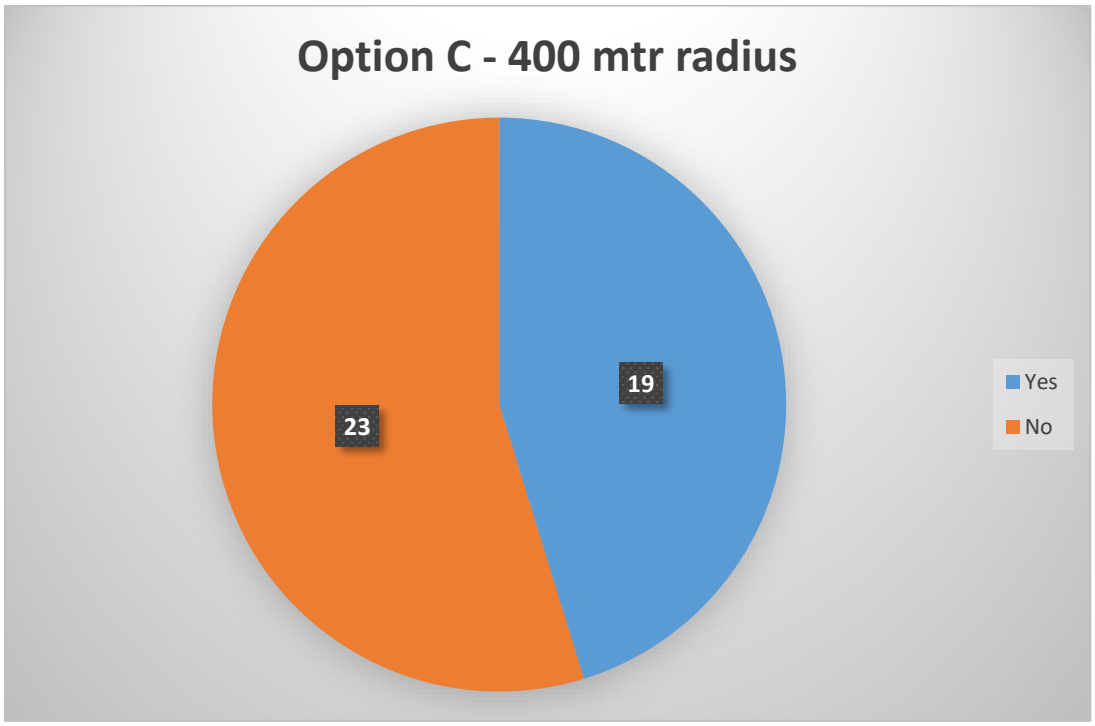
We asked through the use of skip logic on the survey - If people who said NO to this option, If not, why not. General commentary provided about why people did not support this option included:

- No development and to retain open space
- Better use for school to access it
- No need for additional housing

Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

Option C - Sell / Lease the Eastern Section to the School and Retaining the Balance as Open Space?





Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

Option C Commentary

52% of all respondents were in support of selling or leasing the Eastern Section of land with the remainder being retained for open space.

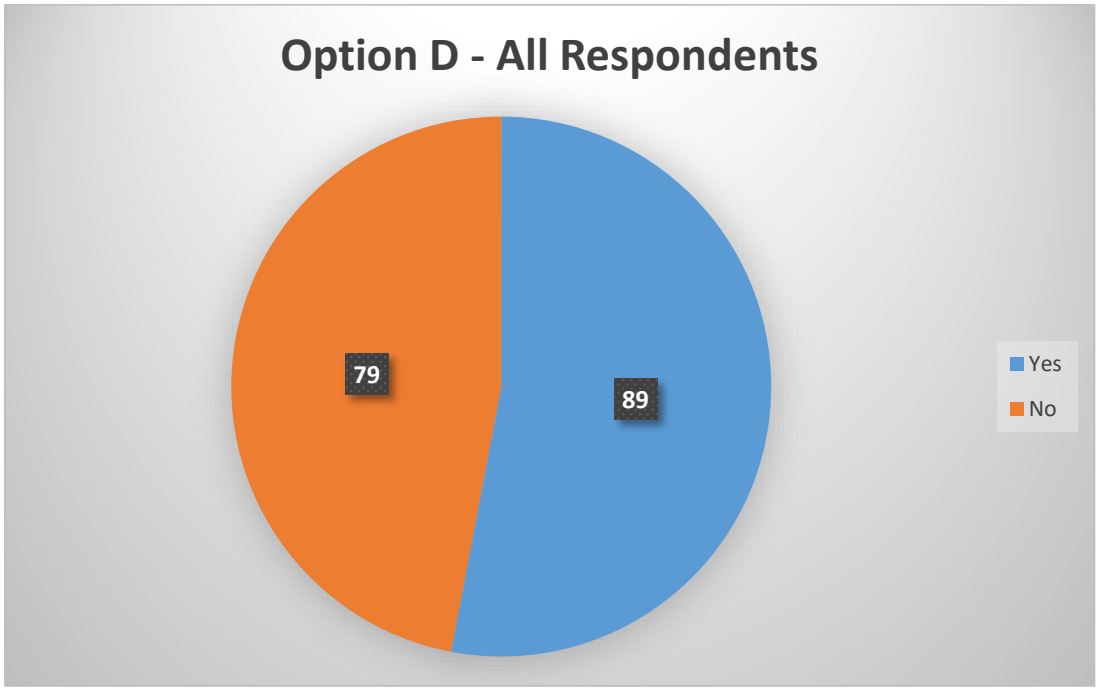
45% of respondents within a 400m radius were in support of selling or leasing the Eastern Section of land with the remainder being retained for open space.

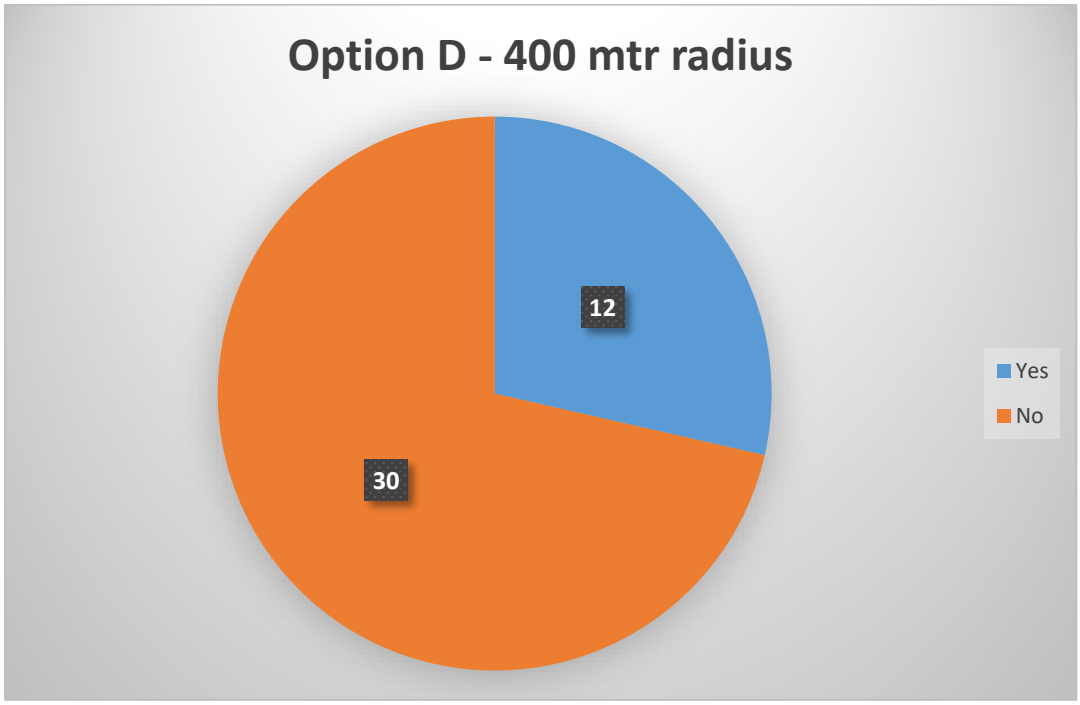
We asked through the use of skip logic on the survey - If people who said NO to this option, If not, why not. General commentary provided about why people did not support this option included:

- Don't require any further open space
- Not enough space for school
- Additional homes will increase congestion

Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

Option D: Sell / Lease the Northern Section to the School, Dividing the Balance for Residential Purposes for Sale?





Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

Option D Commentary

53% of all respondents were in support of selling or leasing the Northern Section of land with the remainder being retained for open space.

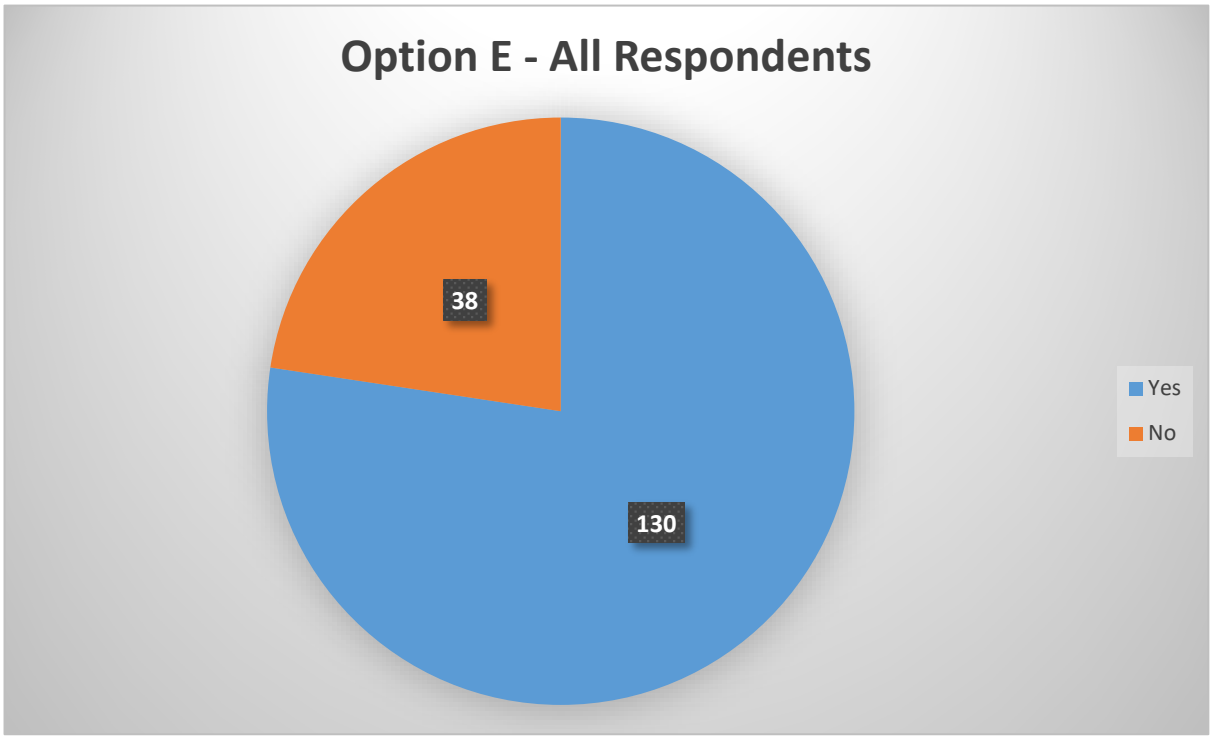
29% of respondents within a 400m radius were in support of selling or leasing the Northern Section of land with the remainder being retained for open space.

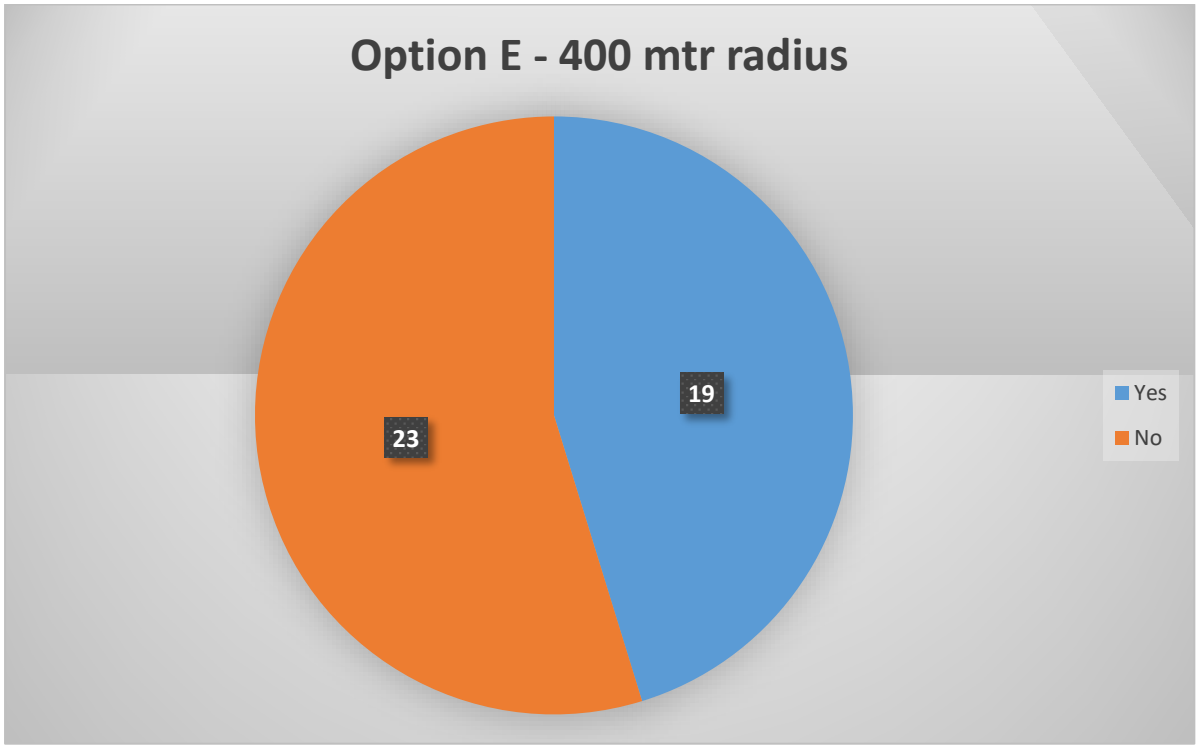
We asked through the use of skip logic on the survey - If people who said NO to this option, If not, why not. General commentary provided about why people did not support this option included:

- No more houses please
- More green space needed
- Not large enough for school to use meaningfully

Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

Option E –Sell / Lease the Whole of the Reserve to the School?





Prepared by Patrice Pearson, Community Engagement Coordinator

Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

Option E Commentary

77% of all respondents indicated that they would like to Sell/Lease the Whole of the Reserve to the School.

45% of respondents within 400m radius indicated that they would like to Sell/Lease the Whole of the Reserve to the School.

We asked through the use of skip logic on the survey - If people who said NO to this option, If not, why not. General commentary provided about why people did not support this option included:

- Put vacant land to good use
- It's a large space and not entirely needed by the school, need to keep some of it as a reserve

Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

ANY FURTHER COMMENS YOU WOULD LIKE OT MAKE ABOUT THE OPTIONS

We asked people to provide any further comments and provide the summary of feedback verbatim here. A full summary of responses to each option is provided as an appendices.

Would love it to be made into a sports circuit
I would like to see a cricket pitch for kids to play on, also play equipment for older kids. tables and chairs for families to have a BBQ A place where all the family can have fun
in the meantime, something has to be done regarding the 30 odd cars that line up along Werlinga St waiting to turn right into Berrima St (not park) at school pick up impeding the flow of traffic into Spinnaker Circ & nearby streets. Traffic hazard / danger.
Lease for parking purposes would be ideal and be beneficial to the school as well as local residents
the school need this land for parking, I have been going to St Martins for 14 years and this year is by far the worst due to Year 6 now at he school, for safelty of the children and parents they need a larger carpark.
Traffic far too busy for more residential purposes
It needs to be a car park, no one uses it and the traffic issues are not only dangerous, but so frustrating to everyone that lives past Berrima Rd trying to get home.
This ain't hard, the school should lease the northern strip and flow traffic from Berrima through to Spinnaker.
If it will not be leased to the school then the council must change the zoning to residential housing and sell it to a developer.
I am not sure my selected options convey the message I want to send so here they are in words! I have no problem with council leasing or selling the eastern end of the park to the school but I do not support the idea of leasing or selling the entire park area to the school or for further housing, please retain some open space in the area. It would be a good idea if the school were able to use some of the land as parking space at school collection and drop off times as the traffic jams in Werlinga Street caused by people waiting to turn right into Berrima road at these times are causing drivers wishing to access Spinnaker Circuit to take risks by passing the long line of vehicles without proper visibility of the road ahead,the other option of waiting in the line of cars for 10 minutes or so before it is possible to continue on the Spinnaker cct is not really an option. thank you
The school is part of the community and it is for the greater good and safety to give this space to the school to use and ease the parking and activities. I am sure in return that school will give back to the community in the future.
Let's help the school and ease the parking problem
Car parking is a big issue for the local school and it needs to be addressed.
Our children go to st Martin's. The school is growing and we need the area to expand into. Please lease with option to buy.
With the continuing growth of the school it makes sense to open up such a last generation space for car parking. The current system does not flow in peak times. I only hope there's never an emergency and vehicles can't get through.
It is a hassle for school pick up and parking.!council need to consider the situation as school has an extra classes built this year.
If the school could make better use of the land they should be given the opportunity.
I live at 54 spinnaker circuit and I'm also a parent of the school. I find it incredibly frustrating that I can't get to my house due to traffic at school time. I also feel it's unsafe as you see cars stopped on the road with kids getting in and out I'm often held up by up to 10 minutes just to get home! I wouldn't mind if the open space was sold or leased to the school, but please use bitumen! I don't like the dust and I think it looks kind of ugly if they are just parking on the lawn which turns to dirt. Please also consider a safe footpath for residents to use when crossing through. I never see anybody using the reserve to play in etc, just as a thoroughfare. This is under utilised. If you do change to a car park, please responsibly relocate the trees which have recently been planted and inform the community Please consider installing bins, water fountains and lines for the car parks. The park down the street should be enclosed so more parents feel safe using it so close to a busy road I also feel that it should have one exit and one entrance, with no access to the quieter side of spinnaker circuit. We don't want too much school traffic at that side of the street
Probably best to use the whole area as carparking space
With extra car parking and school space this would reduce road conjestion and promote safer environment for kids getting to/from school.
Current school parking arrangements are a nightmare
I prefer option E.

Prepared by Patrice Pearson, Community Engagement Coordinator

Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

It is important to provide ease of movement and traffic into and out of the school for children and families, and the traffic concerns of local residents during school peak hours. Priority of options: D, then E, then C.
I think having an empty parcel of land right next to the school is pointless when they're is a huge traffic issue at the beginning and end of the school day. It would make sense for the local residents in the area and the families who attend the school
Make it a nature play space with indigenous food plants for the community
This is an urgent issue. As none of the community would like to see someone get injured due to the large amount of traffic.
It can be used for many great things by the school and improve traffic flow and congestion near the school. I am a parent at the school and the current situation does not work with traffic at a stand still from 3 - 3.45pm every day
Anything to help ease the traffic around the school would help as it's been worsening as the school is growing.
The traffic management and parking situation at school is unmanageable at the moment and this land would ease problams with access. It is not used at present so put it to good use.
If selling for residential land, please see consider family size blocks - e.g. 650-700sqm.
Presently school drop off and pick up is an accident waiting to happen, this space is needed to ensure child safety and clear the roads for residents, I think as it's only used as a car park for an hour twice a day having courts laid out for use at other times makes sense
The land is necessary for parking, unless the council wants to upgrade Landers Rd with parking coves which will cost a huge amount, also it's a safer option. The council can also have a school initiative to garden or maintain with extra curricular activities. Landers Rd is dangerous, having personally see people speeding and running the red lights at the crossing. Council can make it safe for students and families.
I'm of the mindset that current residents around this area would prefer to not have other homes backing on to theirs but my main concern is collecting our children safely and on time.
By being able to use this land would certainly be fantastic for extra car spaces, especially in winter and because the school has expanded there definitely needs to be more parking spaces. As a grand parent and there r quite a few of us at St. Martin's, it would be great to have extra car parking, plus to keep part of the park as a park.
Sell so the school can expand into a middle/high school. Not sure if the land is big enough but it would be great to make STMDP from reception to yr 12. Obviously providing the school is in a position to do this. I know a lot of parents that would be happy with this idea. There isn't a private education school within the sheidowpark/hallett cove area.
This land is not being used, the school is growing and needs more spaces for the growing school community. The school would put the land to good use, while I'm sure it would design a space that is useful to both the school and would consider the local residents and community in the design.
The parking around St Martins is currently poor and poses significant safety issues, by letting the school use some or all of the land it would improve drop offs and pick ups and improve traffic management for local residents who often struggle to get or out of their properties
Its a great school and expansion is great for the suburb and community
The ability to drop off and pick up kids safely is getting harder and harder and restricts the locals to drive through easily , this would assist and allow the ease of parking and keeping our kids and families safe
I understand that it must be stressful and annoying for surrounding neighbours when school hadpickup snd drop offs - it is also stressful and sometimes dangerous for parents doing these runs - other cars try and squeeze thru minimal areas are impatient and there is often some road rage. As a parent that does drops and pickups I am mindful of the impact I am having on the neighbours but at the same time we have to pick up the children too.
The current set up around the school is not working for local residents or the school community. It is unsafe as the roads are being blocked at peak times (drop off/pick up) and cars are having to drive where they shouldn't just to get to the school, to find a park to walk to school or to get back to their houses. Something needs to change. By selling This land to the school it will give them more opportunity to provide safe off road parking.
There're is a desperate need for more space for the school including car parking
Making Spinnaker circuit reserve available to the school will ease traffic congestion in the area. There is a real risk to safety in the current environment.
Would love to see this space used!!
Parking is a significant issue around st martins, not only for residents but patrons of the school. When councils approve building schools there needs to be a responsibility when approving that there will be adequate parking. There is a similar situation at woodend primary & it's a debacle for residents & school patrons. Come on Marion Council get your act together.

Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

Too much traffic School definitely needs more space
Seems like dusty unused space and will ease congestion around the school
In it's current form the existing land adds no value to the surrounding communities
The school does support the local community and helps draw young families to the area. Seems sensible to provide the school the land rather than hold onto a wasted dust bowl.
There is enough housing squeezed in this area. There is insufficient educational infrastructure to service the area as it stands. It is the best choice for the school to have use by either leasing or buying the land for future growth of the area. Definitely not more houses.
The dust is a concern to the community. Staff are incredibly generous with their support to make kiss and go practical after school to minimise disruption to residents particularly on Berrima road. A car park on the reserve could mean we have two exits, reducing the bank up of traffic and also less people accessing kiss and go given the option to park.
Using the space for the school will help to ease drop off and pick up problems with cars and help safety of the community in particular the kids.
Let's try and keep all Marion council rate payers feel like the council isn't trying to destroy the area bit by bit. They've certainly put enough into Mitcham.
I think the residents that are constantly inconvenienced every day at drop off and pick up (and at special school events) need to be considered here as well as the parents dropping kids who need to park very far. I really hope common sense prevails and the land is made available to the school.
As above, 1/2 for school, council can gain revive, make a small park for community to enjoy. Win win
During school pick up and drop off the roads are blocked and cars parked everywhere. Where there is a reserve that hardly gets used it may as well be used to relieve some of the congestion of school traffic
It is so important for the parents of the school to be able to park safely when dropping and collecting the children from the school this would make such a difference
Current arrangements for school parking are inadequate and do not enable safe road use
The traffic congestion from the school is a huge problem for the local community. I have only ever seen the "reserve" used as a thorough fair. The space could be pit to much better use.
No
The space seems needed by the school - so much congestion on the roads dangerous for all concerned
This would improve the flow of traffic for both parents/carers and local residents. Recently, my elderly mother needed to pick up my 6 year old daughter from school. She was unable to access the school carpark due to the long queue. The school phoned me, during a conference, 20 minutes after school finished to see who would take my daughter home as no one had picked her up. My mother arrived soon after to claim my daughter. She was unable to leave the car queue to park her car. She was also afraid of walking a long distance for her safety and my daughters. I was distressed about the safety of both my mother and daughter. I lost time in an important conference attempting to call my mother and other potential carer's to help pick up my daughter. A carpark close by would prevent queues, increase safety and help grandparents who pick up grandchildren from school. (Grandparents as carers are an increasing occurrence in a time of both parents working.)
The current situation with traffic around drop off & pick up is extremely congested & sometimes dangerous, hopefully some of the land can be used for extra car parking or drop off zone
I have never seen anyone ever using the Park for sporting activities only for parking or sort cut through area. My children go to St Martins and I believe if we were able to use reserve for parking would make the roads safer. I have witnessed many occasions of bad driving by locals frustrated by all the cars around. I use kiss and go due to lack of parking. I think it would be common sense to sell or lease a piece of land that is used as walk way for manly St Martins parents and children.
I moved into Spinnaker Circuit over 30 years ago and the council has done absolutely nothing with that land in that period of time, I would assume that it was left vacant for the expansion of the school. A lease with a purchase option would give the school time to work on the best outcome to benefit the school and the local community without restricting through access for locals.

Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

Safety for both residents and the children of the school should be the main factor in the decision making process. The roads are gridlocked during pick up and drop off which makes it a hazardous environment which is not ideal for a school zone.
The school really needs space to grow. The access to the school is incredibly congested & severely unsafe in a state of emergency. More housing is just going to cause more angry residents unable to access their roads to their houses during school times.
My preferences in order are: 1: Option D 2: Option E 3: Option C 4: Option B 5: Option A
MAJOR safety concerns with traffic congestion. An accident waiting to happen. I used the reserve for parking when it was open for the school and it was much better, it is chaotic now with narrow roads and motorists driving down the wrong side of the road etc.
It is clear the school could use extra land for expansion and this reserve offers the possibility for this, including reducing the traffic congestion in the surrounding streets during school pick up and drop off times. I'm sure the local residents in surrounding streets would appreciate it if there was less congestion.
As the local residents don't use the space that I'm aware of. The best option is to sell as you still recoup some money through there rates. This would obviously rise due now owning a larger plot of land.
The best option is D. It would benefit the community and resolve congestion if part of the land was leased/sold to the school and the remainder sold for housing.
I feewl like the school could use the area as a car park, allowing traffic to flow freely through the surrounding streets.
I think the area would be alot safer if the school used that area for car parking
Whole reserve - Lease to the school with option to sell. A carpark to ease the flow of traffic would be ideal.
This might help the school put an end to the ridiculous traffic management issue given they don't have much room to get kids in and out of the school. The school is expanding and needs a larger footprint.
The current school drop off and pick options are a shambles. Just sell the weed patch to the school for a car park and drop off/pick up area. I'll even draw up the plans if you like.
To lease or sell the land to the school would make the traffic at peak school times much better and less congestion for local residents
Land is currently wasted and an eyesore. A small car park, court and landscaped gardens would make the land better utilised.
No
A sustainable solution is required to minimise disruption for residents, and ensure safety of everyone concerned. Current state is not sustainable. While St Martin's has made changes to try and ensure better movement of traffic, there simply isn't enough parking (particularly if there is also something ok at the church). I also appreciate how frustrating the current situation must be for residents (in terms of access to their own driveways). Even if a portion of the reserve is maintained for recreation or housing, it seems ridiculous not to make better use of a large plot of land given the significant congestion issues around school start and finish times, in addition to other community events surrounding the church.
As already stated above the current parking situation can't be sustained at st martins school. Particularly now the school is bigger retaining year 6 students and staring schoolies (early reception kids). The tension that can be seen from residents when you are trying to pick kids up but lining the streets of there properties has become more obvious particularly when there are line ups sometimes up to 45 minutes an hour. In addition because of the congestion there is a growing number of young children walking down the street to meet parents in cars. This can all be improved with the space available for parking. When the school has been able to use on occasions the difference it makes is significant
The school has since its inception been subject to chronic traffic management problems which are becoming more difficult each year. Vehicle queues that trail back to Lander Road. Instances of complete ignorance of common courtesy and road rules.

Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

I have been personally verbally abused by residents living near the school both at times of school drop off and school pick up and have also witnessed other people arguing and fighting due to the traffic around the area. This also occurs during heavy traffic time when the church is being used including Easter and Christmas. The council should make good use of the space and allow parking to rate payers. It is simply not acceptable for things to be left the way they are now. As residents and rate payers we expect basic services to be delivered by the council including parking When taking our kids to school and church
It would be good for the School to be able to lease the land before being given the opportunity to buy.
There is a very big issue with parking for the school, this space would greatly help in reducing this problem . It could be used during the day for other activities also.
I believe that this area of Sheidow Park would benefit from the development of a rejuvenated green space. Bring back plant life, butterflies, open community garden spaces (or perhaps a mix between open and closed). A place with space to gather, with lots of greenery and someday plenty of shade for the walking areas. As a GP in the area I know that for a lot of community walking groups there is a lot of areas to walk but fewer of them are circuits with seating and shade for people with medical conditions requiring rest. If the school wanted to use the space for permaculture or other garden projects to increase biodiversity in the area than I would consider this a valuable use of the space and be open to lease of a portion of the area with the other part being used for community land to be rejuvinated and have plantings aiming at the above. It is important for the community to have spaces that increase biodiversity but also to have places we can meet up as groups, and we should be aiming for as many of these as we can.
I think it should either remain open space, or else a community garden space for the community to work together on.
Please retain the space as Green space only. PLEASE. More effort should actually be put into revegetating the space with local plant species. Would be great for the birds who have lost so much space to the Hallett Cove Heights and Woodend/Southbank housing projects. Especially considering all the new street trees planted aren't even native. We don't need more plane trees and Chinese elms etc. in the area.
Fix the traffic problem without destroying our reserve. The school should not have been granted permission to grow the school pupil intake when there was already a parking problem.
Any additional courts or public open spaces would increase the street traffic along Spinnaker. Residents currently are able to park on both sides of the street making it very hard to pass when driving through, especially at school times or in the evenings. Many times I have come close to being in an accident. I would suggest that this parking would need need to be reviewed for the increased traffic.
As a parent at the school I can see a benefit for both the homeowners who live in the surrounding streets and the school with the lease or sale to the school. With the growing number of young families in the area and the need for more space for the school, I think it's important to think about the future of the area.
St Martins is a fantastic school with fantastic leadership, and they are under enormous pressure at school drop and pick ups trying to keep traffic flowing, and as a rate payer in the area , you owe it to them to work with Craig Fosdike, Thankyou
Thank you for allowing the community to have a sat
The school needs to inform parents AGAIN that Berrima rd is a common road and thoroughfare. Parking 2 cars deep and blocking the road at school times is not on. The police will continue to get regular calls to issue infringement notices if this continues
I have lived here for 31 years and cars from this school have always been a problem. We only have one way in and out and it gets blocked at school time. The other day I had to get home asap and I wasn't able to get pasted the cars for 5 min which is fine as a once off but not for 31 years especially when there is all that land sitting there doing nothing, its not a park its just a dust pit. When I first built here we were promised so much from the council and have received nothing but 1 playground which came when my kid were grown up and left home plus it has no fence.
There isn't enough context in your consultation as to why the school is seeking more land? There aren't enough options in your proposal, what about shared school and community open space and/or facilities? The sporting facilities in Hallett Cove are in dire need of upgrades to meet the needs, and growth, of women in sports. The growth of St Martin de Porres school has fed more children into the local sporting facilities. I would love to see progress on the Cove Community Complex women's change rooms for the growing netball and football clubs. Please prioritise the Hallett Cove and Sheidow park community facilities!
The school already has plenty of space and it's far more important to maintain the current open space for the benefit of the surrounding residents. We had a taste of what it would be like when school parking was allowed on the reserve in 2018 and were very relieved when this was ceased. The properties that border the reserve are not new, they are all well established and deserve to maintain the current benefits the reserve provides.
Plant a few trees on the extra space left for residents and some play equipment as there are children who play on the reserve and people who walk their dogs.
Regardless of the option selected, there must continue to be a designated area to walk from Spinnaker to Berrima (or vice a versa). Many people get off the bus in Adams Road and walk through the park to get home, or the reverse. Public access must continue to be available.

Spinnaker Circuit Reserve East Community Engagement Feedback November 2019

On a daily basis, my street become inaccessible for myself & local residence to access their premises due to the schools lack of parking spaces. Cars sit idling in the middle of the street blocking traffic in both directions. This could be fixed by leasing some of the land for car parking "ONLY" and by making Berrima Road a NO STANDING ZONE on both sides of the road. This would allow the cars to still sit idling as they wait for the "kiss & go" pick up option on the left hand side of the road, while still allowing enough room for traffic to pass on the right.
Utilise the land for school use, resolve traffic issues and ease impact on surrounding streets.
If the school gets the land, how much will local residents be compensated for loss of ammenity, lower property values, and even more road congestion. Who was the ... person who allowed the school to expand beyong capacity? Who was the ... person who allowed the school parents to previously park their cars on the reserve. Making a dust bowl in summer and a quagmire in winter. Are there any conflicts of interest in those advising the council? Is someone seeking to advance the religious dogma. Was this the plan to give the land to the school all along, why there was never any improvements to the reserve. Putting the wrong Web address on the leaflet doesn't help or install confidence.
Why cant the School use the vacant land on the corner of Adams Road and Lander Road (near the Roundabout to build a carpark that would allow safe access from both Adams and Lander Road. This option would not impact anyone in Sheidow Park and would be a lot safer? Please send me a copy of this survey.
Re-vegetate this area and make it a more inviting space to visit with the family. An area that kids can play, kick the footy etc. Green grass would be nice.
At present, due to the lack of parking, it is causing safety concerns for children.at the school and traffic problems for local residents.
Changing the nature of the reserve will devalue all the properties surrounding it.
Open space is a valuable addition to a suburb & enhances the character & value of surrounding streets, irrespective of whether or not it is developed.
Sell the land to the school
We have discussed this with our children (aged 11 and 9) and they would like to see the reserve kept as open space. They would like to see things like a BMX/riding track or even some exercise equipment for the neighbourhood. We understand that school traffic around St Martins school is a nightmare but keeping some of the reserve open would be great.
Should the council retain the land or sell or lease the land to the school or for residential development there needs to be provisions to create a permanent pathway linking Berrima Road and Spinnaker Circuit as a priority as soon as possible. Currently it is suitable for residents to only walk through and not ride scooters or bikes. Should a permanent path be created this would enable our children easier access to and from school without muddy feet or long grass causing wet shoes, socks and ankles through winter or grass seeds and prickles getting caught in their shoes and socks in summer. Currently this space is not maintained regularly and should the council decide to retain this land they need to invest money into doing something to improve this space for local residents. Mainly a path but also regular watering and maintenance to promote grass and an open space for kids to play and kick a ball.

EXTRACTS FROM THE DISPOSAL OF LAND AND ASSETS POLICY

Any decision to dispose of land and assets will be made after considering (where applicable):

- the long term plans and strategic direction of the Council
- the remaining useful life and usefulness of the land or asset
- the current market value of the land or asset and annual cost of maintenance
- any alternative future use of the land or asset
- any duplication of the land or asset or the service provided by the land or asset
- any impact the disposal of the land or asset may have on the community
- any impact on Council infrastructure
- any cultural or historical significance of the land or asset
- the positive and negative impacts the disposal of the land or asset may have on the operations of the Council
- any restrictions on the land or asset
- the content of any Community Land Management Plan and other relevant policies of the Council
- the results of any community consultation process
- a benefit and risk analysis of the proposed disposal
- any environmental impacts

1.1.8 If Land is to be disposed of via a select tender or direct sale, then (unless the Council resolves otherwise) a minimum of two independent valuations must be obtained to ensure that an appropriate market value is obtained. The independent valuation must be made no more than 6 months prior to the proposed disposal.

1.1.9 The Council will seek to dispose of Land at or above current market valuation by whichever method is likely to provide the Council with a maximum return, unless there are reasons for the Council to accept a lesser return which is consistent with the Council's overall strategic direction. These reasons must be documented in writing.

1.1.10 If the disposal is not to be on the open market, the disposal should be at or above the current market valuation (with due regard to all associated costs to achieve the transaction or such other amount as the Council resolves).

EXEMPTIONS FROM THIS POLICY

This policy contains general guidelines to be followed by the Council in its disposal activities. There may be emergencies, or disposals in which a tender process will not deliver the best outcome for the Council, and other market approaches may be more appropriate. In certain circumstances the Council may waive application of this policy and pursue a method which will bring the best outcome for the Council. The Council must record its reasons in writing for waiving application of this policy in accordance with the tender exemption process.

CITY OF MARION

Option A - No Sale or Lease and Retain as Open Space

Spinnaker Circuit Reserve - East

Map Width: 221.1 m
Created by rates Wednesday, 11 September 2019

About this Document	Disclaimer
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CITY OF MARION

Option B - Sell / Lease the Eastern Section to the School, Dividing the Balance for Residential Purposes for Sale

Spinnaker Circuit Reserve - East

Map Width: 201 m

Created by rates Wednesday, 11 September 2019

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CITY OF MARION

Option C - Sell / Lease the Eastern Section to the School and Retaining the Balance as Open Space

Spinnaker Circuit Reserve - East

Map Width: 201 m
Created by rates Wednesday, 11 September 2019

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CITY OF MARION

Option D - Sell / Lease the Northern Section to the School, Dividing the Balance for Residential Purposes for Sale

Spinnaker Circuit Reserve - East

Map Width: 201 m
Created by rates Wednesday, 11 September 2019

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Option E - Sell / Lease the Whole of the Reserve to the School

Spinnaker Circuit Reserve - East

Map Width: 221.1 m
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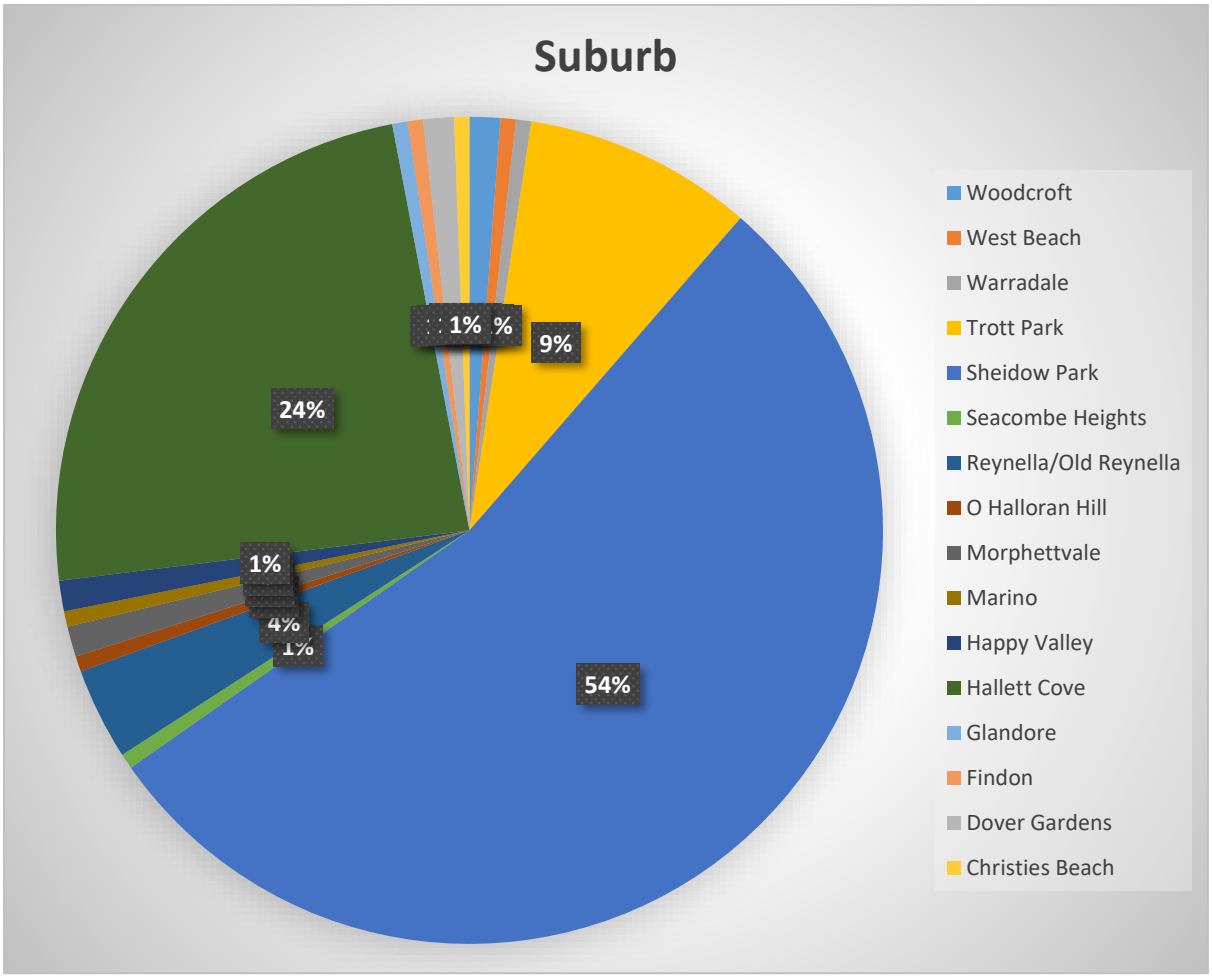
Attachment 4 – Breakdown of Suburb of Residence

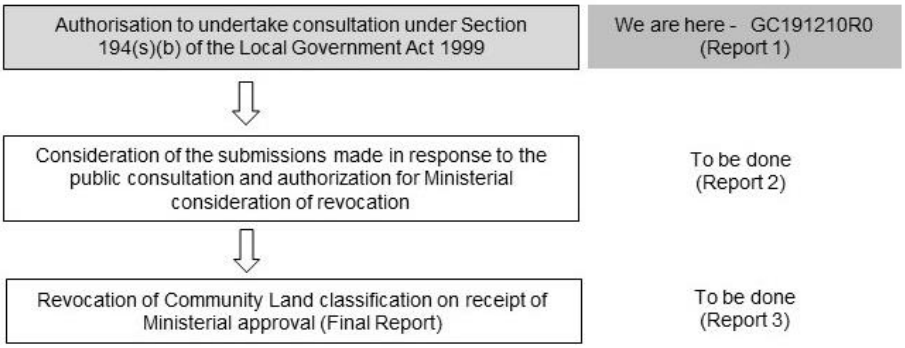


Woodcroft	2
West Beach	1
Warradale	1
Trott Park	15
Sheidow Park	90
Seacombe Heights	1
Reynella/Old Reynella	6
O Halloran Hill	1
Morphettvale	2
Marino	1
Happy Valley	2
Hallett Cove	40
Glandore	1
Findon	1
Dover Gardens	2
Christies Beach	1

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 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.

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.

CITY OF MARION

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Spinnaker Circuit Reserve - East
Reserves within a 500m radius

Map Width: 1636 m
Created by rates Wednesday, 11 September 2019

About this Document	Disclaimer
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Long Term Options to Manage the Lucretia Way Detention Basin - Hallett Cove

Originating Officer	Water Resources Coordinator - Glynn Ricketts
Corporate Manager	Manager Engineering and Field Services - Mathew Allen
General Manager	General Manager City Services - Tony Lines
Report Reference	GC191210R04

REPORT OBJECTIVE

The purpose of this report is to seek Council endorsement to progress the Lucretia Way Detention Basin project.

RECOMMENDATION

That Council:

1. **Notes this report.**

2. **Notes the community engagement undertaken and the feedback from the online consultation, between 29/04/19 and 20/11/19.**

3. **Notes the 2019/20 works program includes investigations/reports, sealing the creek bed, technical investigations, surveys and detailed designs (of one of the three design options) at a cost of $150,000 (Adelaide Mount Lofty NRM Board funding).**

4. **Endorses the Lucretia Way Detention Basin project to progress to detailed design and construction for one of the following long term management options:**

- **Option 1: Retain and improve the existing basin, including removal of sediment to increase water depth, re-shaping steep banks, installation of a low flow outlet structure (to provide an environmental flow into the Conservation Park), and weed control/re-vegetation. Noting the total capital cost for construction, estimated at $846,000 will be prioritised within the $2.722m drainage budget allocation in 2020/21 in Council's currently adopted long term financial plan.**

or

- **Option 2: Construct a wetland including reshaping basin to allow for reeds and rushes to deliver water quality improvements, with some deeper water bodies. High and low flow bypass structures will be incorporated into the design. Noting the total capital cost for construction, estimated at $1,239,000 will be prioritised within the $2.722m drainage budget allocation in 2020/21 in Council's currently adopted long term financial plan.**

or

- **Option 3: Recreate the natural creek corridor. This involves filling the basin and excavating the natural creek. Noting the total capital cost for construction, estimated at $348,000 will be prioritised within the $2.722m drainage budget allocation in 2020/21 in Council's currently adopted long term financial plan.**

DISCUSSION

Agreement on Stormwater Management between the State of South Australia and the Local Government Association of South Australia [1], enabled by the Local Government Act 1999 (Schedule 1A – Implementation of Stormwater Management Agreement), empowers Councils to produce Stormwater Management Plans. The City of Marion in conjunction with a consultant developed the Hallett Cove Creeks Stormwater Management Plan [2] in 2012, (the Plan) which was endorsed by Council in 2013 (GC121113R03). This endorsement followed sign-off from the Stormwater Management Authority and Adelaide and Mount Lofty Ranges Natural Resources Management (NRM) Board.

The Plan was subject to consultation with the local community, interest groups and Council, and was gazetted on 9 October 2014 [3].

[1] http://www.sma.sa.gov.au/about/stormwater-management-agreement/

[2] http://www.sma.sa.gov.au/resources/stormwater-management-plans/

[3] https://governmentgazette.sa.gov.au/sites/default/files/public/‹documents/gazette/2014/October/2014_077.pdf

The Plan holistically assessed the optimum solutions for managing the Hallett Cove Creeks from top of catchment to where they discharge into the Gulf St Vincent. There was a significant focus on the Waterfall Creeks catchment. Budget was allocated through the Long Term Financial Plan (LTFP) and staff commenced work on implementing the recommended actions. To enable water quality to improve, civil projects at the top of the catchment were prioritised and have been completed.

The Plan also recommended that the Lucretia Way detention basin be improved (the last project within the Waterfall Creek catchment). At this stage, this work is scheduled to commence in 2020/21 with detailed design being funded in 2019/20.

LUCRETIA WAY BASIN

The exact history and original intended function of the basin is unknown. However, it is considered likely that the developer(s) of Hallett Cove created it to capture sediment in Waterfall Creek before it flows into the high value Hallett Cove Conservation Park (which is immediately downstream).

Hallett Cove Conservation Park was proclaimed in 1976. The 2010 park management plan[1] notes erosion, and reductions in flows due to the Lucretia Way basin, as the main threats to Waterfall Creek within the park.

[1] https://www.environment.sa.gov.au/topics/park-management/state-wide-park-strategies/park-management-plans

In the summer of 2018 the basin almost dried out; concerned residents and staff sought to understand why. At a subsequent meeting (held on 29/04/19), as a result of the concerns expressed by residents, it was agreed to:

1. Review the hydrological studies that supported the creation of the upstream Glade Crescent Wetlands.

2. Undertake an independent investigation to determine if the upstream wetland or the long, hot, dry summer was the primary reason for the basin drying out.

3. Commission an independent report on three possible options for the long term management of the basin.

The 3 options presented to the residents were:

Option 1 - Retain and improve the existing basin
This involves:
· Removing sediment to increase water depth;
· Remediation of the existing or construction of a new low-permeability compacted clay liner;
· Re-shaping steep banks;
· Installation of a low flow outlet structure (to provide an environmental flow into the Conservation Park); and
· Weed control and re-vegetation.

This option would provide a moderate area of open water which would be likely to dry out only rarely (e.g. during extended periods of hot, dry weather). Total capital cost for design and construct is estimated at $996,000 (including $150,000 of NRM-funded preliminary and design works).

Option 2 - Constructed off-line wetland (as recommended in the Plan)
This involves:
· Reshape basin to allow for reeds and rushes to deliver water quality improvements;
· Some deeper water areas; and
· High and low flow bypass structures, incorporated into the design.

This option would deliver significantly improved environmental outcomes, with smaller areas of open water which would be expected to dry out most summers. Total Capital cost, for design and construct, is estimated at $1,389,000 (including $150,000 of NRM-funded preliminary and design works).

Option 3 - Recreate the natural creek corridor
This involves:
· Filling the basin and excavating the natural creek;
· Extensive weed control and re-vegetation;

Due to urbanisation in the Waterfall Creek catchment it will be impossible to re-create the natural flow regime and therefore it is predicted that the creek would be dry for extended periods. Total Capital cost for design and construct, is estimated at $498,000 (including $150,000 of NRM-funded preliminary and design works).

INVESTIGATIONS

During the investigations to determine the root cause of why the basin dried out it became apparent that the historically reliable, all year round, low flows were not reaching the basin. On inspection the creek was still flowing 30 metres upstream of the basin, at the end summer. It was evident that water was flowing into the bed of the creek and not flowing down the creek into the basin. In order to understand this further, Flinders University was engaged to undertake ground penetrating radar and geophysical surveys to assess the extent of the leaky creek bed and to propose solutions to seal the bed of the creek.

The summary conclusions from the reports are as follows:

Lucretia Way Basin Options Investigation, Tonkin Consulting:

- The water balance modelling concluded that the drying out of the basin was not solely as a result of the long hot dry summer.
- It also supported the previous studies that indicated that the Glade Crescent Wetlands had no material adverse impacts on water levels within the basin.
- The results of the modelling, combined with observations of water disappearing into the creek bed, upstream of the wetland, concluded that the most likely cause of the basin drying out is the increased losses in the creek bed, likely as a result of changed geological conditions creating a flow path to an underlying aquifer.

- The investigations also concluded that the low permeability lining of the basin may also be damaged and should be repaired.

The results of this study were presented at the second Residents Information Evening held on 31 October 2019.

Additional Investigation - Channel loses in Waterfall Creek, Hallett Cove, Flinders University:

This investigation concluded that there appears to be multiple subsurface features along the bed of the creek, immediately upstream of the basin, causing water loss to an underlying aquifer. This report concluded that the channel bed should be sealed. The results of this study were also presented at the second Residents Information Evening.

Lucretia Way Basin Options Investigations, Multiple Criteria Analysis, Tonkin Consulting:

A multiple disciplinary independent team undertook an assessment of the 3 options by weighting and scoring various social, environmental and economic attributes.

A summary of the resultant ratings are shown in Table 1. Consequently the wetland was selected as the preferred option. The results of this study were also presented at the second Residents' Information Evening.

Table 1 Multiple Criteria Analysis

Option	Social Values	Ecological Benefits	Economics	Total Score
Refurbish existing basin	18.8	30.0	15.6	64.4
Create wetland	19.4	46.3	6.3	71.9
Reinstate natural watercourse	10.9	22.5	25.0	58.4

Construction of a wetland has a number of advantages, including improved water quality, improved aesthetics (subjective assessment) and potential educational opportunities. A wetland also has the potential to provide habitat and shelter for a wide range of native plants and animals. Pest species would also be actively managed. However, as with the existing basin option, the wetland would still be subject to drying out in periods of little rain. The frequency at which the wetland would dry out would be greater than that of the basin option.

FINANCIAL IMPLICATIONS

The forecast funding requirement and timing in relation to site investigations, surveys, geotechnical, detailed designs and construction are as follows:

Early Works package and detailed design (2019-20) - $150,000

Funding for investigations, site reports, sealing the creek bed, surveys, geo-technical and detailed designs to inform construction specifications for tender documentation is $150,000 (Adelaide Mount Lofty NRM Board funding).

Capital Construction and Ongoing Costs – (2020-21)

Option 1 - The estimated capital construction cost is $846,000. The annual ongoing operating and maintenance costs are estimated at $9,000 per annum.

Option 2 - The estimated capital construction cost is $1,239,000. The annual ongoing operating and maintenance costs are estimated at $13,000 per annum.

Option 3 - The estimated capital construction cost is $348,000. The annual ongoing operating and maintenance costs will be minimal and covered within existing budgets.

The total capital cost for construction, will be prioritised within the $2.722m drainage budget allocation in 2020/21 within Council's currently adopted long term financial plan.

This funding is sufficient to undertake the construction of the wetlands (Option 2) should Council wish to support it.

Community Consultation

Community Meetings were held on the 29th April and 31st October 2019 with over 60 people attending over the two evenings.
Consultation was also promoted via the City of Marion communications channels, including:

- Social Media with 1,141 people reached.
- Posters were erected around the pond and local shopping centres.
- Letter drops in the local community also further informed residents of the three option under consideration.
- Formal feedback on Lucretia Way was sought via the Making Marion website www.makingmarion.com.au/lucretia-way-basin

Community feedback statistics

The consultation via Making Marion was viewed by **418** people.

- A total of **52** people engaged on the project by providing their feedback online
- The relevant documents relating to investigations and options were downloaded **62** times
- **21** people viewed the FAQs on the website.

Over 75% (40) of the respondants expressed a preference for Option 1. Another 6 responses supported Option 2, 3 replies supported Option 3 and another 3 were undecided. (see **Appendix 1**)

CONCLUSION

The technical and scientific studies support the construction of a wetland, Option 2. The feedback from the participatory community consultation process strongly supports Option 1.

Funding capacity exists within Council's currently adopted budget and LTFP to meet Council's selected option to enable the project be completed over the 2019/20 to 2020/21 period. The required increase in operating budget of between $9,000 and $13,000 depending on the option selected will be incorporated into the next iteration of Council's LTFP.

Attachment

#	Attachment	Type
1	Appendix 1 - Lucretia Way Detention Basin Comms Report	PDF File

Appendix 1

Lucretia Way Basin Upgrade
Community Engagement Feedback
November 2019

Community consultation was undertaken during October and November 2019 and has now concluded as at 21 November 2019.

WHAT IS BEING PROPOSED?

The City of Marion engaged specialist consultants Tonkin, to investigate the specific reasons why Lucretia Way Basin at Hallett Cove dried up earlier this year. The water in the detention basin all but evaporated last summer. The review included additional modelling of the basin and upstream catchment. The review concluded that the recently constructed wetlands within the Glade Crescent Reserve had no material adverse impact on downstream flows, validating the original environmental impact assessment for the wetlands.

As part of the ongoing engagement with the community, which has previously included gathering residents' concerns and feedback, we now want to inform you of three long-term options for the basin for consideration and gather your comments on what you think to include in our recommendations to Council later in the year, alongside the report being developed by Tonkin. We will also take in to account the findings from the Hallett Cove Creeks Stormwater Management Plan.

COMMUNITY ENGAGEMENT QUESTIONS:

We asked the community to provide feedback on the following 3 options:

1. Retain the existing basin

The existing basin could be retained with minor works including regular dredging, earthworks to improve the stability of the banks, removal of weeds and exotic species and planting of native vegetation. The basin may still dry out when there is little rain, and will be a cost for ongoing dredging. The existing values will be retained.

2. Offline wetland

Consistent with the recommendations of the Stormwater Management Plan, the basin would be re-engineered to provide a wetland to treat low flows. Higher flows will bypass the wetland and continue down the creek. Design would include deeper pools of open water and shallow reeded pools. There would be provision for controlled release of water to supply environmental flows supporting growth of bankside vegetation in the downstream reach. A wetland will provide improved water quality treatment, but may dry out over summer. A wetland provides habitat and shelter for a wide range of native plants and animals.

3. Reinstate natural watercourse

The basin could be filled soil and works undertaken to restore the creek bed to near-natural conditions. Works will include weed removal, erosion protection and planting of native species. The existing spillway may be retained to provide energy dissipation. This option would result in the loss of the amenity associated with a semi-permanent waterbody.

Appendix 1

Lucretia Way Basin Upgrade
Community Engagement Feedback
November 2019

HOW WE ENGAGED:

Feedback on Lucretia Way was sought via

- Making Marion website www.makingmarion.com.au/lucretia-way-basin
- Community Meeting held on 31 October 2019 with **25** people attending

And promoted via the City of Marion communications channels, including:

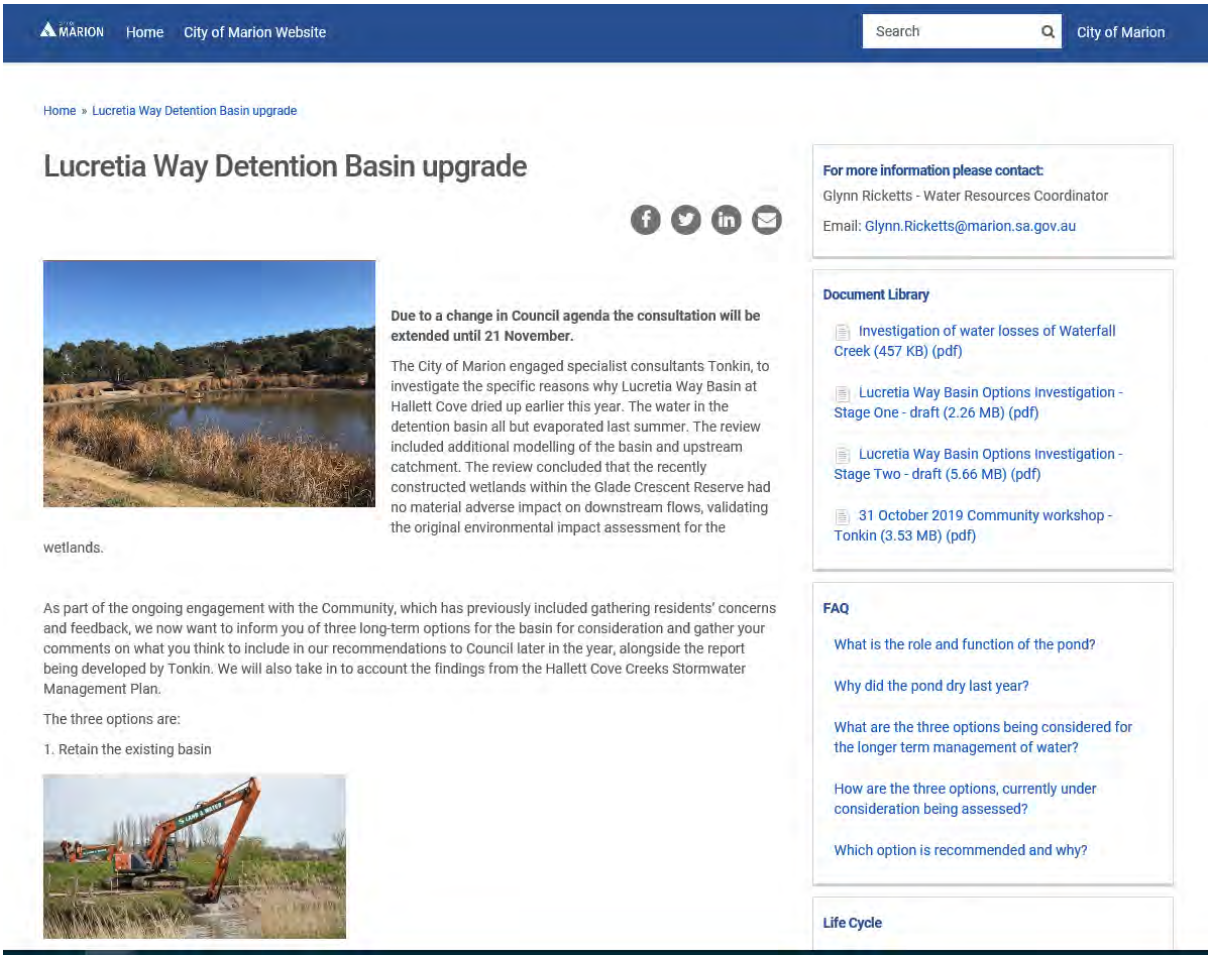
- Social Media with **1141** people reached

Screenshot of Social media page

Appendix 1

Lucretia Way Basin Upgrade
Community Engagement Feedback
November 2019

Information promoting engagement opportunities was also provided via *email/letter* and was sent to the key stakeholder groups such as the *Ward Members, National Parks* and *Friends of Hallett Cove Conservation Park.* During the process the *residents adjacent to the pond* were kept informed and engaged in seeking their response.



Screenshot of Making Marion page

<u>Community feedback statistics</u>

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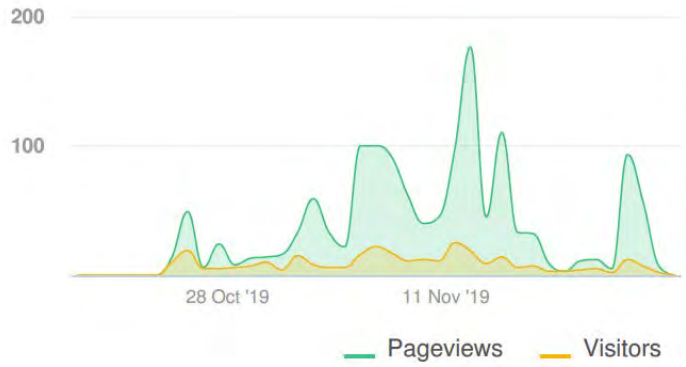
Appendix 1

Lucretia Way Basin Upgrade
Community Engagement Feedback
November 2019

CITY OF MARION

Visitors Summary



Highlights

TOTAL VISITS	MAX VISITORS PER DAY
418	25

NEW REGISTRATIONS
42

ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
52	101	175

Appendix 1

Lucretia Way Basin Upgrade
Community Engagement Feedback
November 2019

Online responses – full summary of comments provided

A summary from people providing support to **Option 1** can be seen below with comments relating to why they support this option.

RETAIN EXISTING BASIN

- *Keep the Lake! Option 1 is my preference! The lake is stunning. It is, and could be more so, a real attraction for residents and tourists. It took me over a year of living in Hallett Cove to discover it but now I have please don't take it away! Whilst there have been issues this year with flow I believe this could have multiple causes and creating a wetland would neither solve the issue or help the community to enjoy the space - in fact it would make it much harder. Cleaning the basin and surrounds, and repairing the creek bed will be the best option*
- *Leave it as a LAKE! The info both this communication and the signage around the LAKE is completely misleading. Option 1 - dredge it once to get the metals etc out....then why would it need dredging again exactly? Both options 1 and 2 require the natural spring to be re-established, so fix that and then it won't dry out again! This is my home*
- *The current basin has been in place for many decades and is a long established local feature. It provides an area of standing water in what is an arid state and provides a habitat for various species of water fowl. The basin should be retained in its present state.*
- *With reference to option 3: when the water course was last in its "historic condition" the area was isolated with no housing or local population. Increasing building & population means that the water course cannot now be reasonably returned to its natural state and would simply become a conduit for polluted runoff to flow into the gulf*
- *Hi, in my opinion, it seem like the council has made its mind up already reading the options. Natural water course, easiest cheapest more convenient. I think it would be nicer to clean it up maybe dredge a little and leave it as is, you will always get drought conditions and the natural watercourse will dry and look very unpleasant at times as well. Thanks for your time.*
- *The offline wetland is my preferred option. I believe that the wetland is a good environmental, low maintenance solution.*

Lucretia Way Basin Upgrade
Community Engagement Feedback
November 2019

Option 1 continued

- *I'm a local resident for 13 years and have been a regular dog walker around the lake during that time. I like the lake and the amenity it offers. I am very surprised that there was no attempt to validate the water volumes/flow rates predicted by the MUSIC model in any upstream areas of the Waterfall Creek catchment. My casual observations of the upstream creek (including Glade Crescent wetland) suggests there is nowhere near the amount of water in the creek/wetland areas as the model predicts.*
- *Given this it suggests two things: either the model is inaccurate, or there are one or more section of the upstream creek that have developed leaks to the underlying rock and so the water is disappearing well before it gets to the lake. If the model is inaccurate then it should be recalibrated using actual data from each of the junctions shown in Fig 2 of the Tonkin report.*
- *With regards to that second alternative, the FDEM survey carried out by the Flinders Uni folks should be repeated in the creek bed in several places upstream of the railway embankment. That way you can see if the leakage issue is much more widespread than just the lake. This investigation reminds me of the joke where there's a fellow carefully searching for his dropped car keys at night time in the area under a streetlight with no success. When asked where he thinks he dropped them he points to a spot about 20m away but when asked why he isn't looking over there he replies that the light is better here!*
- *None of the options presented here will help bring the lake back.*
- *Of the 3 options suggested I favour Option 1. The lake will fill when there is rain, but will slowly dry if it doesn't. Making it a wetland won't change that, it's just that there will be less cracked mud exposed when it does.*
- *I have been living for the past 20 years Barossa Crescent Hallett Cove which backs onto the conservation park and is just up the road from the Lucretia Way basin.*
- *An issue I would like to have considered in this matter is the acute mosquito problem in the immediate area. This problem has become worse over the last few years.*

Lucretia Way Basin Upgrade
Community Engagement Feedback
November 2019

Option 1 continued

- *My readings on the matter suggest that a body of water is an ideal source for breeding mosquitos.*
- *Apart from being annoying mosquitos do have health risks. My family has found it impossible to spend time outside of an evening due to mosquitos. This problem has become worse over the last few years and does not seem to occur in other parts of Hallett Cove.*
- *I am aware that the basin had been stocked with fish in the past, which must have been successful as we always used to see people fishing at the basin. Perhaps it become fished out.*
- *I do not really mind which option that is decided upon as long as long as it is not a breeding ground for mosquitos*
- *Retain the existing basin, option 1*
- *My strong preference is to retain the existing basin, Option 1. Every day I watch the life in and around the lake – the ducks (baby ducklings at the moment); sometimes a pelican or two; last year four black swans; birds skimming and diving across the water; a turtle popping its head up; people walking, many with children and dogs; now and then a family having a picnic; others fishing. Such a joy. It wouldn't be the same with any option other than Option 1.*
- *Also, when the dredging and clean-up is taking place, re-establish the natural spring that keeps the lake topped up when there's a dry spell. The lake provides enjoyment and recreational activities for the whole community, not just those of us who live near it and love a glass of wine under the vines enjoying the ambience of the lake. To quote Darryl Kerrigan in 'The Castle' – How's the Serenity!!! t's the vibe of it…*
- *Option 1 - At almost 40 years old, this beautiful area (that is home to various wildlife) should be maintained. I'm concerned at how the choices are being portrayed to the public and question your image choices for this consultation. I feel the photo used in option 1 is unacceptable and in my eyes is manipulative. Showing machinery is an unfair representation as in reality (and as noted at your recent public consultation) would only happen every 10 years. Please ensure objectivity in your consultation*

Lucretia Way Basin Upgrade
Community Engagement Feedback
November 2019

Option 1 continued

- *Option 1 is my preference. The lake has been a huge enjoyment for the community and the wildlife that use it has been beautiful to watch. We have lived opposite the lake since 1984 and watched countless people enjoy walking around it with their children. I believe that option 1 is the most cost effective - cleaning the basin and surrounds, along with repairing the creek bed will return the lake to a haven for birds and wildlife.*
- *Retain the lake as it provides a tranquil refuge for local residents and visitors from the suburbs - a rarity in most modern suburbs. Also support the removal of non-native vegetation from the area.*
- *These proposals are surprising. The lake is unique. It's difficult to believe that whilst fighting to open up reservoirs locally, you, at the same time, want to close such a fantastic spot for recreation and wildlife? Together with the conservation park, the lake is Hallett Cove!!! Option one to retain the lake please. There are plenty of wetlands around.*
- *Keep the lake! It's beautiful and a great place to discover.*
- *Keep the basin as is, Option 1 is the best resolution maybe plant more native plants as well. I would like to point out the photo in option 1 is misleading having machinery in the photo makes people think that maybe the dredger will be there permanently and making people believe that option 1 is not the right one to choose, you should use the same photo in each option so rate payers are not influenced by what the council wishes to do by using the machinery photo, you should also inform us how often the dredging would occur, what is regular dredging once every 2, 4 6 years?, very misleading photo and information supplied.*
- *There will be no need to continually dredge the lake, it will need to be done once, and that is it.*
- *It was designed to catch silt before it washed through into the gulf, which it has been doing successfully for the last 35 years. That job is now being done upstream at the Glade Crescent Wetlands and therefore there will be no silt to collect, so it will not fill it and not need to be dredged.*

Lucretia Way Basin Upgrade
Community Engagement Feedback
November 2019

Option 1 continued

- *It is confusing to me that the council keep calling it a detention basin and yet, for some reason, the Tonkin report does not know what it was designed to detain and why it will no longer fill with silt. The lake is the only large waterbody of its kind in the local area and I want to see it remain a lake. We have enough wetlands already.*
- *The lake needs to remain as is. Saying that the water retention up at Hallett Cove has had no knock on effect is utterly ridiculous. One only had to look on Google maps or follow the creek on foot to see where that water would have ended up. This is crass mismanagement and someone needs to be held accountable.</p>*
- *I enjoy the beautiful serene scenery. Its home to a big range of native wildlife incl. waterbirds, Pelikans, ducks and native fishes (Yabbies) in the lake. Lots of people come for a picnic and fishing with their children. All this would be taken away from them. Please don't do this.(Submitted on behalf of a resident in Hallett Cove)*
- *The scenery is beautiful, leave it as it is.*
- *Love visiting. It is an asset to the area. The basin already provides a great habitat for much wildlife, keep it as it is.*
- *The area is beautiful, leave it as it is. It is clear that the council does not want to retain the existing basin based off the imagery and wording used above. The photograph with the crane is attempting to influence public opinion, portraying the Lucretia Way Basin as an expensive eyesore. The reality is that it is a beautiful area.*
- *The natural watercourse can NEVER be reinstated as the topography has been changed by the development of housing and roads, thus the current water run-off is much different to its' original (historic) state. The existing dam wall has mitigated the effect of storm water carving out the gully. The other options cannot guarantee that further erosion will not occur. We believe that most of the current issues with the basin are associated with a lack of oversight and control of the basin by the Council.*

Lucretia Way Basin Upgrade
Community Engagement Feedback
November 2019

Option 1 continued

- *I have been living in this beautiful area for over 20 years, and have never seen the lake without water until last summer. Something is wrong and I'm not convinced it's just the lack of rain. If the information regarding the leak somewhere along the natural spring is correct, then I'm in favour of an Option 4 as Leanne has suggested in her comment. Over the years the bottom of the lake has slowly been filling with silt coming from the road run off, which has over time made the lake quite shallow.*
- *So I'm also in favour of Option 1, (once only) as long as the natural spring is rectified. I am not in favour of any other options, as I too purchased my home with a view of the lake and it's bird life. Please keep the lake. Thank you.*
- *If it ain't broke... Well, it has been broken but it should be restored to the state that gave many people - residents, walkers, fishers, etc so much peaceful pleasure over so many years.*
- *Option 1 for sure. We have lived in the area for thirty years and our children and now grandchildren love going down to the lake to explore and see the water birds. We've even seen pelicans down there in the past*
- *Option 1 would provide the most benefit to a diverse range of community members. It could provide the same habitat and shelter for plants and wildlife as option 2, so why do you not mention this in Option 1? And the choice of the dredging image in Option 1 seems manipulative.*
- *The lake is a real asset to this area and needs to be retained. We have lived near the lake for 20 years and have seen many people including tourist, school groups and walkers enjoying the area. I would love to see the lake brought back to it's full glory!!*
- *I have lived in Marino for 23 yrs and volunteer for Marino Conservation Park and Bush for Life caring for a portion of the Marion Coastal walking trail. I have a strong conservation interest.*

Lucretia Way Basin Upgrade
Community Engagement Feedback
November 2019

Option 1 continued

- *I wish to see option one proceeded with. This option will maintain a source of water for ecosystem in a drying environment and where much of the natural inflow to the aquifer has been lost due to housing. However I feel a specific plan needs to developed for this water course to stop the current degraded condition returning. Presently there is large woody weeds many years old in the Basin. The weeds include Olives, Palm and Century Plant (cactus), all declared weeds. I have informed council of the Centaury cactus weeds that cover 6m squ and are easily accessible being opposite*
- *Why it is these weeds have not be removed earlier? I trust with this upgrade such weeds will not be left to grow and spread as has currently occurring. Then as part of the upgrade process all woody and cactus weed plant material that may propagate the existing weeds should be removed (ie cactus plants, olive seed where possible). Then a woody weed free status maintained. Planting of locally indigenous natives should occur to fill space that will fill with weeds. As for invasive non-native aquatic fauna, yes, please remove these too. However if yabbies are present these native crustacea should be maintained. Professional advice should be sort as to best method to keep yabbie and other native fauna will removing invasive if possible*
- *Until last year, this was a scenic lake enjoyed by locals and tourists alike. It has been a permanent home to ducks, tortoises and other wild-life for the past 30 years and doubles as an essential drinking source, particularly during our hot summers, for other transient birds and creatures in the wider area. It is important we do what is necessary to ensure it's survival.*
- *The pond has been a visual pleasure for many years, and it used to be a popular fishing spot; it could be again. The conservation park has adapted to dry times in hot summers, so no nasty environment surprises will result from repairing and rejuvenating the pond.*

Lucretia Way Basin Upgrade
Community Engagement Feedback
November 2019

A summary from people providing support to **Option 2** can be seen below with comments relating to why they support this option.

OFFLINE WETLAND

- *The water catchment is the only one of it kind in the area and should be enhanced. It is home to fish, birds and other creatures of the wild. As a result we opt for option 2 first preference or 1 as second*
- *I love the pond / lake and have lived on Barossa Crescent for 27 years. I believe we have a responsibility to look after our environment for the future. So whatever is chosen it needs to be the best for the environment. I have seen how successful wetlands in many areas around Australia have been for purifying water and allowing it to travel on its natural course. The creek that flows from the pond to the sea has to be monitored and looked after also. In the years I have lived here I have noticed the dramatic decline of frogs in the lake and especially the creek. Frogs are the "litmus test" for the health of water and waterways so there is clearly a problem that needs fixing. I would support anything that uses modern water retention systems and looks after the health of the water and native wildlife in the area.*
- *Above all I am passionate about The Kaurna people being consulted at every level of the decision making process. There are many areas along the coast of Hallett Cove that have spiritual significance to the Kaurna people and it is essential these are taken into consideration. The knowledge and understanding of the land that the older generation of Kaurna people have, is all too often undervalued.*
- *Let's face it the Pond/Lake/Dam/Basin whatever you want to call it has done its job and is now end of life. As we all know the Lucretia Way Pond has been a centre piece in this area for all things good. It's provided some locals with a view, some with a reason to walk the dog, a home for wildlife and some just to take in the serenity. However it's time for change and good on the City of Marion for taking notice of the local residents' concerns and enabling a platform for residents to vent their concerns and share their thoughts. So hopefully whatever decision is made let's all make the right one for all the right reasons.*

Lucretia Way Basin Upgrade
Community Engagement Feedback
November 2019

Option 2 continued

- *Given that we are now experiencing a change in our climate and who ever thought that Global Warming was a real thing, well guess what it is and here we are with our own little climate change related problem. So what's it going to be, a short term solution that will please the masses or a long term solution that will please the environment and future generations?*
- *This is a unique opportunity for all stakeholders to get it right.*
- *I actually believe that (Creating a Wetland similar to Glade Crescent) would be a solution, giving better control to the flow of water and control of environmental conditions etc, but I also understand that this is the most costly solution - wondering if the Council has funds to undertake this option.*
- *Other than that (Retain the Existing Basin) with dredging etc would be my second choice along with fixing the leaky creek bed so as to enable a better chance of alleviating the pond drying out again.*
- *I have lived across from the creek for most of my 29 years and have always enjoyed the existing lake however would support option 2 to develop a wetland which would return the lake to a more natural habitat. Most importantly when and how has the council made targeted engagement with the Kaurna community?*
- *As the native title holders and traditional owners, targeted engagement with Kaurna is a must. I am a proud Kaurna woman and this area is of special cultural and spiritual significance to all Kaurna people, as part of the Tjilbruke dreaming. Furthermore Kaurna Elders have a wealth of knowledge on how to properly care for the land.*

Lucretia Way Basin Upgrade
Community Engagement Feedback
November 2019

Option 2 continued

- *My family and I have lived across from the current lake for 27 years and have enjoyed the natural beauty of the lake and surrounding area. It is a very unique area, leading through to the conservation park and down to the ocean. Over the years, the lake has been declining in health with the number of Carp creating a muddy lake and the wildlife has certainly reduced. The spring (or lack of) leading into the lake has certainly been a concern for 18 months or so. This certainly needs investigating further. Wetlands provide a natural habitat for a wide range of native animals and can become important bird nesting sites. They also have have an aesthetic appeal, whilst being a place of calm and tranquility.*

Lucretia Way Basin Upgrade
Community Engagement Feedback
November 2019

A summary from people providing support to **Option 3** can be seen below with comments relating to why they support this option.

- *I would like the third option to reinstate natural watercourse to its historic condition. A heritage solution as this will ensure the wildlife retain their home as it is.*
- *Option 3 as we need water flow for native birds and plants.*

Comment received from people not indicating a preference of options

- *Option 4 - Fix the spring and leave it alone! The stormwater management is being managed upstream. Leave the lake alone. I paid nearly half a million dollars for a view of a lake and now you are going to remove it? Not required. Go and build a wetland somewhere else please*
- *With a modified spillway that holds back stormwater and leaks it into the Hallett Cove Conservation Park is preferred by us. In the park, Waterfall Creek has eroded down to base Permian clay, leaving no pools for invertebrate life. We are mindful of the future potential for damage with suburban growth and climate change. Stormwater settlement is essential, and some water escaping into the underlying aquifer should be encouraged.*
- *The removal of feral fish (European carp and gambusia), before children move them into other waterways, should ensure water clarity and the return of our three species of frogs as well as other invertebrates upstream. Removing feral weeds and exotic trees from Waterfall Creek and Lucretia Way Reserve, and replacing them with local provenance plants will create an aesthetically pleasing lake, and assist greatly with weed control in the park*

Reconciliation Action Plans 2016-2019 and 2020-2023

Originating Officer	Social/Cultural Sustainability Planner - Melissa Batt
Corporate Manager	Manager Innovation and Strategy - Fiona Harvey
General Manager	General Manager City Services - Tony Lines
Report Reference	GC191210R05

REPORT OBJECTIVE

This report is to seek Council endorsement of the Draft Stretch level Reconciliation Action Plan (RAP) 2020-2023 (Appendix 1) and to provide Council with an update on the implementation of the Innovate level Reconciliation Action Plan 2016-2019.

EXECUTIVE SUMMARY

All funded and business-as-usual initiatives in the Innovate level Reconciliation Action Plan 2016-2019 have been delivered within timeframe and budget.

The Draft Stretch RAP 2020-2023, an initiative in Council's Business Plan 2019-2023, outlines actions which formally and publically demonstrate Council's commitment to the process of reconciliation with Aboriginal and Torres Strait Islander peoples. It will further embed reconciliation initiatives into Council's business-as-usual offering to the community.

This is Council's fourth RAP and first Stretch RAP.

This draft RAP has received conditional endorsement from Reconciliation Australia.

RECOMMENDATION

That Council:

1. **Endorses the Draft Stretch level Reconciliation Action Plan 2020-2023 (Appendix 1)**

2. **Endorses a total of $20,900 over the next four years for the Reconciliation Action Plan:**
   - **$2,725 in 2019/20 to be funded through the 2nd Budget Review of 2019/20**
   - **$2,975 in 2020/21 for inclusion in Council's Long Term Financial Plan**
   - **$11,725 in 2021/22 for inclusion in Council's Long Term Financial Plan**
   - **$3,475 in 2022/23 for inclusion in Council's Long Term Financial Plan**

GENERAL ANALYSIS

Reconciliation Action Plans

The intent of RAPs is to:

- Address the significant disparity in health and life chances between Aboriginal and Torres Strait Islander peoples and other Australians
- Improve relationships, respect and intergenerational collaboration within our community
- Support the sustainability of cultural practice for Aboriginal and Torres Strait Islander peoples
- Affect social and cultural change by improving economic opportunities for Aboriginal and Torres Strait Islander Australians
- Provide rich opportunities for social interaction, artistic and cultural expression and shared enjoyment of Aboriginal and Torres Strait Islander heritage and culture
- Contribute to an inclusive social climate that embraces a variety of lifestyles and cultures

Reconciliation Australia
Reconciliation Australia is the national peak body responsible for developing and championing the RAP Framework that provides organisations with a structured approach to advancing reconciliation within their sphere of influence. Reconciliation Australia also approves RAPs prior to Council endorsement.

There are four levels of RAP which organisations can develop: Reflect, Innovate, Stretch or Elevate, to suit organisations at different stages in their reconciliation journey.

The City of Marion has previously delivered Innovate level RAPs that develop and test strategies to establish best approach for advancing reconciliation at City of Marion. This RAP is at a Stretch level, embedding initiatives into business-as-usual.

Previous RAPs
Council has previously endorsed the following RAPs:
1. 2013-2014, on 12 March 2013 (GC120313R04)
2. 2014-2015, on 27 May 2014 (GC270514R03)
3. 2016-2019, on 28 June 2016 (GC280616R16)

2016-2019 RAP Delivery
All funded and business-as-usual initiatives in the 2016-2019 RAP have been delivered.

Significant achievements during the delivery of the 2016-2019 RAP include:
- Successful delivery over three years of the National Reconciliation Week and NAIDOC Week program of community events
- Over 80,000 provenance and bush tucker plants planted across reserves within the City of Marion between 2016-2019
- Endorsement of Aboriginal and Torres Strait Islander Traineeships
- Development of partnerships with other organisations to deliver community programs in areas such as employment pathways, health and skill development

2020-2023 RAP
The City of Marion was one of the first councils in South Australia to adopt a RAP in 2013 (GC120313R04). The successful delivery of the inaugural RAP led to the development of a further 3 RAPs.

The City of Marion's ongoing commitment to developing and implementing RAPs demonstrates Council's:
- Recognition and respect of Aboriginal and Torres Strait Islander peoples as the First People of Australia and the traditional owners of the lands and waters
- Commitment to building two-way relationships based on trust, respect, inclusion, equality and equity
- Resource allocation towards tangible and meaningful initiatives that contribute to reconciliation outcomes

The RAP development process
The RAP Working Group, that includes Elected Members, staff and community representation, championed and developed the 2020-2023 Stretch level RAP.

Timeline	January 2020-June 2023
Current Budget Allocation	None
Proposed Future Budget Allocation:	$20,900

Other Funding Sources: Unknown at this time.

DISCUSSION

This Draft RAP contains almost 300 initiatives to be delivered across the organisation. Key points to note are:

- 90% of initiatives can be delivered within existing resources
- $2,725 will be required to deliver RAP initiatives in 2019/20
- $2,975 will be required to deliver RAP initiatives in 2020/2021
- $11,725 will be required to deliver RAP initiatives in 2021/2022
- $3,475 will be required to deliver RAP initiatives in 2022/2023
- The reconciliation initiatives within the Draft Stretch RAP that will require some increases in resource allocation include:
    - Attendance at National Reconciliation Week and NAIDOC events
    - Payment for Welcome to Country Ceremonies
    - Improved City signage, including Kaurna language
    - Acknowledgement of Country displays within Council owned buildings
    - Cultural awareness sessions

The intention of the RAP process is that RAP initiatives become part of the operational tasks of each assigned area across the organisation. Developing initiatives, implementing and monitoring actions and reporting on progress is resourced through existing operational resources and managed through relevant work area planning.

Attachment

#	Attachment	Type
1	Appendix 1 Draft Reconciliation Action Plan 2020-2023	PDF File

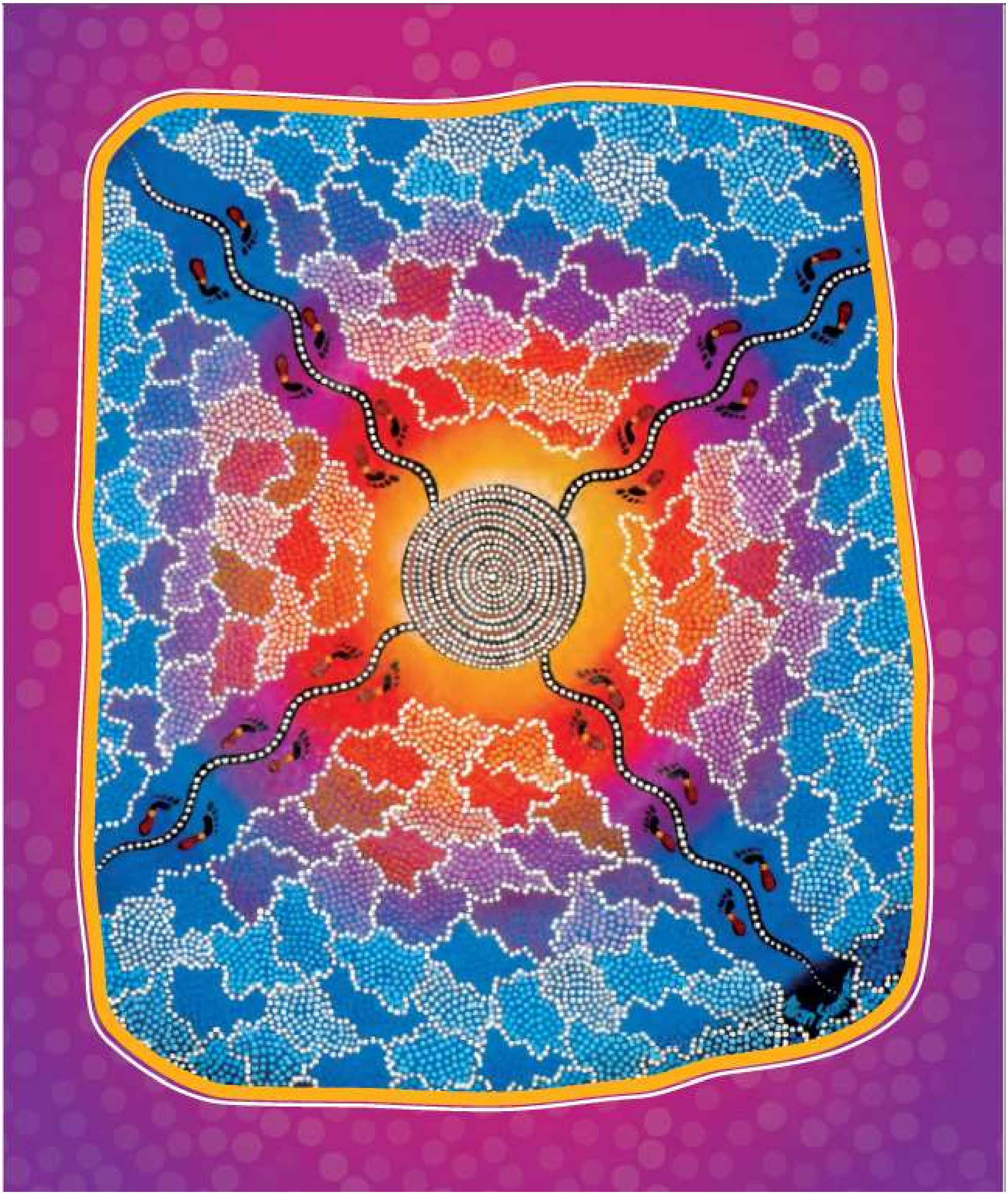
City of Marion RECONCILIATION ACTION PLAN

APPENDIX 1

January 2020-June 2023

FRONT COVER

INSERT artwork and respective colour border – Reconciliation Action Plan graphic designer will do this



City of Marion RECONCILIATION ACTION PLAN

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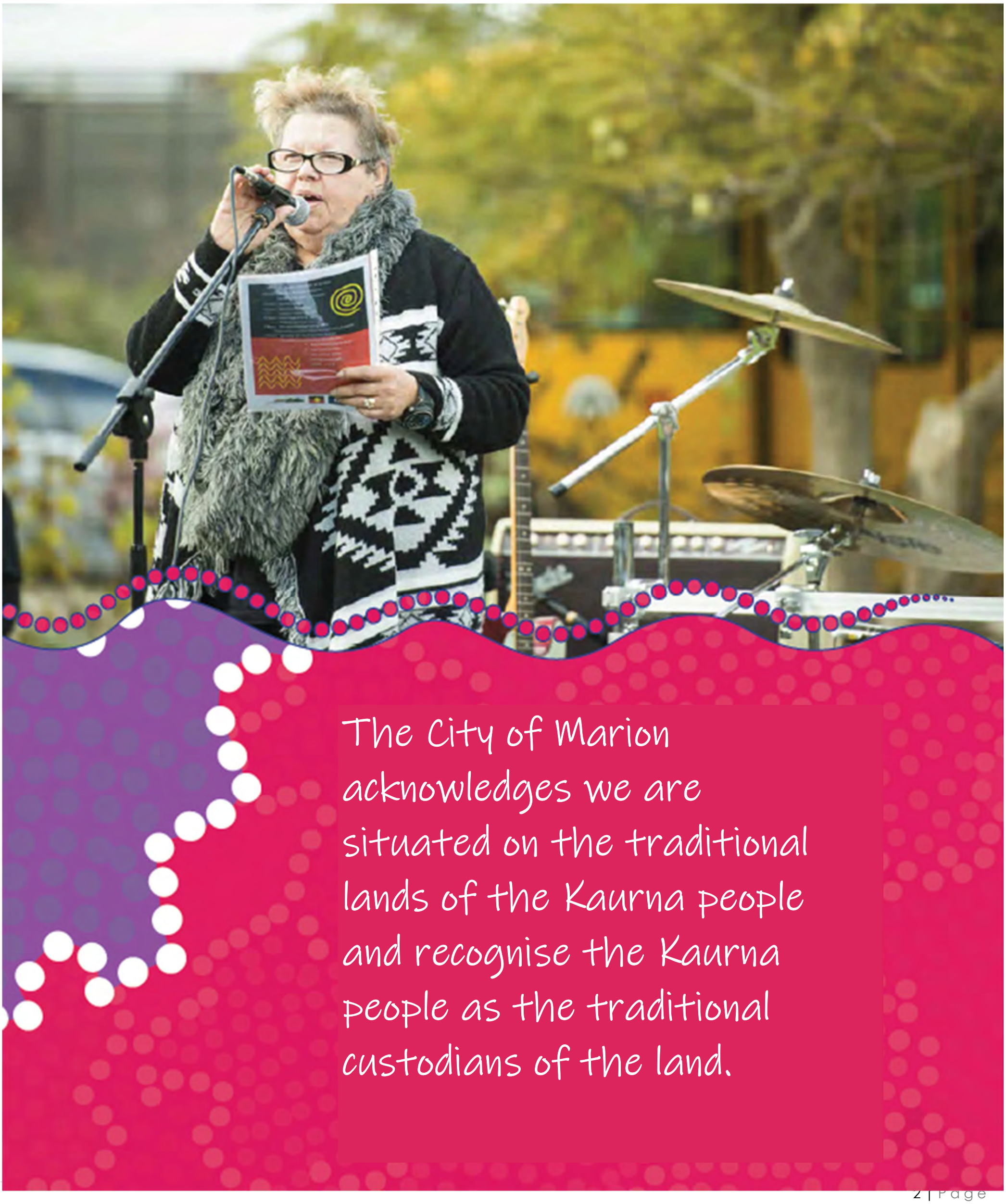
Page 2

INSERT Acknowledgement of Country and photo of Welcome to Country



The City of Marion acknowledges we are situated on the traditional lands of the Kaurna people and recognise the Kaurna people as the traditional custodians of the land.

City of Marion RECONCILIATION ACTION PLAN

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Mayors Message

Welcome to the City of Marion *Reconciliation Action Plan 2020-2023.*
Its name represents formal recognition of Council's progress towards better relationships between Aboriginal and Torres Strait Islander people and the wider Australian community.

The plan demonstrates our commitment to leading, promoting and facilitating reconciliation.

The plan is based on four pillars:

- Relationships
- Respect
- Opportunities
- Governance

In here you will find almost 300 actions Council has committed to. They range from acknowledging the local Kaurna people at Council events to removing barriers to employment at the City of Marion for Aboriginal and Torres Strait Islander peoples.

Marion was one of the first metropolitan Councils to develop a Reconciliation Action Plan.

This plan expands and improves the way we, and our community, will build relationships with Aboriginal and Torres Strait Islander peoples.

Kris Hanna

Mayor, City of Marion

Kaurna Acknowledgment

Ngadlu tampendi Kaurna meyunna yaitya mattanya yaintya yerta

This Kaurna acknowledgement was done in consultation with Traditional Custodians. Kaurna language used within the Marion Reconciliation Action Plan has been supported by Traditional Custodians.

The City of Marion recognises and respects Aboriginal and Torres Strait Islander peoples as the First Peoples of Australia and Traditional Owners of the lands and waters.

Our Vision for Reconciliation

Our Vision for Reconciliation is for strong two-way relationships built on trust, respect, integrity, inclusion, equality and equity, working together to grow awareness, understanding and positive outcomes for all

The City of Marion values respect, integrity, achievement and innovation. Planning and decision-making by Council is informed by the Community Vision - Towards 2040, representing the community's aspirations for a Liveable, Prosperous, Connected, Engaged and Innovative city that Values Nature.

The Reconciliation Action Plan consists of significant, tangible and meaningful actions that the organisation and community can achieve together. The Reconciliation Action Plan includes activities that we know can make a difference: building good relationships, respecting the special and cultural contribution of Aboriginal and Torres Strait Islander peoples to Australia, implementing good governance and working together to ensure Aboriginal and Torres Strait Islander peoples have the same life opportunities as all people in our city.

City of Marion RECONCILIATION ACTION PLAN

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Our business and community

The City of Marion is located on the traditional lands of the Kaurna people.

Located 10 kilometres south west of Adelaide city centre, South Australia, we are a large southern metropolitan Council of about 55 square kilometres.

Our population of about 91,300 residents is showing healthy growth, due in part to overseas migration.

The 2016 Australian Census reveals that 1.2% of our population identify as Aboriginal and/or Torres Strait Islander peoples.

The City of Marion has over 300 full time equivalent employees, with 1% (3 individuals) identifying as Aboriginal and/or Torres Strait Islander peoples.

The City of Marion is passionate about Volunteering and has over 350 volunteers, with 0.5% known to identify as Aboriginal and/or Torres Strait Islander peoples.

The community of Marion is made up of many different cultures that have come to live in and appreciate this land and we value the diversity of our community and the richness that brings to our contemporary life.

Our community is at the forefront of everything we do. Council aims to deliver quality, affordable, inclusive services, programs and public infrastructure, in partnership with the community, State and Federal Governments.

Marion is home to the Living Kaurna Cultural Centre, the Marion Cultural Centre, the Tonsley Innovation District, Westfield Marion shopping centre, the South Australian State Aquatic Centre and Hallett Cove Conservation Park.

The Living Kaurna Cultural Centre, located at Warriparinga, was built in 2001 as a result of the work between the Kaurna community and the City of Marion, which attracted Commonwealth Centenary of Federation Funding.

Warriparinga is an important cultural heritage site where Aboriginal and early European heritage sit side by side. For the Kaurna people of the Adelaide plains, this site is a traditional ceremonial meeting place that is still used today. Warriparinga is also an important part of the Tjilbruke Dreaming Track.

The centre offers a variety of Aboriginal and environmental education programs, events and performances. The venue is also available to hire for meetings, training days, events and workshops.

> *"Yaintya trrukungka ngadlu, Kaurna miyurna, ngadluku pirrku yarta-unangku warReconciliation Action Plananthi. Ngadlu kumangka tuwilila manku-mankurrinthi Munaintya purruti-apiti purtititya.*

English translation: “In this centre we, Kaurna people, tell our stories from the land. We assemble together in the spirit in order to celebrate renewal of the Dreaming.

> *Warriparinga is the Gateway to the Tjilbruke story*
> *Warriparinga is an important sacred place for Kaurna people*
> *The spirit of Tjilbruke lives here*
> *The spirit of the wind visits here*
> *The spirit of the river makes us alive*

Activities at the Living Kaurna Cultural Centre include income generating programs and the development of partnerships based on community development principles.
These programs include:

Income Generating Programs

- Environmental, Historical, Cultural and Warriparinga Bush Tours
- Aboriginal Art workshops
- Weaving Workshops
- Gallery and gift shop

Community Programs (free)

- Miyurna Kumangka – Men’s group
- Ngangki Kumangka – Women’s Group
- Community Days and Open Days
- Youth events
- History Month events
- National Reconciliation Week events
- NAIDOC events

Community Development Programs

- Access 4U partnership – development of open access bush and medicine garden
- Sonder/Close the Gap team – food collected from Second Bite for free community distribution
- Tauondi Aboriginal College partnership - Aboriginal Career Service Development Officer and other training courses

Council is continuing to work with the Kaurna community to provide Kaurna management of the site through a proposed 51% / 49% co-management model for Living Kaurna Cultural Centre.

The Marion Cultural Centre houses metropolitan Adelaide's premier performing arts space being the Domain Theatre. In addition it incorporates the Cultural Centre Library, Gallery M, Next Chapter Gourmet Cafe and meeting spaces and rooms for hire for functions and events.

Gallery M is available for visual arts exhibitions for groups, individual artists or community projects, and provides a versatile exhibition area which is the ideal setting for both local and touring art exhibitions. A gallery shop selling a wide range of hand crafted items by local artists is adjacent to the gallery.

The Tonsley Innovation District is a revitalised area within Marion focussed to bring together research, businesses, government and the wider community to connect and collaborate in Australia's leading innovation district.

Hallett Cove Conservation Park is one of Australia's most outstanding geological and archaeological sites, where more than 1,700 Aboriginal artefacts have been found. The City of Marion manage and maintain an interpretative walking trail, which describes the park's cultural and geological heritage, including evidence of an Australian ice age some 280 million years ago. The outstanding glacial pavements along the northern cliff tops are recognised as the best record of Permian glaciation in Australia and have international significance.

City of Marion RECONCILIATION ACTION PLAN

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Our Journey

The City of Marion is located on the traditional lands of the Kaurna people.

The City of Marion values the diversity of our community, including the rich combined heritage of First Australian and European history.

In 2011 our first Reconciliation Action Plan Working Group was formed. We began our Reconciliation Action Plan journey by engaging broadly across the organisation and with Elected Members to establish our reconciliation vision. The City of Marion endorsed its inaugural Reconciliation Action Plan in 2013.

The Reconciliation Action Plan Working Group maintains representation from across the organisation, including senior leadership, Elected Member and community representation. The diversity of our working group enables strong stewardship across the organisation of the Reconciliation Action Plan, thus enabling a broad commitment to drive, monitor and report on our reconciliation vision commitments.

Highlights from the implementation of the City of Marion's Reconciliation Action Plans since 2013 include:

- The City of Marion continues to develop and deliver outstanding annual National Reconciliation Week (NRW) and National Aborigines and Islanders Day Observance Committee (NAIDOC) Week program of events
- During 2018/19 the first 12 month Aboriginal and Torres Strait Islander traineeship was funded by the City of Marion
- Living Kaurna Cultural Centre staff have developed a strong partnership with Tauondi Aboriginal College and are currently working with them to deliver career and employment advice to Aboriginal and Torres Strait Islander people, delivery of Kaurna language classes and other short courses such as hospitality
- The commissioning of an artwork for permanent display in the Council Chamber, recognising the Kaurna people as the Traditional Owners of the land on which Marion Council meets
- Marion Council endorsed in May 2019 to continue providing one Aboriginal and/or Torres Strait Islander Traineeship each year for three years
- A range of programs and services working with the Aboriginal and Torres Strait Islander community continue to be funded by the City of Marion, including library programs, language classes, art and craft sessions, men's and women's groups.

In March 2013 Council endorsed the inaugural City of Marion Reconciliation Action Plan for 2013-2014. Throughout 2013-2014 all 19 deliverables focusing on respect, relationships and opportunities were either achieved, on-track, or adopted as on-going actions.

The second City of Marion Reconciliation Action Plan 2014-2015, endorsed in May 2014, continued to achieve outcomes with 24 deliverables achieved (or 92%) in progress, or adopted as on-going operational actions.

Successful implementation of 208 deliverables (or 94%) within the City of Marion's third Reconciliation Action Plan 2016-2019, further demonstrates our commitment to leading reconciliation outcomes within our city.

The City of Marion is proud of the progress made over the years towards fostering, championing and embedding our reconciliation commitments, as can be seen in the timeline below.

Table: Reconciliation journey timeline

City of Marion Reconciliation Milestones

Year	Achievements/Initiatives	The details
1995-97	Tjilbruki Gateway	Tjilbruki Gateway created by Margaret Worth, Sherry Rankine, a Kaurna artist and Gavin Malone. This multi-layered artwork/commemoration speaks about the Kaurna Ancestral Being Tjilbruki, the changes brought about by colonisation, and conciliation - between people, their cultures and the land. It is presented through a collection of symbols that signify place and events
1998	Warriparinga Land Management Agreement	The Land Management Agreement ensured that the area of significant Aboriginal culture, known as Warriparinga, is protected and appropriately maintained as well as ensuring that any adjacent developments do not encroach on the setting of the Laffer's residence and surrounds
1998	Aboriginal Flag flying	Council endorsed Aboriginal and Torres Strait Islander flags to be permanently flown outside the Council Administration Centre
2001	Opening of Living Kaurna Cultural Centre	The Living Kaurna Cultural Centre is located at Warriparinga and offers Aboriginal and environmental education programs, events and performances. The venue is also available to hire for meetings, training days, events and workshops
2005	Kaurna Tappa Iri Regional Agreement 2005-2008 (Walking Together) including the Tjilbruki Dreaming Trail.	The City of Marion partnered with the Cities of Holdfast Bay, Onkaparinga and Yankalilla District Council to develop the Kaurna Tappa Iri Regional Agreement 2005-2008 (Walking Together). This agreement outlined specific Council led reconciliation projects before Reconciliation Action Plans had been formalised. The Tjilbruke dreamtime story featured significantly in the Agreement, as this story travels through the four Council boundaries
2006	Installation of six Kaurna Interpretive signs along the Coast Park trail	The Coast Park Interpretive signage project in 2006 was a partnership with State Government
2007	Inclusion of Acknowledgement of Country in General Council and Council Committee meetings	General Council endorsed the inclusion of an Acknowledgement of Country in General Council and Council Committee meetings
2011	Council endorsed development of a Reconciliation Action Plan	Development of the City of Marion's inaugural Reconciliation Action Plan
2013/14	Delivery of inaugural Reconciliation Action Plan	19 actions delivered successfully
2014	Oaklands Wetland	The Oaklands Wetland and Reserve development includes the wetland, water storage, adventure play space, biodiversity corridor and recreation plaza
2014/15	Delivery of 2nd Reconciliation Action Plan	24 actions delivered successfully, including the commissioning of an artwork for permanent display in the Council Chambers recognising the Kaurna people are the Traditional Owners of the land on which Marion Council meets
2014/15	Allan Sumner artwork 'Cultural Sustainability' for the Chamber Gallery	The works reference, acknowledge and celebrate Kaurna culture. The works are intended to develop in the viewer a better understanding and appreciation of Kaurna people, particularly how cultural landscapes have changed within the City of Marion over time
2016/19	Delivery of 3rd Reconciliation Action Plan	208 actions delivered successfully over the course of 3 years

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2018/19	Aboriginal and Torres Strait Islander traineeship endorsed by Council	Council endorsed funding for four twelve month traineeships, to be delivered over four financial years
2019	Inclusion of Acknowledgement of Country within strategic documents	Inclusion of Acknowledgement of Country in Council's 4-year Business Plan 2019-2023
2019/20	Development of 4th Reconciliation Action Plan (January 2020 – June 2023)	Our most ambitious Reconciliation Action Plan with over 70 deliverables identified to be actioned in each year

Our Reconciliation Action Plans

The City of Marion Reconciliation Action Plans include activities that we know can make a difference: building and nurturing good relationships, implementing good corporate governance, respecting the special and cultural contribution of Aboriginal and Torres Strait Islander peoples to Australia, and working together for Aboriginal and Torres Strait Islander peoples to have the same opportunities as all people in our city.

The Reconciliation Working Group, comprising Aboriginal and cross-organisation representation continues to passionately lead the development and delivery of the City of Marion Reconciliation Action Plans (refer to table below).

The Reconciliation Action Plan Working Group, in developing this new plan, reflected on past achievements and challenges, whilst also focussing on future opportunities and how to best embed reconciliation into business-as-usual at the City of Marion. The Reconciliation Action Plan Working Group has consulted broadly across the organisation, using a variety of methods to gain input in to this Reconciliation Action Plan, including face to face meetings, workshops with staff and Elected Members, delivery of presentations, collaboration with other local governments developing Reconciliation Action Plans and collaboration with Reconciliation Australia.

Our Reconciliation Action Plan Working Group

Working Group member position title
Aboriginal Trainee
Elected Member
Elected Member
General Manager City Services and Executive Reconciliation Action Plan representative
Living Kaurna Cultural Centre Administration Assistant
Living Kaurna Cultural Centre Coordinator
Living Kaurna Cultural Centre Cultural Tours and Programs Officer
Manager City Activation
Manager Community Connections
Manager Governance
Senior Procurement Specialist
Social/Cultural Planner and Reconciliation Action Plan Coordinator and Chair
Strategy Leader
Unit Manager Community Cultural Development
Unit Manager Human Resources
Unit Manager Open Space and Recreation Planning

*Please note this position title list represents the main contributors as per Organisational Structure of 2019

The City of Marion relies on a number of roles to champion the Reconciliation Action Plan, including:

- Two Elected Members to champion the Reconciliation Action Plan in Council decision making
- City Services General Manger to champion at the executive and senior management level
- Reconciliation Action Plan Coordinator and Chair to champion amongst general staff body at action officer level

Our continued strong commitment to reconciliation principles and outcomes and to developing our sphere of influence is evident in our Reconciliation Action Plan. The development and endorsement of the 2020-2023 Stretch Reconciliation Action Plan, continues to clearly articulate the City of Marion's embedded commitment to reconciliation with Aboriginal and Torres Strait Islander Peoples, ensuring ownership across the organisation in committing to reconciliation principles and actions. This Stretch Reconciliation Action Plan also demonstrates Council's longer-term strategic approach with actions to be delivered over three and a half years.

The City of Marion is proud to present our 4th Reconciliation Action Plan, which demonstrates just under 300 significant, tangible and meaningful deliverables that the organisation and community can achieve together over the next three and a half years.

We welcome you to this fourth, even more ambitious, Stretch Reconciliation Action Plan 2020-2023.

City of Marion RECONCILIATION ACTION PLAN

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RELATIONSHIPS

The City of Marion values respectful relationships between Aboriginal and Torres Strait Islander peoples and other Australians in our community. The City of Marion recognises that fostering strong relationships and partnership facilitate positive outcomes for the community we serve.

Focus area: The following City of Marion strategic themes align with Relationships:

- **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
- **Engaged** – by 2040 our city will be a community where people are engaged, empowered to make decisions, and work together to build strong neighbourhoods
- **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

Action	Deliverable	Responsibility	Timeline
1. Establish and maintain mutually beneficial relationships with Aboriginal and Torres Strait Islander stakeholders and organisations	1 Continue meeting with local Aboriginal and Torres Strait Islander organisations to continuously improve guiding principles for future engagement	Living Kaurna Cultural Centre Manager	June 2020 June 2021 June 2022 June 2023
	2 Implement the City of Marion's Public Consultation Policy and Procedure to work with Aboriginal and Torres Strait Islander stakeholders	Customer Experience Manager	June 2020 June 2021 June 2022 June 2023
	3 Establish and maintain 2 formal two-way partnerships with Aboriginal and Torres Strait Islander communities or organisations including Tauondi College for educational outcomes and SONDER for health and wellbeing outcomes	Living Kaurna Cultural Centre Manager	June 2020 June 2021 June 2022 June 2023
	4 Seek opportunities to establish or continue informal partnerships with various agencies to deliver a variety of reconciliation outcomes, for example: • SAPOL on safety and at risk youth outcomes • Family by Family on peer support outcomes • Access for you on social isolation and volunteering outcomes	Living Kaurna Cultural Centre Manager	June 2020 June 2021 June 2022 June 2023
	5 Encourage employees to uptake volunteer leave allocation with Aboriginal and Torres Strait Islander not-for-profit organisations	Human Resources Manager	December 2020 December 2021 December 2022
	6 Partner with the local Aboriginal community to strengthen Living Kaurna Cultural Centre management outcomes	Executive Leadership Team Reconciliation Action Plan Champion	June 2020 June 2021 June 2022
2. Build relationships through celebrating National Reconciliation Week (NRW).	1 Circulate Reconciliation Australia's NRW resources and reconciliation materials to all staff	Communications Manager	May 2020 May 2021 May 2022 May 2023
	2 Reconciliation Action Plan Working Group members to participate in 1 external NRW event	Reconciliation Action Plan Working Group	May 2020 May 2021 May 2022 May 2023
	3 Promote, encourage and support staff and senior leaders to participate in 1 external event recognising and celebrating NRW, including *National Reconciliation Breakfast*	Executive Leaders Group NRW Week events program coordinator	May 2020 May 2021 May 2022 May 2023
	4 Organise 6 public NRW events, including at least 1 organisation-wide NRW event, each year	Living Kaurna Cultural Centre Manager Arts and Cultural Officer	May 2020 May 2021 May 2022 May 2023
	5 Include NRW focus annually at a General Staff Meeting	Communications Manager Reconciliation Action Plan Working Group Executive Leadership Team Reconciliation Action Plan Champion	May 2020 May 2021 May 2022 May 2023
	6 Register all our NRW events on Reconciliation Australia's website	Communications Manager NRW Events Program Coordinator	May 2020 May 2021 May 2022 May 2023

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	7 Invite staff and Elected Members to attend events showcasing reconciliation achievements	Reconciliation Action Plan Coordinator	June 2020
3. Promote reconciliation through our sphere of influence	1 Review and update Reconciliation Action Plan content in Elected Member induction program	Governance Manager Reconciliation Action Plan Coordinator	June 2021
	2 Include a presentation at a General Staff meeting from the Living Kaurna Cultural Centre's Cultural and Environmental Officer	Living Kaurna Cultural Centre Manager Communications Manager	December 2020
	3 Communicate our commitment to reconciliation publicly via the development and implementation of a public Reconciliation Statement Policy	Reconciliation Action Plan Coordinator Communications Manager	June 2020
	4 Communicate our commitment to reconciliation publicly with an annual Aboriginal and Torres Strait Islander feature story in a City of Marion publication	Communications Manager	June 2020 June 2021 June 2022 June 2023
	5 Connect with other South Australian Local Governments and the Local Government Association of South Australia to encourage and support other Local Governments to develop Reconciliation Action Plans	Reconciliation Action Plan Coordinator	June 2021
	6 Work with other community and service groups to increase the profile of reconciliation outcomes e.g. Lions, Rotary, Kiwanis etc.	Community Connections Manager	June 2021
	7 Continue to include and promote Reconciliation outcomes in Community Grants Programs	Community Connections Manager	June 2020 December 2020 June 2021 December 2021 June 2022 December 2022 June 2023
	8 Collaborate with four Reconciliation Action Plan and other like-minded organisations to implement ways to advance reconciliation, including; • Tauondi College on educational outcomes • SAPOL on safety and at risk youth outcomes • SONDER (Close the Gap) on health and wellbeing outcomes • Family by Family on peer support outcomes • Access for you on social isolation and volunteering outcomes	Living Kaurna Cultural Centre Manager Reconciliation Action Plan Working Group	June 2020 June 2021 June 2022 June 2023
	9 Collaborate with neighbouring councils to promote the local Kaurna Tjilbruke Dreaming Tracks	Reconciliation Action Plan Working Group	June 2022
	10 Review and update Reconciliation Action Plan content in new staff induction program to drive reconciliation outcomes	Learning and Development Coordinator and Reconciliation Action Plan Coordinator	June 2021
	11 Engage staff in development, implementation and review of City of Marion Reconciliation Action Plans	Reconciliation Action Plan Working Group Communications Manager Customer Experience Manager	June 2020 June 2021 June 2022 June 2023
	12 Reconciliation Action Plan Working Group members to champion the Reconciliation Action Plan at team and tool box meetings	Reconciliation Action Plan Working Group	June 2020 June 2021 June 2022 June 2023
	13 Hold an annual Reconciliation focussed lunch and learn session	Reconciliation Action Plan Working Group	June 2020 June 2021 June 2022 June 2023
4. Promote positive race relations through anti-discrimination strategies	1 Implement and communicate the City of Marion's Equal Opportunity, Discrimination, Harassment and Workplace Bullying Policy and Procedure and Equity, Access and Social Inclusion Policy to all staff and Elected Members and review these policies each Council term	Human Resources Manager Diversity and Inclusion Committee	June 2023
	2 Diversity and Inclusion Committee and Reconciliation Action Plan Working Group to engage with Aboriginal and Torres Strait Islander employees to identify opportunities to continuously improve our Equity, Access and Social Inclusion Policy and Equal Opportunity, Discrimination, Harassment and Workplace Bullying Policy and Procedure	Human Resources Manager Diversity and Inclusion Committee	June 2022
	3 Provide ongoing education opportunities for senior leaders and managers on the effects of racism	Human Resources Manager Reconciliation Action Plan Coordinator	June 2020 June 2021 June 2022 June 2023
	4 The City of Marion demonstrates its anti-discrimination and anti-racism position through a variety of public policies, e.g. Equity, Access and Social Inclusion Policy and the Reconciliation Statement Policy	Human Resources Manager Diversity and Inclusion Committee Human Resources Manager	June 2020 June 2021 June 2022 June 2023
5. Promote and advocate for localised truth telling processes and initiatives	1 Partner with Reconciliation Australia and Reconciliation South Australia to identify resources required to support local governments to engage with local Aboriginal communities around the topic of 'truth telling'	Reconciliation Action Plan Working Group	June 2021 June 2023

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City of Marion RECONCILIATION ACTION PLAN

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RESPECT

The City of Marion recognises that the Kaurna culture is an evolving and contemporary culture. We value Kaurna culture. We recognise the fundamental importance of heritage, language, and cultural expression for all peoples. We also acknowledge the important place that Kaurna and all Aboriginal and Torres Strait Islander cultures have in increasing the sort of community we envisage.

Focus area: With the community and safety at the forefront of everything we do, one of the City of Marion's core values is *Respect.*

Treating everyone as we want to be treated, where all contributions are valued

- We embrace and celebrate diversity
- We demonstrate courtesy
- We acknowledge and listen to others
- We communicate openly and provide explanations for our decisions

Action	Deliverable	Responsibility	Timeline
1. Increase understanding, value and recognition of Aboriginal and Torres Strait Islander cultures, histories, knowledge and rights through cultural learning	1 Conduct a review of cultural learning needs within our organisation and update the Diversity and Inclusion Plan	Human Resources Manager	June 2021
	2 Consult local Traditional Owners in the Diversity and Inclusion Plan review process to improve our cultural learning outcomes	Human Resources Manager	June 2021
	3 Continue to implement and communicate our cultural learning strategy, informed by our Diversity and Inclusion Plan	Human Resources Manager	June 2020 June 2021 June 2022 June 2023
	4 Commit all staff to undertake online cultural competency learning	Human Resources Manager Learning and Development Coordinator	June 2020
	5 Partner with State Government to deliver South Australian Aboriginal Heritage and Legislative Awareness training to 15% (40) of staff	Human Resources Manager Reconciliation Action Plan Coordinator	June 2021
	6 Provide all staff and Elected Members with the opportunity to participate in cultural training opportunities e.g. Cultural Tour at Living Kaurna Cultural Centre	Governance Manager	June 2023
2. Demonstrate respect to Aboriginal and Torres Strait Islander peoples by observing cultural protocols	1 Implement and communicate Welcome to Country and Acknowledgement of Country protocols	Communications Manager Governance Manager	June 2020
	2 Increase staff understanding of the purpose and significance behind cultural protocols, including Acknowledgement of Country and Welcome to Country protocols	Communications Manager Reconciliation Action Plan Coordinator Governance Manager	June 2020
	3 Visibly promote Aboriginal and Torres Strait Islander cultures within Council buildings and facilities by flying flags	Governance Manager Living Kaurna Cultural Centre Manager City Property Manager	June 2020 June 2021 June 2022 June 2023
	4 Include an Acknowledgement of Country in strategic documents and public policies	Strategy Manager	June 2020 June 2021 June 2022 June 2023
	5 Invite a local Traditional Owner or Custodian to provide a Welcome to Country or other appropriate cultural protocol at 3 significant events each year, e.g. biennial Marion Celebrates Festival, biennial Concert at the Cove, Adelaide Symphony Orchestra at Warriparingga, official openings of significant facilities or sites within the City of Marion	Individual Event Organisers	June 2020 June 2021 June 2022 June 2023
	6 Include an Acknowledgement of Country or other appropriate protocols at the commencement of important meetings	Reconciliation Action Plan Coordinator	June 2020 June 2021 June 2022 June 2023
	7 Include Acknowledgement of Country on staff email signature and City of Marion website	Reconciliation Action Plan Coordinator Communications Manager	June 2020 June 2021 June 2022 June 2023
	8 Staff and senior leaders provide an Acknowledgement of Country or other appropriate protocols at all public events	Event Coordinator	June 2020 June 2021 June 2022 June 2023
	9 Design and display at least 4 Acknowledgment of Country signs in our offices or on our buildings	City Property Manager Communications Manager	December 2021

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3. Engage with Aboriginal and Torres Strait Islander cultures and histories by celebrating NAIDOC Week	1 Reconciliation Action Plan Working Group to participate in an external NAIDOC Week event	Reconciliation Action Plan Working Group	July 2020 July 2021 July 2022 July 2023
	2 Review Human Resources policies and procedures to remove barriers to staff participating in NAIDOC Week	Human Resources Manager	May 2020 May 2021 May 2022
	3 Implement and communicate existing cultural leave entitlement for staff	Human Resources Manager	June 2020 June 2021 June 2022 June 2023
	4 Support all staff to participate in 1 NAIDOC Week event in our local area	Chief Executive Officer	July 2020 July 2021 July 2022 July 2023
	5 In consultation with Aboriginal and Torres Strait Islander stakeholders, develop and deliver a NAIDOC Week program of events	Living Kaurna Cultural Centre Manager	July 2020 July 2021 July 2022 July 2023
	6 Promote external NAIDOC Week events via advertising events on website and social media	Communications Manager	July 2020 July 2021 July 2022 July 2023
4. Increase the use of Kaurna language across the City of Marion	1 Create and improve signage using Kaurna language across the City of Marion	Governance Manager City Property Manager	June 2022
	2 Continue to include Kaurna language workshops in the Living Kaurna Cultural Centre education program for members of the public and school students to access	Living Kaurna Cultural Centre Manager Community Connections Manager	June 2020 June 2021 June 2022
5. Ensure the City of Marion Library Collection contains resources to educate people of all ages on Aboriginal and Torres Strait Islander cultures and history	1 Increase Aboriginal and Torres Strait Islander library resources by 30 items per annum	Community Connections Manager	July 2020 July 2021 July 2022 July 2023
	2 Include Aboriginal and Torres Strait Islander activities in the annual life-long learning library program		June 2020 June 2021 June 2022 June 2023
	3 Develop an Aboriginal and Torres Strait Islander-led program for inclusion in the school holiday library based programs		June 2021
6. Ensure Aboriginal and Torres Strait Islander activities are included in the annual arts program	1 Include at least 2 Aboriginal and Torres Strait Islander activities in the City of Marion annual arts program	Community Connections Manager	June 2020 June 2021 June 2022 June 2023
	2 Hold an annual Aboriginal and Torres Strait Islander art exhibition in Chambers Gallery and/or Gallery M		June 2020 June 2021 June 2022 June 2023
	3 Display and acknowledge local Kaurna artworks in City of Marion Chamber	Community Connections Manager	June 2020 June 2021 June 2022 June 2023
7. Recognise dates of significance to Aboriginal and Torres Strait Islander peoples	1 CEO to deliver message to staff and Elected Members regarding 13 February for National Apology Day	Chief Executive Officer	February 2020 February 2021 February 2022 February 2023
	2 CEO to deliver message to staff and Elected Members regarding 22 March for Close the Gap		March 2020 March 2021 March 2022 March 2023
	3 CEO to deliver message to staff and Elected Members regarding 26 May for National Sorry Day		May 2020 May 2021 May 2022 May 2023
	4 CEO to deliver message to staff and Elected Members regarding National Reconciliation Week 27 May - 3 June		May 2020 May 2021 May 2022 May 2023
	5 CEO to deliver message to staff and Elected Members regarding NAIDOC Week (July)		July 2020 July 2021 July 2022 July 2023
	6 Include Aboriginal and Torres Strait Islander dates of significance in the City of Marion Corporate Diary, including: • National Apology Day • Close the Gap • National Sorry Day • National Reconciliation Week • NAIDOC Week	Reconciliation Action Plan Coordinator	July 2020 July 2021 July 2022
8. Promote Reconciliation Film Club	7 Host a Reconciliation Film Club screening for staff and invite participants to a follow up discussion following the screening, utilising the accompanying Film Club guides	Marion Cultural Centre Manager	June 2021 June 2023

DRAFT

City of Marion RECONCILIATION ACTION PLAN

APPENDIX 1

January 2020-June 2023

OPPORTUNITIES

The City of Marion seeks to promote the participation of Aboriginal and Torres Strait Islander people in all aspects of Council business, including our workforce, our procurement and project partners and our representation and decision making.

Focus area: The following City of Marion strategic themes align with the Opportunities:

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

Action	Deliverable	Responsibility	Timeline
1. Improve employment outcomes by increasing Aboriginal and Torres Strait Islander recruitment, retention and professional development	1 Engage with Aboriginal and Torres Strait Islander staff to consult on the Diversity and Inclusion Plan review	Human Resources Manager	June 2021
	2 Review and update the Diversity and Inclusion Plan with relevant Aboriginal and Torres Strait Islander recruitment, retention and professional development strategies	Human Resources Manager	June 2021
	3 Advertise job vacancies to effectively reach Aboriginal and Torres Strait Islander stakeholders e.g. Indigenous Employment Australia	Human Resources Manager	June 2020 June 2021 June 2022 June 2023
	4 Review recruitment policies and procedures to identify and remove barriers to Aboriginal and Torres Strait Islander participation in our workplace	Human Resources Manager	June 2023
	5 Aboriginal and Torres Strait Islander employees to be supported to take on leadership development opportunities such as the Local Government Challenge or City of Marion LEAD program	Human Resources Manager	October 2020 October 2021 October 2022
	6 Encourage Aboriginal and Torres Strait Islander staff to self-identify in staff Diversity and Inclusion survey	Human Resources Manager	June 2020
	7 Recruit and appoint appropriate candidate for City of Marion's Aboriginal and Torres Strait Islander traineeship	Human Resources Manager	July 2020 July 2021 July 2022
	8 Increase identified Aboriginal and Torres Strait Islander employees from 0.5% to 1.0% (3-4 people) of workforce	Human Resources Manager	June 2023
2. Increase Aboriginal and Torres Strait Islander supplier diversity to support improved economic and social outcomes	1 Review and update procurement practices to remove barriers to procuring goods and services from Aboriginal and Torres Strait Islander businesses	Contracts Manager	June 2021
	2 Investigate Supply Nation membership	Contracts Manager	June 2020 June 2022
	3 Promote procurement opportunities to Aboriginal and Torres Strait Islander owned businesses via Aboriginal and Torres Strait Islander media	Contract Manager Reconciliation Action Plan Coordinator	June 2021
	4 Develop and communicate opportunities for procurement of goods and services from Aboriginal and Torres Strait Islander businesses to staff	Contract Manager	June 2021 June 2023
	5 Set targets for procuring goods and services from Aboriginal and Torres Strait Islander owned businesses	Contract Manager	June 2023
	6 Promote the Southern Region Business Advisory Service to Aboriginal and Torres Strait Islander owned and operated businesses and start-ups	City Activation Manager	June 2020 June 2021 June 2022 June 2023
	7 Meet with existing and potential Aboriginal and Torres Strait Islander business owners to understand conditions that would be attractive and barriers that they might experience to their businesses operating in the city	City Activation Manager	June 2022

DRAFT

City of Marion RECONCILIATION ACTION PLAN

APPENDIX 1

January 2020-June 2023

	8 Maintain commercial relationships with 2 Aboriginal and/or Torres Strait Islander businesses	City Activation Manager	June 2020
	9 Deliver information sessions in partnership with other Councils regarding Aboriginal and Torres Strait Islander businesses tendering for Council contracts	Contracts Manager	June 2020 June 2022
	10 Train relevant staff in contracting Aboriginal and Torres Strait Islander businesses through Supply Nation or an equivalent organisation	Contract Manager	June 2020 June 2022
3. Value Cultural connection to nature	1 Establish an accessible open garden at Living Kaurna Cultural Centre *"Plant a seed, pull a weed and take what you need"*	Living Kaurna Cultural Centre Manager	June 2020
	2 Continue to plant local provenance plants and bush tucker plants throughout the City and promote traditional methods for use of these plants	Engineering & Field Services Manager	June 2020 June 2021 June 2022 June 2023
	3 Investigate collaborative opportunities with Local, State and Federal Government, e.g. the City of Marion will actively collaborate with State Government regarding Field River management and seeking opportunities to protect and promote local Kaurna culture	Executive Leadership Team Reconciliation Action Plan Champion	June 2020 June 2021 June 2022 June 2023
4. Improve visibility of Aboriginal and Torres Strait Islander peoples and cultures in cultural and recreational programs	1 Include Aboriginal and Torres Strait Islander performance or presentation celebrating Aboriginal and Torres Strait Islander cultures in annual Marion Cultural Centre program	City Property Manager	June 2020 June 2021 June 2022 June 2023
	2 Promote Community Grants program to Aboriginal and Torres Strait Islander groups	Community Connections Manager	June 2020 June 2021 June 2022 June 2023
	3 Promote the *Move it Marion* program to Aboriginal and Torres Strait Islander peoples over 55 years of age. *Move it Marion* is a program designed to increase sport and physical activity levels for older people	City Property Manager	January 2020 January 2021
5. Include cultural considerations in council led design processes	1 Collaborate with Kaurna representatives regarding open space design and upgrades	Open Space and Recreation Planning Manager	June 2023

DRAFT

City of Marion RECONCILIATION ACTION PLAN

APPENDIX 1

January 2020-June 2023

GOVERNANCE

The City of Marion recognises the importance of good governance. We actively work with integrity, ensuring compliance with legislation and a code of conduct, timely delivery of Council resolutions and outstanding project management.

Focus area: With the community and safety at the forefront of everything we do, one of the City of Marion's core values is *Integrity.*

Fostering trust and honesty in all of our interactions

- We follow through on commitments
- We are frank, open, courageous and transparent
- We are genuine and authentic
- We lead by example

Action	Deliverable	Responsibility	Timeline
1. Establish and maintain an effective Reconciliation Action Plan Working group (RAPWG) to drive governance of the Reconciliation Action Plan	1 Maintain Aboriginal and Torres Strait Islander representation on the RAPWG	Reconciliation Action Plan Coordinator	June 2020 June 2021 June 2022 June 2023
	2 Apply a Terms of Reference for the RAPWG	Reconciliation Action Plan Coordinator	June 2020 June 2021 June 2022 June 2023
	3 Meet at least 4 times per year to drive and monitor Reconciliation Action Plan implementation	Reconciliation Action Plan Coordinator	June 2020 June 2021 June 2022 June 2023
2. Provide appropriate support for effective implementation of Reconciliation Action Plan commitments	1 Embed resource needs for Reconciliation Action Plan implementation	Elected Members Executive Leadership Team	July 2020 July 2021 July 2022
	2 Embed key Reconciliation Action Plan actions in performance expectations	Reconciliation Action Plan Coordinator Executive Leadership Team Representative	July 2020 July 2021 July 2022
	3 Use the project management tool to monitor implementation of the Reconciliation Action Plan	Reconciliation Action Plan Coordinator	June 2020 June 2021 June 2022 June 2023
	4 Maintain an internal Reconciliation Action Plan Champion from senior management	Executive Leadership Team Representative on Reconciliation Action Plan Working Groups	June 2020 June 2021 June 2022 June 2023
	5 Embed the Reconciliation Action Plan as a recurring item on Senior Leadership Team meeting agenda	Senior Leadership Team	June 2020 June 2021 June 2022 June 2023
3. Build accountability and transparency through reporting Reconciliation Action Plan achievements, challenges and learnings both internally and externally	1 Complete and submit the annual Reconciliation Action Plan Impact Measurement Questionnaire to Reconciliation Australia	Reconciliation Action Plan Working Group	September 2020 September 2021 September 2022
	2 Report Reconciliation Action Plan progress to all staff and senior leaders annually	Reconciliation Action Plan Coordinator	August 2020 August 2021 August 2022
	3 Provide a public report on the City of Marion website, outlining our Reconciliation Action Plan commitments, annual achievements, challenges and learnings	Reconciliation Action Plan Coordinator Communications Manager	October 2020 October 2021 October 2022
	4 Participate in Reconciliation Australia's biennial Workplace Reconciliation Action Plan Barometer	Reconciliation Action Plan Coordinator	May 2020 May 2022
4. Continue our reconciliation journey by developing our next Reconciliation Action Plan	1 Register via Reconciliation Australia's website to begin developing our next Reconciliation Action Plan	Reconciliation Action Plan Coordinator	August 2022

Reconciliation Action Plan Contact

Reconciliation Action Plan Coordinator

Phone: (08) 83756600

Email: council@marion.sa.gov.au

Mailing Address: PO Box 21, Oaklands Park, South Australia 5046

DRAFT

Reconciliation Statement Policy

Originating Officer	Social/Cultural Sustainability Planner - Melissa Batt
Corporate Manager	Manager Innovation and Strategy - Fiona Harvey
General Manager	General Manager City Services - Tony Lines
Report Reference	GC191210R06

REPORT OBJECTIVE

To seek Council endorsement of the Reconciliation Statement Policy for public consultation (Appendix 1).

EXECUTIVE SUMMARY

A Reconciliation Statement Policy has been developed as a public demonstration of Council's commitment and leadership to reconciliation with the Aboriginal and Torres Strait Islander community.

RECOMMENDATION

That Council:

1. **Endorses the Reconciliation Statement Policy for public consultation (Appendix 1)**

DISCUSSION

The Reconciliation Action Plan 2020-2023 (RAP), in Council's Business Plan 2019-2023, will embed reconciliation initiatives so they are business-as-usual for Council.

The draft RAP that is being presented to Council for endorsement at this 10 December 2019 General Council meeting includes the following under the theme of 'Relationships':

- Action 3: promote reconciliation through our sphere of influence.
- Deliverable 3: Communicate our commitment to reconciliation publicly via the development and implementation of a public Reconciliation Statement Policy.
- Timeframe for delivery: 2019-2020.

The Reconciliation Statement Policy is a public policy that is Council's commitment to strengthening its relationships with Aboriginal and Torres Strait Islanders. This Policy will also add value in providing support for external funding applications that would be of benefit to the local Kaurna Aboriginal community.

A draft Policy was presented for discussion at the Elected Member Forum held on 19 March 2019. Member feedback has been noted and incorporated. Council's Reconciliation Action Plan Working Group has reviewed this draft Policy for consideration by Council.

Public consultation on the Reconciliation Statement Policy will be undertaken as required in Council's Policy Framework (GC180710R01) and Public Consultation Policy (GC190514R08). A final draft Policy will be presented to Council for adoption in March 2020.

Attachment

#	Attachment	Type
1	Appendix 1 DRAFT Reconciliation Statement Policy	PDF File

Reconciliation Statement Policy

1. RATIONALE

The City of Marion recognises Aboriginal and Torres Strait Islander peoples as the First People of Australia and traditional owners of the land and waters.

Council is committed to a two-way relationship built on trust, respect, integrity, inclusion, equality and equity.

This Policy demonstrates Council's commitment to building awareness and inclusion of Aboriginal and Torres Strait Islander cultural customs where relevant in Council's meetings, projects, programs and services.

2. POLICY STATEMENT

This Policy demonstrates Council's:

- Recognition of Aboriginal and Torres Strait Islander peoples as the First People of Australia and the traditional owners of lands and waters
- Recognition that Aboriginal and Torres Strait Islander customs, traditions and spiritual relationship with lands and waters remain important to the social and emotional connection of Aboriginal and Torres Strait Islander people today
- Commitment to relationships with Aboriginal and Torres Strait Islander peoples being built on trust, respect, integrity, inclusion, equality and equity
- Commitment to develop, deliver and embed current and future Reconciliation Action Plans
- Commitment to include cultural considerations in decision making
- Commitment to consider Aboriginal and Torres Strait Islander cultural customs at major events

3. OBJECTIVES

The objectives of the Reconciliation Statement Policy are to:

- Acknowledge and raise awareness of the importance and value of Aboriginal and Torres Strait Islander culture and heritage
- Build awareness and understanding of the importance of reconciliation
- Provide a shared understanding of recognition and inclusion of Aboriginal and Torres Strait Island customs where relevant to Council
- Facilitate reconciliation at the local level
- Build awareness and understanding of protocols to support effective and respectful communication

4. POLICY SCOPE AND IMPLEMENTATION

This Policy applies to Council Elected Members, employees, contractors and volunteers.

DRAFT

Reconciliation Statement Policy

The implementation of this Policy will be through the:

- Delivery of the Reconciliation Action Plan 2020-2023 and relevant procedures
- Implementation of relevant Council policies
- Implementation of Welcome to Country protocol
- Implementation of Acknowledgement of Country protocol

5. DEFINITIONS

Reconciliation

- reconciliation is about strengthening relationships between Aboriginal and Torres Strait Islander peoples and non-Indigenous peoples, for the benefit of all Australians (source: Reconciliation Australia)

6. ROLES AND RESPONSIBILITIES

The Innovation and Strategy Department is responsible for the implementation and review of this Policy across the organisation.

7. REFERENCES

City of Marion

- Reconciliation Action Plan 2020-2023
- Equal Opportunity, Discrimination, Harassment and Workplace Bullying Policy
- Equity, Access and Social Inclusion Policy
- Procurement and Contractor Management Policy
- Volunteer Policy
- Welcome to Country protocols
- Acknowledgement of Country protocols

Reconciliation Australia

- Guidance and support for development and delivery of Reconciliation Action Plans

8. REVIEW AND EVALUATION

This Policy will be reviewed in each Council term.

DRAFT

Draft - Elected Member Social Media and Media Policy

Originating Officer	Unit Manager Communications - Craig Clarke
Corporate Manager	Manager Customer Experience - Karen Cocks
General Manager	General Manager City Services - Tony Lines
Report Reference	GC191210R07

REPORT OBJECTIVE

The purpose of this report is to present the draft Elected Member Social Media and Media Policy for adoption.

EXECUTIVE SUMMARY

A draft Elected Member Social Media and Media Policy has been prepared to assist Members to communicate openly and confidently with their communities.

The proposed policy does not attempt to restrict Elected Members from expressing their personal views on a topic. It sets out protocols for using social media for Council business and when speaking to the news media, recognising that the Mayor is the official spokesperson for the organisation.

The majority of Councils in Adelaide have a social media and/or news media policy pertaining to Elected Members.

RECOMMENDATION

That Council:

1. **Adopts the Draft Elected Member Social Media and Media Policy.**

GENERAL ANALYSIS

Council passed the following motion at the 13 August 2019 meeting:

1. Request Council Staff to investigate which South Australian Councils have Media and/or Social Media policies that apply to Council Members;

2. Request Council Staff investigate:

1. *Whether the City of Marion Council members be incorporated into the current policy and create a new section relating to all forms of media for council members or;*
2. *Establish a separate Media Policy for all Council Members that incorporates all aspects of Media and not limited to Social Media pages.*
3. *Bring findings of other Councils Policies and which option would be best for ensuring Council Members are accountable and transparent through all forms of Media to the General Council Meeting on 10th December 2019.*

Comparative analysis

An analysis has been undertaken of other Councils to identify which ones have social media and/or news media policies pertaining to Elected Members. At this stage, all but four metropolitan Councils (including Marion Council) has either a social media policy and/or media policy covering Elected Members.

The other Councils without a policy are Tea Tree Gully, Unley and West Torrens. With the exception of some minor differences, all the policies are similar in style and content to what is presented to Council.

Engaged:	To assist Elected Members to speak directly to their communities and other stakeholders.
Legal / Legislative / Policy:	To reflect the provisions of the Local Government Act relating to the official functions and duties of Members and the role of Mayor as official spokesperson.

DISCUSSION

The draft Elected Member Social Media and Media Policy supports open and honest communications between Elected Members and their communities.

It aims to assist Elected Members by making it clear who is entitled to speak on behalf of Marion Council on social media and in the news media, and Members' responsibilities under the Local Government Act. The policy does not seek to restrict the rights of Elected Members to publicly express their personal views on topics relevant to their communities.

Social media

The draft policy sets out the protocols if an Elected Member chooses to use a social media account for Council business.

Elected Members must set up an account separate to their personal profile for official business. It must include a disclaimer that any views expressed are not necessarily those of the City of Marion.

The policy also contains rules around content and use of City of Marion photographs, videos, graphics and other images.

All content must be accurate, comply with all Council policies, not defame anyone or breach confidentiality provisions, be free from copyright and be responsible. It must also not make any official announcements unless the person is authorised to do so.

Photographs of staff and the community cannot be posted without the person's written consent.

Content produced by the City of Marion – including images, videos, graphics, photographs or articles – cannot be posted without the written consent of the CEO. The Council logo cannot be used on any social media account operated by an Elected Member.

The policy also describes unlawful activities. It is unacceptable to access, like, share, create, send or forward material that is prohibited, offensive, abusive, sexist, racist or pornographic, or contains threats of violence, harasses another or promotes illegal activities.

Elected Members are legally and personally liable for any content that they publish or allow to be published on their social media platforms.

News media

The draft policy reflects the fact that the Mayor is the principal spokesperson for the Council: section 58 (1) (c) of the Local Government Act. The Mayor can delegate this responsibility to the Deputy Mayor, another Elected Member or the CEO. The CEO has delegated authority to speak on behalf of the organisation.

Under the policy, Elected Members retain the right to make public comments but they must make it clear that these remarks are their ‘personal views’ and that they are not speaking on behalf of Council. Any approaches for an official comment must be referred to the Mayor.

The media section of the policy also includes duties which an Elected Member must adhere to when communicating with the news media. These include not defaming other people, ensuring their comments are accurate and comply with all Council policies, not divulging confidential information and ensuring their comments are responsible.

Attachment

#	Attachment	Type
1	Appendix 1 - Draft Elected Member Social Media and Media Policy	PDF File

Elected Member Social Media and Media Policy

1. RATIONALE

To facilitate the provision of information from Elected Members to the community via social media and the news media.

2. POLICY STATEMENT

This policy provides Elected Members with protocols for using social media for Council business, and when speaking to the news media.

3. OBJECTIVES

The objectives of the policy are to:

- Support open and honest communications between Elected Members and the community and other stakeholders.
- Ensure Elected Members are aware who is authorised to speak on behalf of Marion Council on social media and in the news media.
- State acceptable behaviour while using social media and when dealing with the news media.

4. POLICY SCOPE AND IMPLEMENTATION

This policy applies to Elected Members when they use social media as part of their official functions duties and when they communicate with the news media in accordance with section 62 (2) of the Local Government Act.

5. DEFINITIONS

Content	Any text, photographs, videos, graphics of any description, audio files posted on a social media account.
News media	Media is limited to traditional television, radio, newspapers and magazines, and online news publications.
Principal spokesperson	Section 58 (1) (c) of the Local Government Act 1999 identifies the principal spokesperson as the Mayor.
Social media	All current and future social media channels, digital platforms, online forums or messaging apps where people can comment, view, contribute, create, forward, post, upload and share content. They are not limited to Facebook, Twitter.

6. SOCIAL MEDIA

Social media enables Elected Members to communicate directly to their communities and other stakeholders.

Elected Members' social media accounts used for Council business must be used exclusively for Council business and be separate to their personal account.

Every official social media account operated by an Elected Member will contain the following disclaimer at the top of the site/page: "This account is the responsibility of [title and name]. All

Elected Member Social Media and Media Policy

views expressed on this page are mine alone and do not necessarily represent the views of the City of Marion".

All content on social media accounts must:

- Be factually accurate and comply with all Council policies, including the Elected Member Code of Conduct.
- Not make an official announcement unless the Elected Member is authorised to do so.
- Not breach confidentiality requirements or contain information of a private or legal nature.
- Not defame any person.
- Be handled responsibly, generating trust and confidence in the Council.
- Be free from copyright.

Photographs, graphics and videos

Photographs of members of the community or City of Marion staff are not to be posted without their written consent.

Photographs, images, videos, graphics, or articles produced by the City of Marion are not to be posted on Elected Members' social media accounts without the written consent of the CEO or their delegate. Elected Members can share posts containing this material if it has been posted by the City of Marion.

The City of Marion logo is not to be used on any social media accounts operated by Elected Members.

Unlawful activities

Elected Members are not to access, like, share, create, send or forward material that is prohibited, offensive, abusive, sexist, racist or pornographic.

It is unacceptable to create, share, endorse, send or forward content that:

- Contains threats of violence or other unwelcome or harassing behaviour or promotes illegal activities.
- Contains personal opinions that may be considered defamatory or derogatory about other Elected Members, City of Marion staff or members of the community.
- Breaches any legislation, Council policy or the Elected Member Code of Conduct.

Elected Members are personally and legally responsible for the content (posts, message and comments) that they publish or allow to be published on any social media platforms that they control or manage.

7. NEWS MEDIA

The media is a reliable source of news and information about Council services, facilities and initiatives. All dealings with the news media will be open and honest to maintain trust and confidence in the Council.

These guidelines do not and are not intended to restrict in any way the rights of Elected Members to express their personal views in public.

Elected Member Social Media and Media Policy

Mayor - speaking on behalf of Council

The Mayor is the principal spokesperson of the Council and is authorised to speak publicly on behalf of Council: Section 58 (1) (c).

The Mayor may delegate the responsibility of principal spokesperson to the Deputy Mayor, another Elected Member or the CEO.

The CEO has delegated authority from Marion Council to make official statements on behalf of Council and to respond to media inquiries for operational matters. The CEO may delegate this authority to other Council staff to make official comments in the media.

Elected Members – speaking as individuals

As a member of the community, Elected Members retain the right to make public comment or speak to the media.

Any public comments made by Elected Members are to be clearly identified as their personal opinions only and do not represent the official view of Council.

If an Elected Member speaks or writes to the media, they should:

- Ensure the comments are factually accurate and comply with all Council policies, including the Elected Member Code of Conduct.
- Ensure they make it clear that they are expressing a personal view and not the official view of Council.
- Not defame or make derogatory comments about other Elected Members, City of Marion staff or members of the community.
- Not divulge private or confidential information or comment on legal matters.
- Ensure all public comments are responsible, generating trust and confidence in the Council.

Any approaches by the media for an official comment on behalf of the organisation shall be referred to the Mayor.

If an Elected Member makes a statement in the media, the Communications Unit shall be notified as soon as practical after the contact to ensure the organisation is aware of information provided to the media.

8. REFERENCES

- *Local Government Act 1999*
- *Elected Member Code of Conduct*
- *Copyright Act 1968*
- *Defamation Act 2005*

9. REVIEW

This policy will be reviewed once during a term of Council. Its review will be initiated by the Communications Unit.

DRAFT

Cove Sports Netball Courts

Originating Officer	Unit Manager Sport & Recreation Facilities - James O'Hanlon
Corporate Manager	N/A
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC191210R08

REPORT OBJECTIVE

The purpose of this report is to seek Council endorsement to proceed with the construction of an additional 2 netball courts adjacent to the existing courts within the Cove Sports and Community Club precinct.

EXECUTIVE SUMMARY

The 4 court netball facility within the Cove Sports precinct is home to the Cove Tigers and Cove Lightning Netball Clubs who have both seen significant growth in player numbers in the last 3 years. This sudden but sustained growth occurred sharply after the endorsement of the three year Tennis and Netball capital works program and as such was not included in the programme.

Council has fully scoped the project and allocated $250,000 in its 2019/20 capital works budget for the construction of an additional 2 courts including fencing, connections to the existing 4 courts, the clubrooms and car park. Combined club playing numbers between the 2 clubs now exceed 450 which is becoming increasingly unsustainable on a 4 court facility.

In discussion with City Development teams it has been concluded that their construction will not impact on any future projects at the site due to their remote location in relation to the main clubrooms and green playing fields.

The provision of the additional courts will enable greater flexibility for both clubs in relation to training, programming but will also enable the Cove Tigers Netball Club to commence hosting games and carnivals at the site which will provide revenues from game day activities. It is proposed that these 2 courts that sit separate to the main 4 courts will remain open to the public at all times for use when not utilised for scheduled club operations.

RECOMMENDATION

That Council:

1. **Notes the report**
2. **Authorises the General Manager City Development delegation to sign off on relevant documentation relating to the delivery of the two courts and associated works as outlined in this report.**
3. **Supports the recommendation for these courts to remain open for public use when not in use by clubs as per their respective leases.**
4. **Endorses an allocation of $6,413 p.a in the Long Term Financial Plan for depreciation and $9,341 p.a for projected operating and maintenance costs.**

GENERAL ANALYSIS

General Discussion

The Cove Sports and Community Club is located on Oval Road, Hallett Cove and is home to 6 clubs within its precinct as listed below:

- Cove Cobras Football Club (AFL)
- Cove Football Club (Soccer)
- Cove Cricket Club
- Cove BMX Club
- Cove Lightning Netball Club
- Cove Tigers Netball Club

The facility is currently managed by the City of Marion with each of the clubs holding a sub lease agreement with Council to run their respective club operations. Currently, the two netball clubs share the facilities amicably between them. The 2 clubs are affiliated with separate leagues and as such never play each other assisting in an effective cohabitation of facilities which include 4 dedicated netball courts, clubrooms, canteen, storeroom, car park and changerooms.

The Cove Tigers Netball Club are affiliated with Netball SA and currently has 326 registered players up from 256 in 2017. The club is holding regular come and try clinics bi annually which attract on average 50 players per session and have been largely responsible for the growth in player and team numbers.

The Cove Lightning Netball Club are not affiliated with Netball SA, playing in the Southern United Christian Netball Association League and currently have 130 registered players which is the highest number for the club since 1992 and indicates a 100% growth from 76 registered payers in 2017.

Both clubs, through internal audits conducted by Council staff have demonstrated effective governance and financial management with neither club having outstanding debts to the City of Marion.

Redevelopment Works

The City of Marion has explored various options to adequately accommodate the expanding needs of the 6 affiliated clubs within the district. These investigations have delayed progress in relation to the identified need and provision for additional courts whilst the future make up of the site is determined.

At the General Council meeting held 25 November 2019, Council resolved that the relocation of AFL and Cricket to Capella Reserve was not viable and committed to the Southern Soccer project being delivered at Majors Road with AFL and Cricket to remain at the Cove Sports facility.

Regardless of the relocation of BMX and Soccer, the footprint that netball currently sits on is highly unlikely to change and supports progressing the development of additional courts as proposed without interfering with any potential future works.

Scope of Works

It is proposed as per Attachment A, to install 2 courts with a length of 77 meters as opposed to the current courts length of 75 metres. This is to allow the storage of a relocatable tennis net without impeding the clearance requirements as per Netball Australia guidelines and providing alternate uses for the space.

It is proposed to line mark one of the courts with additional tennis line markings for multi purpose use and also to install a 3 on 3 basketball ring which will not impede on Netball Australia guidelines whilst providing additional options for the courts to the wider community and exiting users.

Due to the soil movement tendencies of the area and surrounds an additional layer of geofilm will be installed within the courts which will absorb a degree of natural movement and decrease the onset of potential cracking of the playing surface and as such increasing the life cycle of the courts and maintenance schedule requirements. This methodology was also utilised at the recently refurbished Southbank Tennis courts in nearby Trott Park.

There exists a difference of 1.1 metres in the levels of the 2 court areas eliminating the ability to simply add the 2 additional courts to the existing 4 courts to make a single 6 court facility. A such a connector walkway is proposed as detailed, to enable pedestrian traffic between the 2 areas. An additional path will be established from the car park to a gate at the southern end to enable access directly from the clubrooms and car park. It is proposed that this gate will remain unlocked at all time to enable public use.

At this stage it is not proposed to undertake installation of a top acrylic layer which is most prone to cracking. The existing courts do not have an acrylic layer and it recommended that due to soil movement in the area, the effectiveness of the proposed geofilm should be monitored before a decision to undertake in the future is reached.

Liveable:

Valuing Nature:

Engaged:

Innovation:

Prosperous:

Connected:

Opportunities:

Organisational Excellence:

Risk Management: The project will be managed in entirety by the City of Marion in alignment with its procurement, project and contractor management policies.

Legal / Legislative / Policy:

Industrial Relations:

Additional Resource Impact

Timeline

Current Budget Allocation Council has allocated $250,000 in its 2019/20 capital works budget for the delivery of this project and as outlined in attached spreadsheet have proposed allocations in Councils long term financial plan for associated whole of life costings.

Proposed Future Budget Allocation:

Whole of Life Costs:

Other Funding Sources:

DISCUSSION

Attachment

#	Attachment	Type
1	Attachment A - Cove Sports Netball Courts	PDF File
2	Whole of Life Costings	MS Word File

CITY OF MARION

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.

Map Width: 174 m
Created by rates
Tuesday, 12 November 2019

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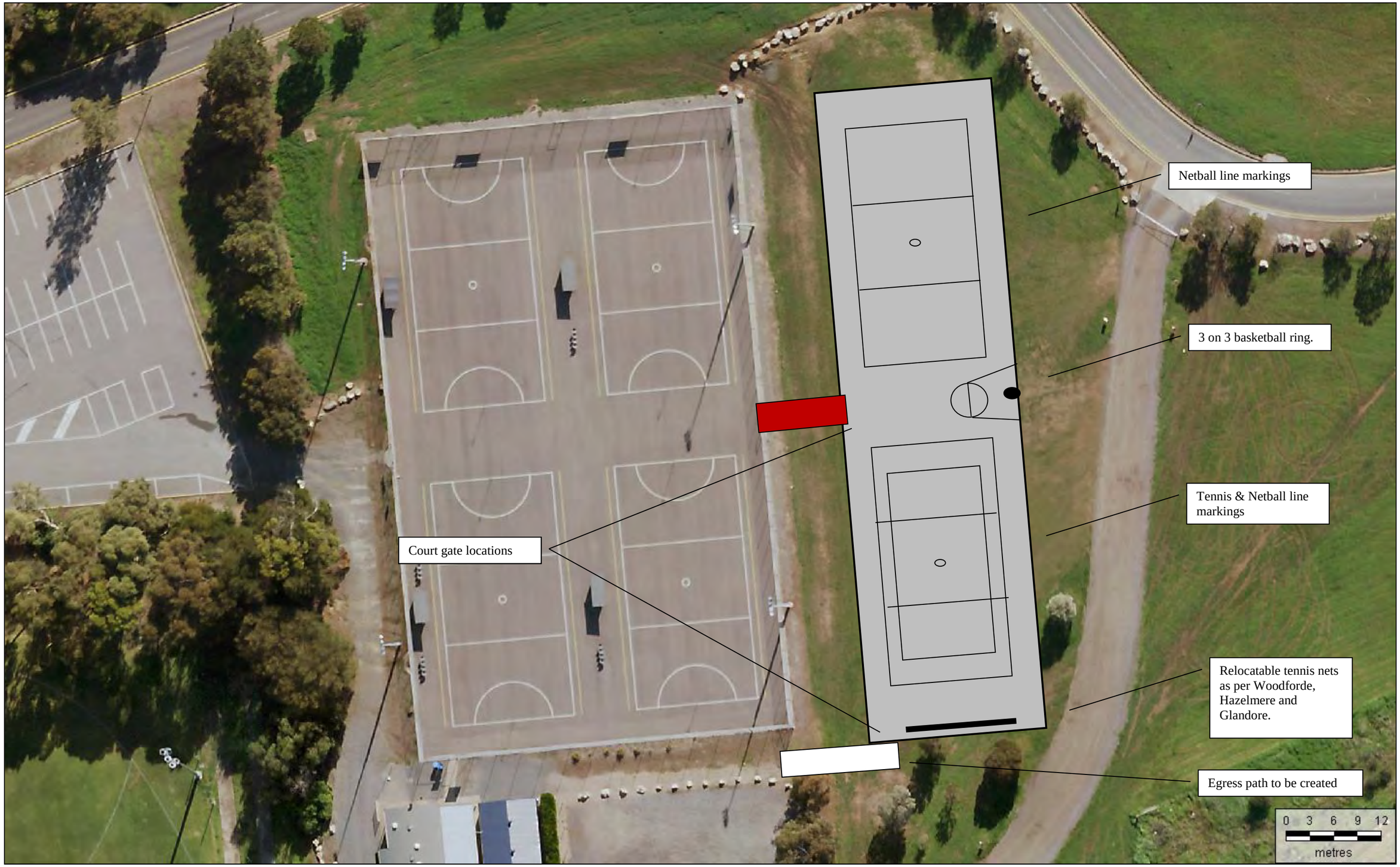


Marion Sports and Community Club - Landlord Consent

Originating Officer	Property Leasing Officer - Chloe McDonald
Corporate Manager	N/A
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC191210R09

REPORT OBJECTIVE

The purpose of this report is to seek Council approval (as Landlord), to extend the recently completed balcony structure on top of the existing concrete slab viewing area (Project 1) and refurbish the existing commercial grade kitchen (Project 2) at the premises contained in Certificate of Title Volume 6063 Folio 665, Volume 5497 Folio 569 and Volume 6063 Folio 666 known as Marion Sports and Community Club, 262B Sturt Road, Marion, 5043.

EXECUTIVE SUMMARY

The Marion Sports and Community Cub Incorporated (MSCC) hold a 21 year lease which expires on the 11 September 2039.

MSCC is seeking Council approval (as Landlord), to extend the recently completed balcony structure on top of the northern side of the existing concrete slab viewing area (Project 1) refer to Plan and Design - Project 1 (Appendix 1) and refurbish the existing commercial grade kitchen (Project 2) as detailed in Plan and Detail - Project 2 (Appendix 2).

The total cost of the work is $835,940.06 excluding GST.

Project 1 $269,940.06 excluding GST.
Project 2 $566,000.00 excluding GST.

All costs associated with the construction and future maintenance of the balcony and kitchen will be borne by MSCC.

All tenants of Council owned property are required to obtain formal Council approval prior to undertaking any alterations and additions. Where works are valued at $20,000 or higher, Council endorsement is required.

RECOMMENDATION

That Council:

1. **Grants Landlord Consent to extend the recently completed balcony structure on top of the existing concrete slab viewing area (Project 1) 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. **Grants Landlord Consent to refurbish the existing commercial grade kitchen (Project 2) 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**

3. **Delegates to the General Manager City Development approval to authorise any relevant documents necessary to facilitate the construction and management of the works.**

4. **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.**

5. **Notes that Landlord Consent will be subject to Development Approval and Building Rules Consent.**

Engaged:	Community consultation was not considered necessary for this project as there will be no change to the use of the premises and it is not anticipated the proposed works to have a detrimental effect on the amenity of the area.
Legal / Legislative / Policy:	Under this lease it is the responsibility of the lessee to remain insured in relation to Public Liability Insurance and to Indemnify the City of Marion against all damages, cost and expenses.
Other Funding Sources:	All costs associated with the construction and future maintenance of the balcony and kitchen will be borne by MSCC

DISCUSSION

Prior to undertaking any alteration to Council property, tenants are required to obtain formal Council (Landlord) Approval (Refer Appendix 3 - Landlord's Approval Process Flowchart).
This year, the MSCC have undertaken a number of tenant improvements to the facility. All works have received prior written Landlord consent and all other required approvals.

The following works have been undertaken:

- Replacement of 2 new coaches box structures
- Installation of cladding within the underground area to create additional storage
- Replacement of the existing cement sheets on the shelters with corrugated Colorbond sheets
- Replacement of the existing fence around the main oval
- Paving section of the track in front of the main building
- Enclosing the outdoor area constructed on top the existing balcony structure

The MSCC has approached Council seeking permission to undertake the following tenants improvements:

Project 1 - Extension of Balcony Structure

An extension of the recently completed outdoor balcony area is proposed above the existing concrete slab viewing area, with the finishing to match the existing.

The total cost of the work is $269,940.06 excluding GST. (Refer Appendix 1 for plan and design details)

Project 2 - Refurbishment of the existing Commercial Grade Kitchen

The refurbishment will include the installation of a new commercial cook station area, pizza oven, wash station, food storage area and walk-in cool room and freezer .

The air-conditioning, kitchen extraction, flooring and waste services (including the grease arrestor) will also be replaced.

The total cost of the work is $566,000.00 excluding GST. (Refer Appendix 2 for Kitchen plan and design details)

The total cost of the proposed works is estimated at **$835,940.06** excluding GST. All costs associated with the construction and future maintenance of the balcony and kitchen are to be borne by MSCC.

The consent will be granted subject to:

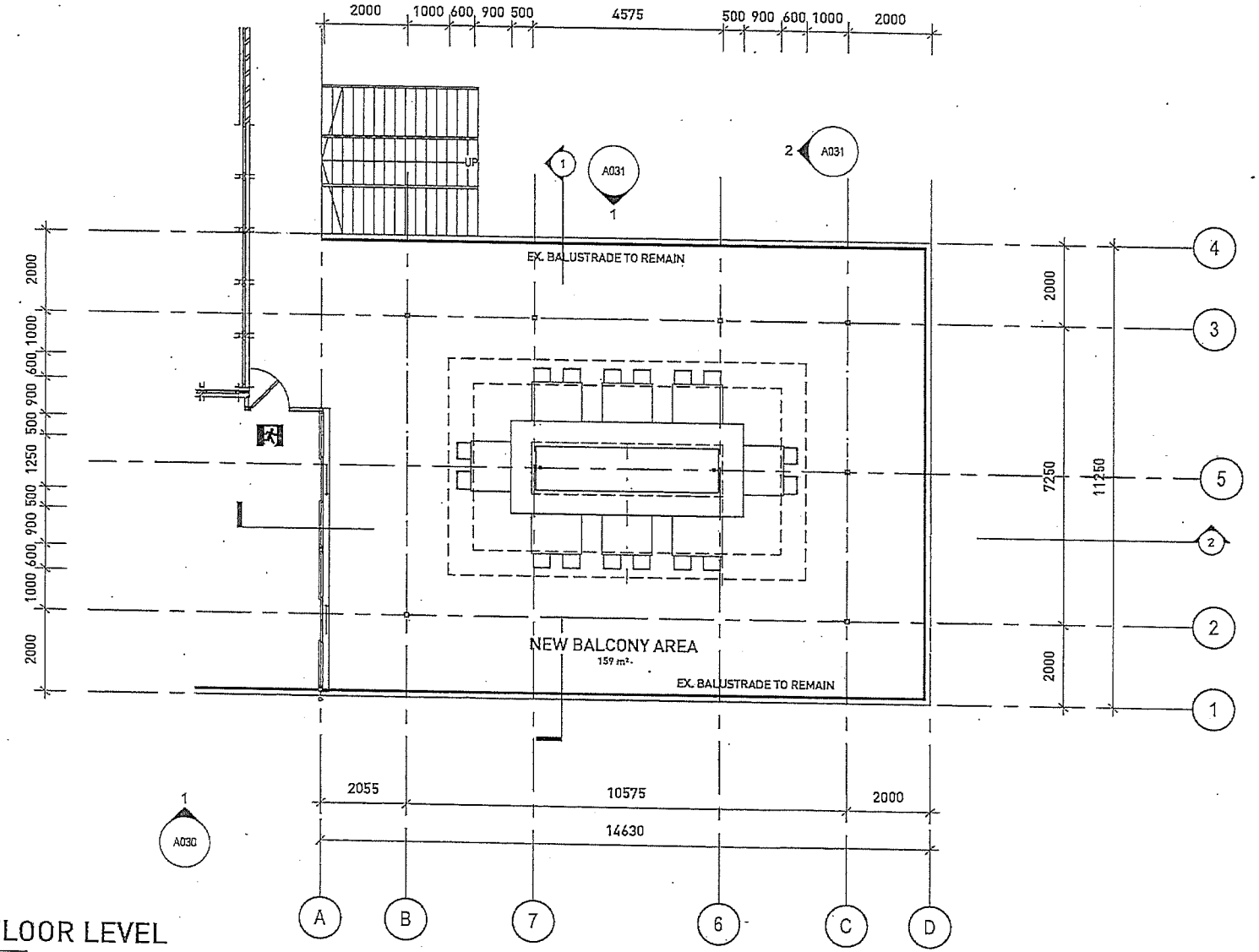
- All works to be undertaken in a professional manner and to the satisfaction of the City of Marion
- The City of Marion to be indemnified against all claims, suits, losses, etc. that may result from carrying out of this work
- All associated costs to be borne by Marion Sports and Community Club Incorporated
- The City of Marion to have the right to reinstatement upon termination of the lease
- Marion Sports and Community Club Incorporated to be responsible for the ongoing maintenance, repair and replacement of fixtures and fittings
- The work is to be substantially commenced prior to 26 November 2020, after this date landlord consent will expire
- Building Consent and Development Approval are obtained prior to commencing work
- The City of Marion is to be informed once work has concluded and a site visit will occur

Note that the requirement for this approval does not prevent the lessee from applying for, or receiving Development Approval for an activity on the premises. It does act, however, to prevent the lessee from physically undertaking any works under the Development Act until Development Approval is received.

MSCC are committed to the continual improvement of the facility to attract customers and members. It is intended that the proposed extension of the recently completed balcony structure on top of the existing concrete slab viewing area (Project 1) and refurbishment of the existing commercial grade kitchen (Project 2) will allow the MSCC to improve their 'customer experience' and increase revenue within the scope of permitted usage at the premises.

Attachment

#	Attachment	Type
1	Plan and Design - Project 1	PDF File
2	Plan and Detail - Project 2	PDF File
3	Landlord's Approval Process Flowchart	PDF File



UPPER FLOOR LEVEL

SCALE: 1:100

0 0.5 1 1.5 2 2.5 5 m

DATE 19/07/19	REVISIONS:	SHEET: UPPER FLOOR PLAN	
DWG NO: A021	19-07-19	PRELIMINARY ISSUE	A
ISSUE:	23-07-19	APPROVAL ISSUE	B
SCALE AT A3: 1:100			

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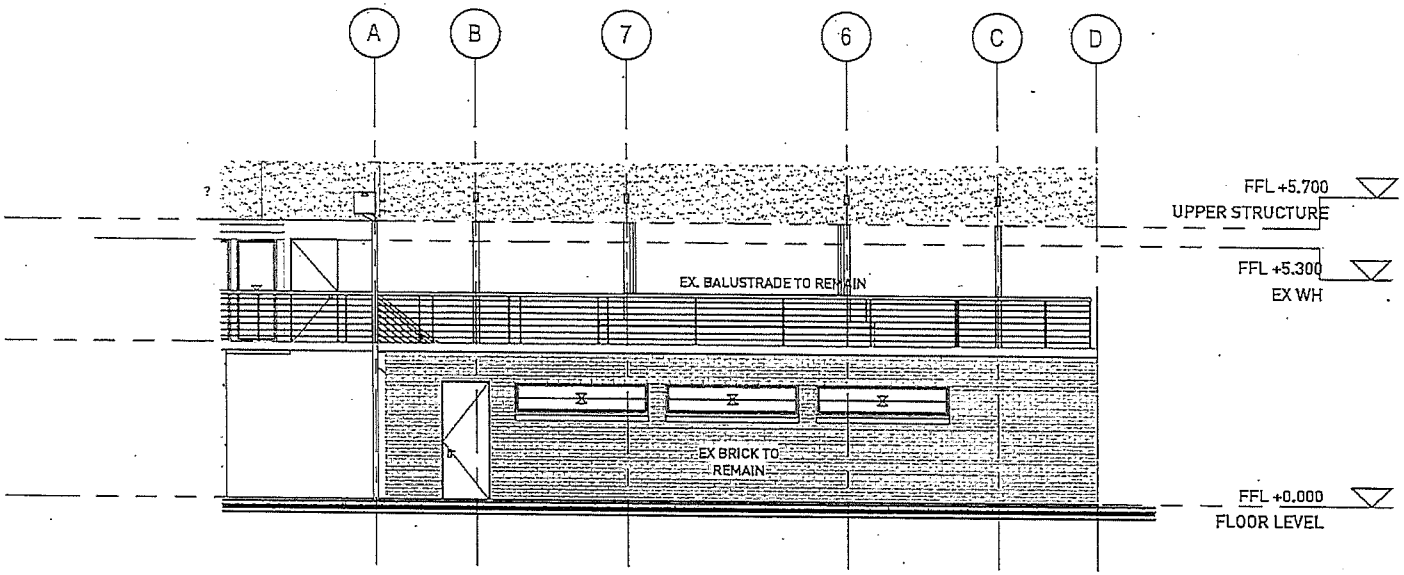
C·L·U·B M·A·R·I·O·N ICM CONSTRUCTION

MICHAEL FOGARTY
BUILDING DESIGN
PO BOX 37 OAKLANDS PARK SA 5046
P: 0417 277 666
e: michael@mfbuildingdesign.com

CLIENT: CLUB MARION C/O ICM CONSTRUCTIONS
PROJECT: RENOVATION TO OUTDOOR ENTERTAINMENT AREA
SITE: 262 STURT ROAD MARION SA 5043



EAST ELEVATION

SCALE: 1:100

BUILDING SCHEDULE

FLOORS:
EXISTING CONCRETE SLAB TO REMAIN UNCHANGED
CONCRETE SURFACE TO BE GRINDED TO REMOVE GLUE AND LIGHT POLISH AS SPECIFIED
NEW POLYURETHANE PROTECTIVE COATING DULUX OR SIMILAR
COLOUR: LIGHT GREY TO BE SPECIFIED

WALLS / PARAPET:
NEW TIMBER FRAME STUD WALL LINED WITH JAMES HARDIES EXO-TEC CLADDING
REFER TO MANUFACTURERS DETAILS IN SPECIFICATION
COLOUR: CLADDING PAINTED WHITE
COLOUR: PARAPET FLASHING MATT BLACK
NOTE: CLADDING TO EAST SIDE OF EXISTING PARAPET TO BE REPLACED WITH EXO-TEC
HARDIES VILLABOARD 6MM FC LINING TO UNDERSIDE
COLOUR: WHITE PAINTED

COLUMNS:
NEW STEEL COLUMNS AS SHOWN AS PER ENGINEERS DESIGN AND DOCUMENTATION
COLOUR: VISIBLE COLUMNS PRIMED AND PAINTED MATT BLACK

ROOF:
DANPAL TRADITIONAL ROOF SYSTEM AS SPECIFIED
CLEAR SHEETING
RAFTERS PAINTED MATT BLACK TO MATCH EXISTING FRAMING
COLOUR: RAINWATER HEAD AND DOWN PIPE MATT BLACK

DOORS:
NEW ALUMINIUM SLIDING DOORS AS SHOWN
NEW ALUMINIUM FRAMED SWING DOOR WITH KABA OR SIMILAR FIRE SAFETY LEVER AS PER AS1428.1-2009

DATE 19/07/19	REVISIONS: SHEET: ELEVATIONS		
DWG NO: A030	19-07-19	PRELIMINARY ISSUE	A
ISSUE:	23-07-19	APPROVAL ISSUE	B
SCALE AT A3: 1:100			

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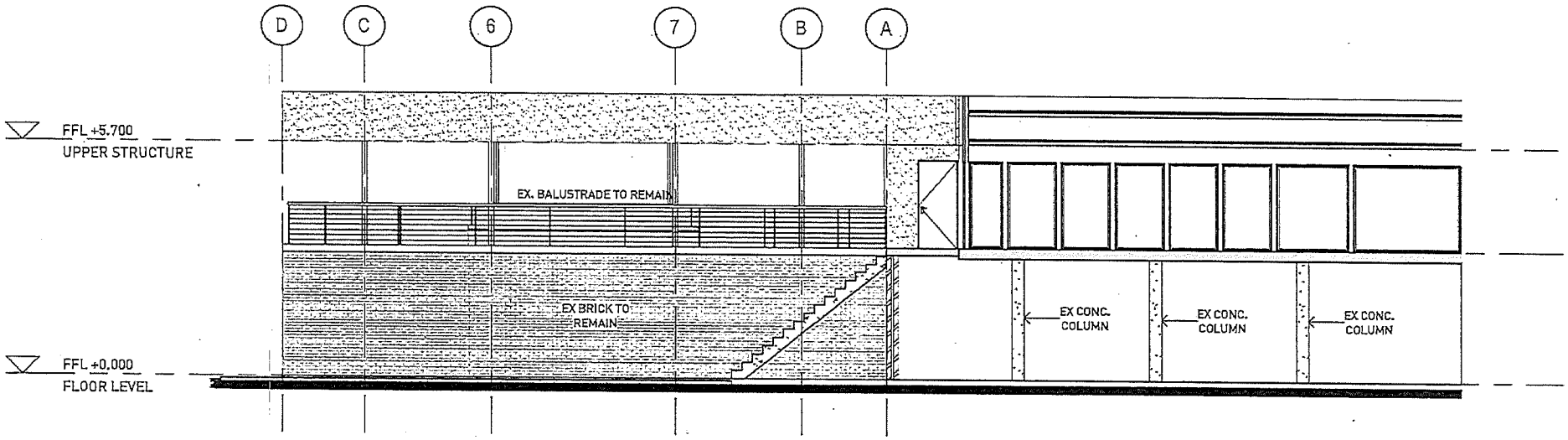
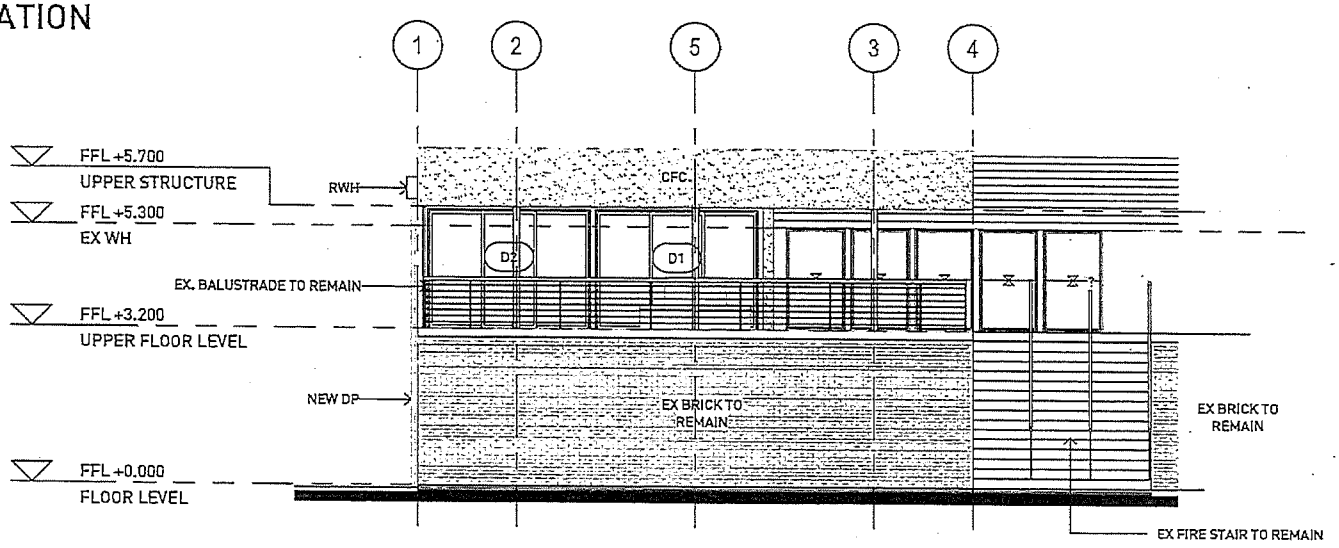
CLIENT: CLUB MARION C/O ICM CONSTRUCTIONS
PROJECT: RENOVATION TO OUTDOOR ENTERTAINMENT AREA
SITE: 262 STURT ROAD MARION SA 5043



WEST ELEVATION

SCALE: 1 : 100



NORTH ELEVATION

SCALE: 1 : 100

DATE 19/07/19	REVISIONS: SHEET: ELEVATIONS		
DWG NO: A031	19-07-19	PRELIMINARY ISSUE	A
ISSUE:	23-07-19	APPROVAL ISSUE	B
SCALE AT A3: 1 : 100			

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C·L·U·B M·A·R·I·O·N ICM CONSTRUCTION

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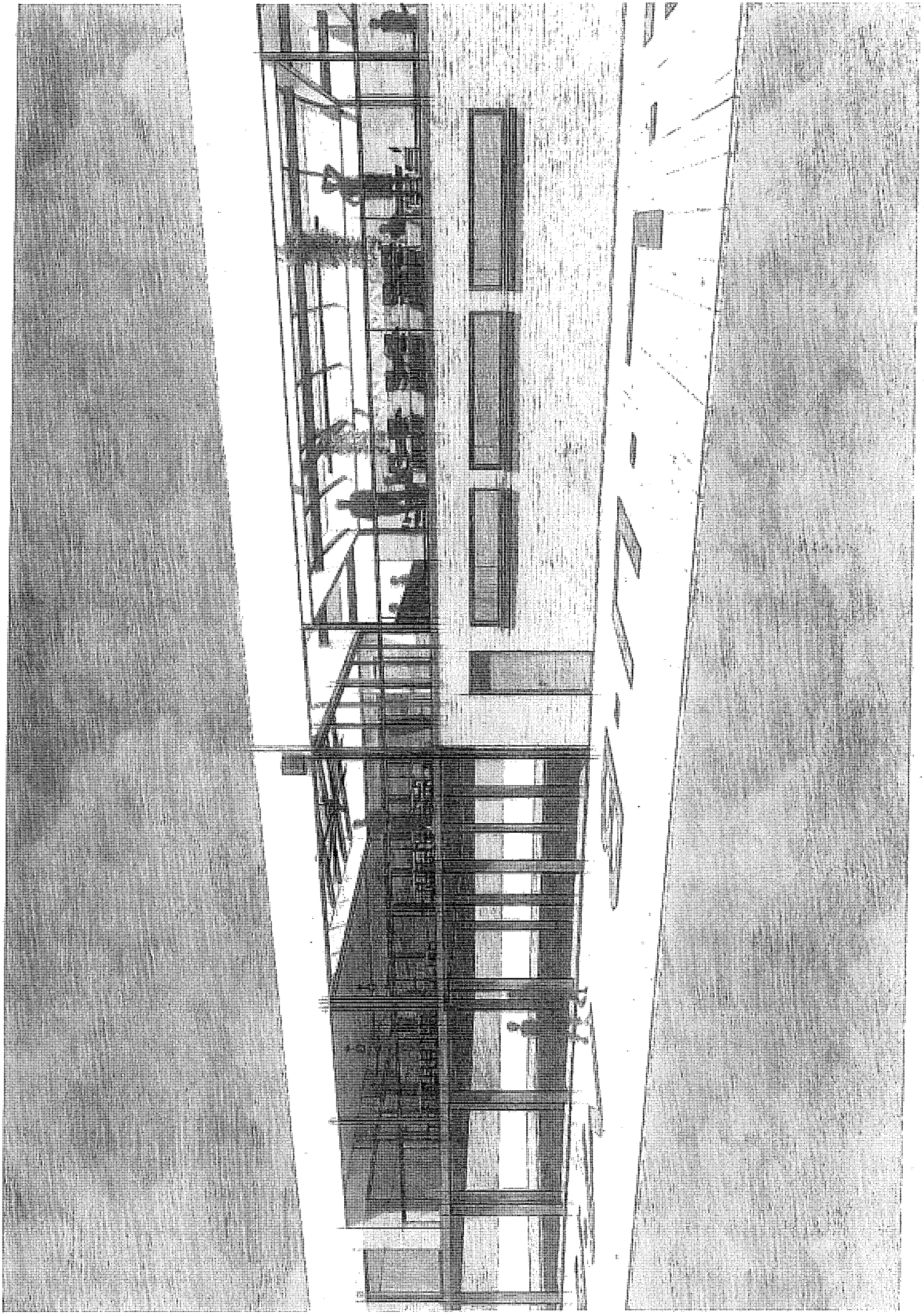
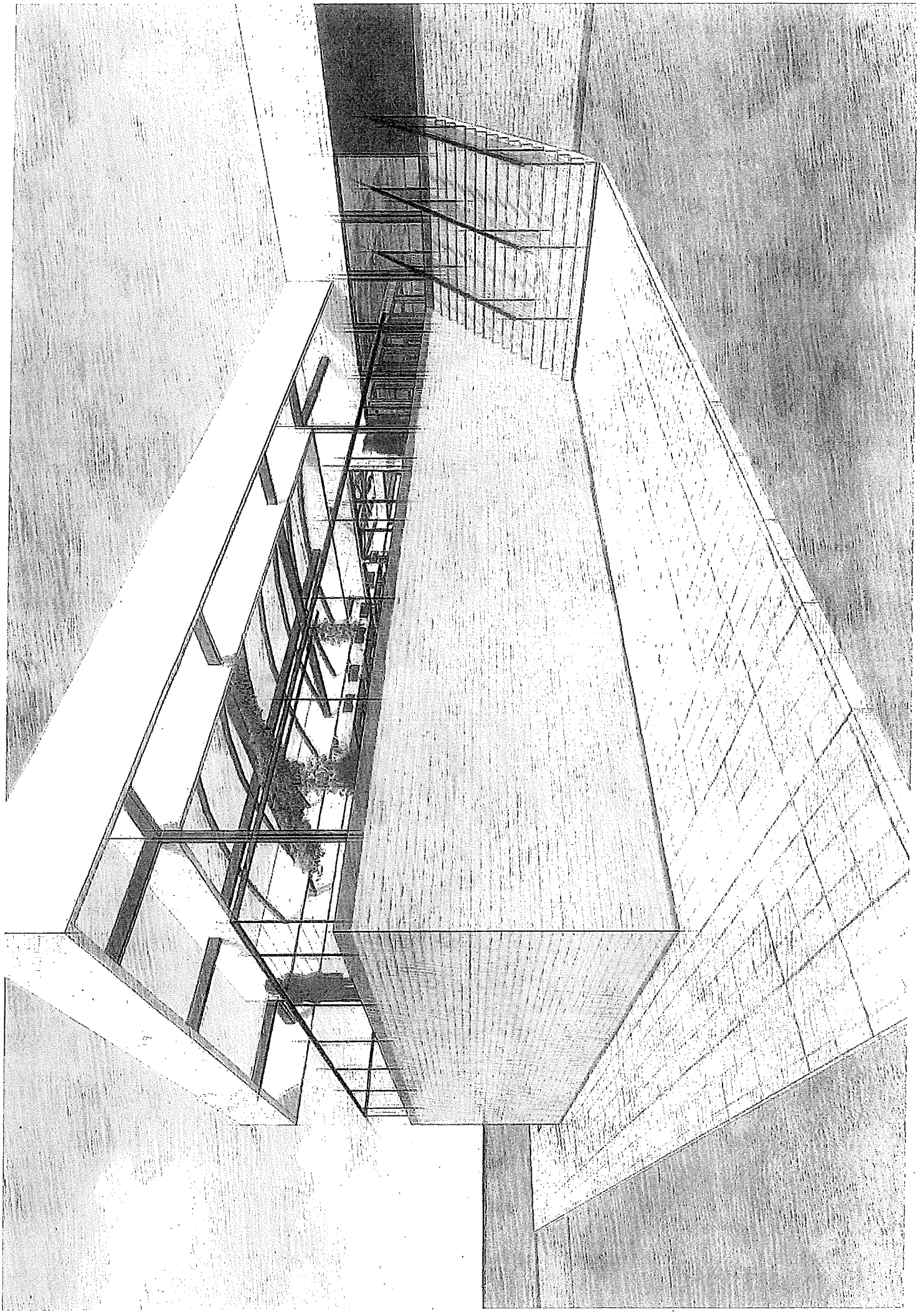
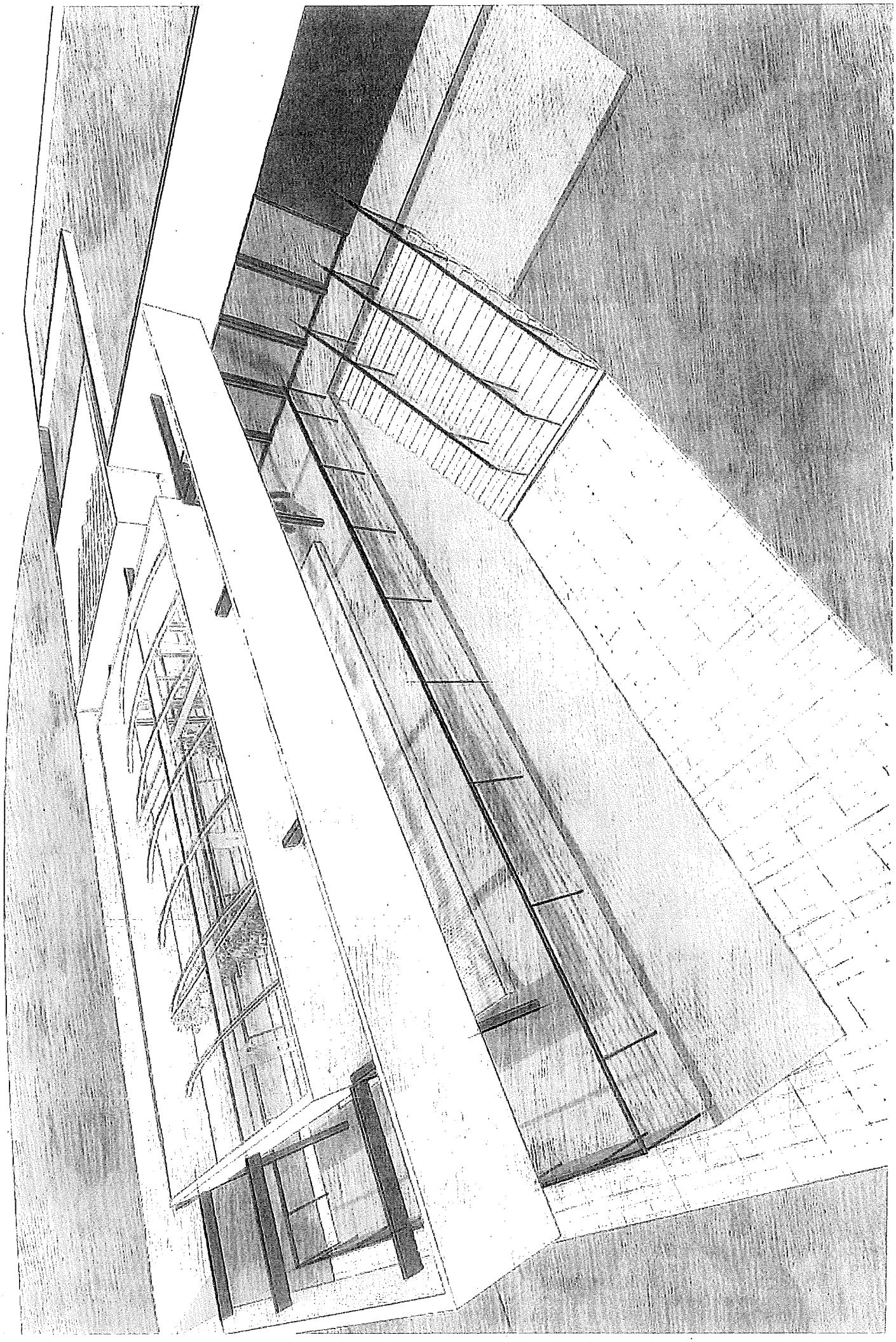
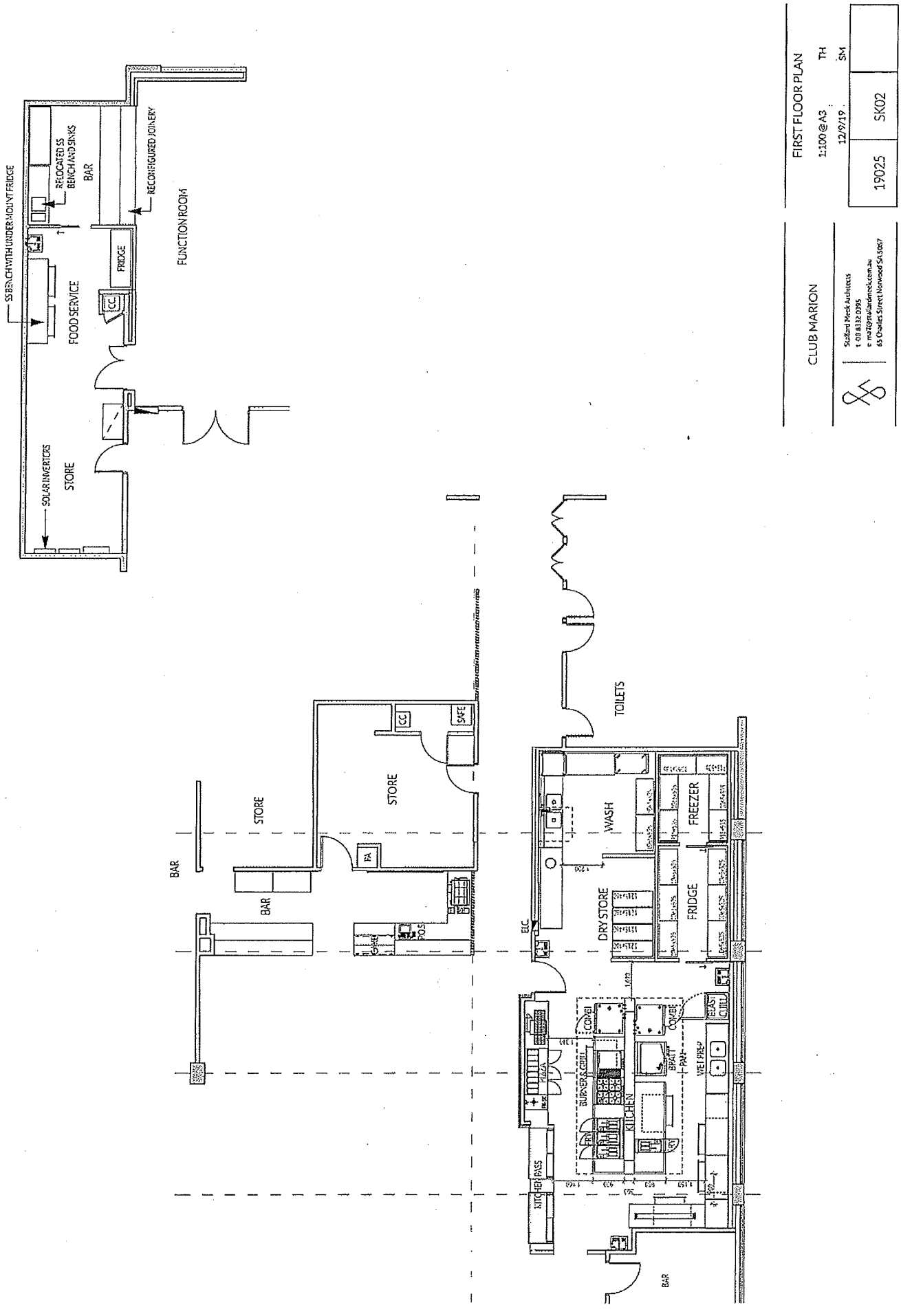
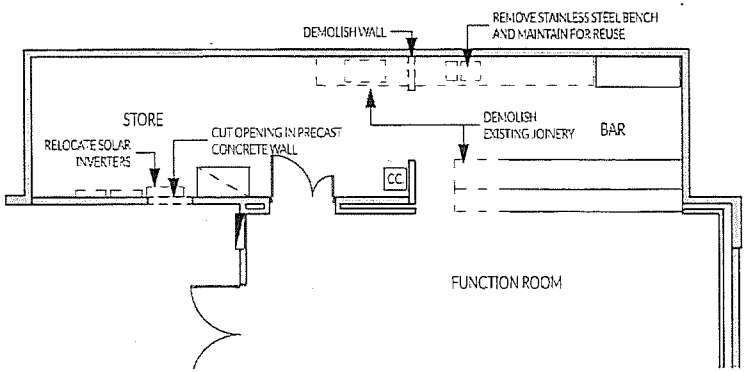
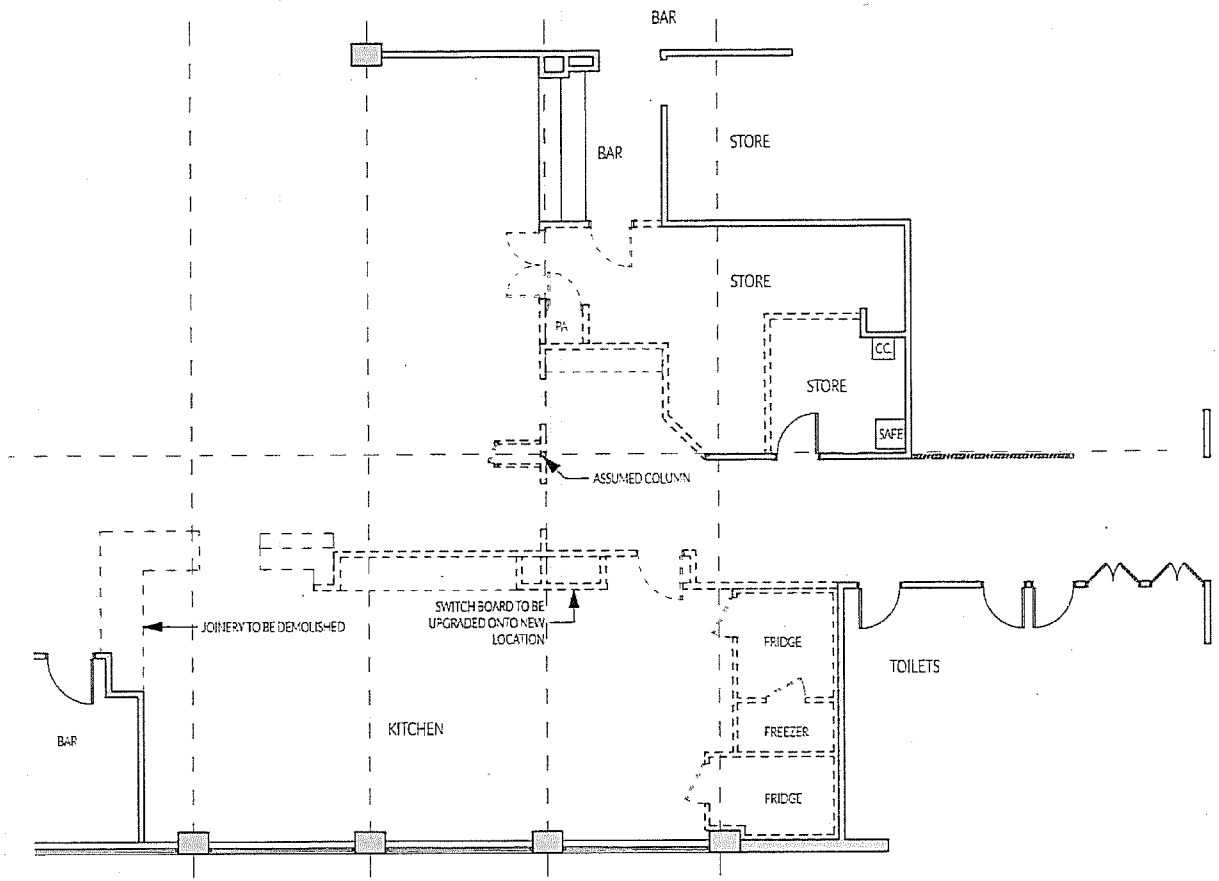







SS BENCH WITH UNDER MOUNT FRIDGE
RELOCATED SS BENCH AND SINKS
BAR
RECONFIGURED JOINERY
FRIDGE
FUNCTION ROOM
FOOD SERVICE
SOLAR INVERTERS
STORE
STORE
STORE
SAFE
BAR
BAR
TOILETS
WASH
FREEZER
DRY STORE
FRIDGE
KITCHEN
BAR
FIRST FLOOR PLAN
1:100@A3
12/9/19
TH
SM
19025
SK02
CLUB MARION
Stafford Meek Architects
t. 08 8332 0395
e. mail@staffordmeek.com.au
65 Charles Street Norwood SA 5067





CLUB MARION

Stallard Meek Architects
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e: mail@stallardmeek.com.au
65 Charles Street Norwood SA 5067

DEMOLITION PLAN

1:100 @ A3 TH

12/9/19 SM

19025	SK01	

ABSDA ACCREDITED

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Proposal for Kitchen Area/front of house:
All sizes subject to final site survey.

KITCHEN:
ELECTROLUX 2x 10 TRAY COMBI OVEN STAND AND RO SYSTEM
ELECTROLUX 1x 6 TRAY COMBI OVEN STAND AND RO SYSTEM AND STACKING KIT
ELECTROLUX 10 TRAY BLAST CHILLER
ELECTROLUX 90 LTR BRATT PAN THERMA
ELECTROLUX FOUR BURNER OVEN RANGE 900 series gas
ELECTROLUX CHARGRILL 900 series gas 400 WIDE
ELECTROLUX GRIDDLE 900 series gas 800WIDE
SIMPLY STAINLESS-STEEL WALL BENCHES (4x 1500, 4x 900 4x 350 subject to final site survey)
ANETS FRYER, FILTER SYSTEM 3BANK
ANETS CHIP DUMP
ANETS SINLGE FRYER (re use existing unit)
ADANDE FRIDGE FREEZER DRAWER SYTEM (double drawers qty 4)
HAND SINK (qty 3)
SIMPLY STAINLESS-STEEL DOUBLE BOWL SINK
SIMPLY STAINLESS-STEEL DISHWASHER ENTRY SINK
CULINAIRE SPINE WALL
PRE-RINSE ARM
ELECTROLUX PASS THROUGH DISHWASHER
CONDENSATE CANOPY
METRO SMARTWALL DISH STORAGE SOLUTION (qty 2)
SIMPLY STAINLESS-STEEL DISHWASHER EXIT BENCH
METRO STORGARE RACKING
SIMPLY STAINLESS-STEEL SINK
HALTON EXTRACTION SYTEM
CULINAIRE HOTCUPBOARD AND HEATED PASS TIMBER CLAD AND STONE TOP (6 bay)
CULINAIRE REFERGEATIED PASS TIMBER CLAD AND STONE TOP (6 bay)
KOLDTECH PIZZA PREP FRIDGE
WOODSON PIZZA CONVEYOUR

DRYSTORE/OFFICE/CLEANERS ROOM
CLEANERS SINK
LOCKERS
METRO STORAGE RACKING (qty 4 subject to final site survey)

COLD AND FREEZER ROOM.
COMPLETE NEW ROOMS TO INCULDE FLOORS, WALLS, CELINING, AND REMOTE COMPRESORS ON THE ROOF.
METRO STORAGE RACKING (qty 12 subject to final servery)

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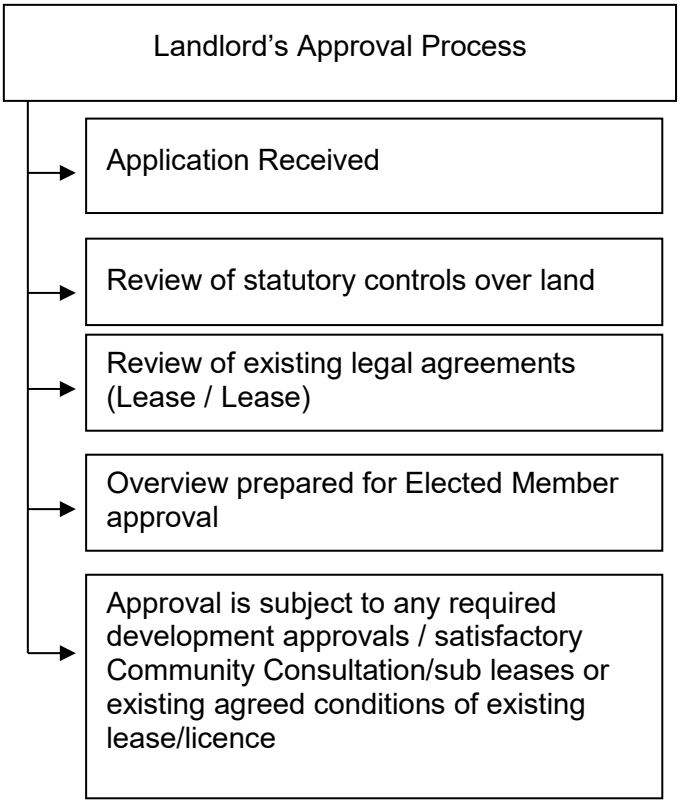
BAR AREA.
COFFEE MACHINE (re use existing)
KOLDTECH CAKE DISPLAY
KOLDTECH HEATED DISPLAY
POS by others

BUDGET COSTS.
KITCHEN $250K
FRONT OF HOUSE $70K
MECHNICAL EXTRACTION $49K
REFERGERATION PLANT $59K
COLD ROOM AND FREEZER ROOM $26K
INSTALLTION To services within 1 metre. $6
REMOVAL OF OLD EQUIPMENT INCLUDING DISPOSAL $5
BUILDING, PLUMBING, ELECTRICAL, DECORATION To be confirmed.
FLOORING AND WALLS TO KITCHEN AREA $58K
BAR AREA FLOORS AND WALL COVERING $13K
ARCHITECTS PLANS, DEISGIN APPROVALS COUNCIL, HRYDRALIC PLANS, STRUCTURAL $18k
LOAN OF EQUIMENT WHILST CLOSED INCLUDING TEMPARY INSTALLTION $12K

TOTAL. $566k

ALL PRICES SUBJECT TO GST.

Appendix 3 - Landlord's Approval Process Flowchart



Tarnham Road and Seaview High School Sports Facilities

Originating Officer	Community Facilities Planner - Sean O'Brien
Corporate Manager	N/A
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC191210R10

REPORT OBJECTIVE

This report provides an update on the Council resolutions of 26 March 2019 (GC260326R06) for the Seaview High School and Tarnham Road Reserve Sport and Community Facilities Project.

This report Includes

- Feedback on the outcome of the grant application to the Office for Recreation, Sport and Racing
- Discussion of Seaview High Schools intent to withdraw from the project
- Progress on directions for Tarnham Road Reserve in regards to the potential partial sale of the western half of the Tarnham Road Courts and retention of the Eastern half for open space and court refurbishment

EXECUTIVE SUMMARY

In March GC260319F04 Council resolved to further consider development of a multi-purpose facility to support community use of redeveloped tennis and netball courts and playing fields at Seaview High School subject to a grant application for $1million to the Office for Recreation, Sport and Racing (ORSR).

On 10 September 2019 the ORSR advised Council that "....on this occasion the project has not been recommended for funding. Through the 2019-20 Round of the Community Recreation and Sport Facilities Program the total amount requested far outweighed the funds available."

In consideration of the unsuccessful application a number of options for development of the Seaview High School and Tarnham Road sites were discussed by the Infrastructure and Strategy Committee (ISC191001R05).

The preferred direction discussed through the Infrastructure and Strategy Committee including:

1. A clubroom on the school site to support community use of the schools playing fields
2. Four multi purpose courts and open space development of the eastern side of Tarnham Road Reserve
3. Subdivide and sell the land at western end of Tarnham Road Reserve

Following the Infrastructure and Strategy Committee meeting on 1 October 2019 these preferred options were discussed in a meeting with Seaview High School. The school indicated at the meeting that the clubroom would not be of use to the school without the court redevelopment and their intention is to withdraw from the project.

As the progression of the clubrooms on the school grounds is surplus to both Council and the Schools needs it is recommended that Council continues to progress directions 2 and 3 (above) in relation the redevelopment of the Tarnaham Rd courts and provision of open space amenities on the eastern side of Tarnham Road and explore the potential sale of land at the western end of the reserve.

RECOMMENDATION

That Council

1. **Notes the report.**

2. **Approves progress of the redevelopment of the Tarham Road Reserve with four multi purpose courts and open space development of the eastern side of Tarnham Road Reserve and subdivision and sale of the land at western end.**

3. **Notes the estimated budget for the proposal is $1,745,000;**
   - **$1,640,000 to develop the eastern half of Tarnham Road as tennis courts and open space;**
   - **$105,000 to create six residential allotments on the western side;**
   - **$1,000,000 estimated total gross sale price;**
   - **$745,000 investment in addition to the sale revenue to deliver the project.**

8. **Endorses development of a concept design and cost estimates for the 2020/2021 financial year for the redevelopment of the eastern half of Tarnham Road Reserve to be brought to Council.**

9. **Notes a further report will be brought to Council providing details on the potential sale of the western half of Tarnham Road Reserve.**

10. **Authorises administration to write to Seaview High School advising them of Council's decision and thank them for their involvement and cooperation in exploring the opportunity for developing shared school and community facilities.**

Liveable: L1 We will make our services, facilities and open spaces more accessible

DISCUSSION

Background

At the 26 March 2019, General Council Meeting, Council resolved:

That Council:

1. *Endorses, in principle, the redevelopment of the courts at Seaview High and to build a multi-purpose facility to support community use of the courts and playing fields in partnership with the Department of Education.*

2. *Requests Administration bring a further report to Council in regards to the potential partial sale of the western half of the Tarnham Road Courts and retention of the Eastern half for open space*

3. *Notes Department of Education current commitment of $500k subject to matching funding by the Council*

4. *Notes the current funding gap in the order of $2.2 Million required to fully fund the project*

5. *Authorises Administration to Lodge a grant application of up to $1 Million to the Office of Recreation Sport and Racing to seek partnership funding*

6. *Requests a further report be brought to Council detailing:*

   - The outcomes of the grant application
   - Capital project costs and Whole of life costs
   - Funding model
   - Council's capacity to fund the project

- *Notes a further report will be brought to Council for consideration of the management agreement with the school in August 2019*

An application for $1 million was submitted to the Office for Recreation, Sport and Racing (ORSR) Community Recreation and Sport Facilities Program (CRSFP). The ORSR advised on 10 September that the application was unsuccessful.

The feedback from ORSR highlighted the budget for the CRSFP was reduced by the State Government from $4.3M to $3.6M. The $1 million request from the CRSFP for the Seaview HS project was too high in the mix of funding requests. (27% of the total budget)

Seaview High School

In consideration of the unsuccessful application the Infrastructure and Strategy Committee meeting (ISC191001R05) reviewed a number of options to progress the project, these included:

1. Continue to hold the project and reapply for funding through the ORSR Football, Cricket, Netball Grassroots Program
2. Fully fund the project
3. Focus on the redevelopment of Tarnham Rd
   - Sell western side of reserve and develop eastern side of the reserve as recreational open space;
   - Sell western side of reserve and develop the eastern side with 4 courts for club and community use
   - Retain entire open space area for development. Develop eastern side of the reserve as recreational open space. Develop 4 courts for club and community use on the western side;
   - Retain a portion of the site as open space and investigate options to improve and include parking in the area.

The preferred solution identified at the Infrastructure and Strategy Committee meeting included:

- A clubroom on the school site to support community use of the schools playing fields
- Four multi purpose courts and open space development of the eastern side of Tarnham Road Reserve
- Subdivide and sell the land at western end of Tarnham Road Reserve.

Following the Infrastructure and Strategy Committee meeting on 1 October 2019 further discussions with the school indicated the clubroom would not be of use to the school without the court redevelopment and the intention of Seaview High School is to formally withdraw from the project.

Tarnham Road Investigations
Tarnham Road Reserve (the Reserve) is an irregular shaped reserve of 5,411 square metres. Situated on the Reserve are eight tennis courts, club building and other site infrastructure.

There are no encumbrances shown on the Certificate of Title and no known trusts, dedications or restrictions. There may be minor encroachments on the road reserve. Council does not have any records that indicate that the Reserve is contaminated.

The Valuer General's value of the reserve for 2019/20 is listed at $1,475,000.

Tarnham Road Open Space and Multi-purpose Court Development

The preferred solution for redevelopment of the Tarham Road Reserve is four multi purpose courts and open space development of the eastern side of Tarnham Road Reserve and subdivision and sale of the land at western end.

Investigations into options for the Tarnham Road Courts including open space development has commenced. An initial review of open space indicates:

- A gap in supply of playgrounds in the area of Tarnham Road Reserve . While there is a gap in supply it is not imperative to build a playground. Other open space elements could be considered that would be suitable for youth and all ages play (including young children).

- As the open space is adjacent to a high school, a youth focussed development similar to recent upgrades at Glandore Oval may be appropriate or play elements that encompass all ages play.

- An area of approximately 2,500 – 3,000m2 would be the minimum recommended to develop the open space as a recreational reserve

- There is a low supply of tennis and netball courts between Seaview Road and Majors Road.

- Dover Square Tennis Club are in need of access to courts and the club intends to licence the use of the courts once constructed.

The club will use the courts for:
- Junior tennis every Saturday from 8.30am to 12.30pm
- Seniors 12.30pm to 6pm
- Training Wednesday afternoons

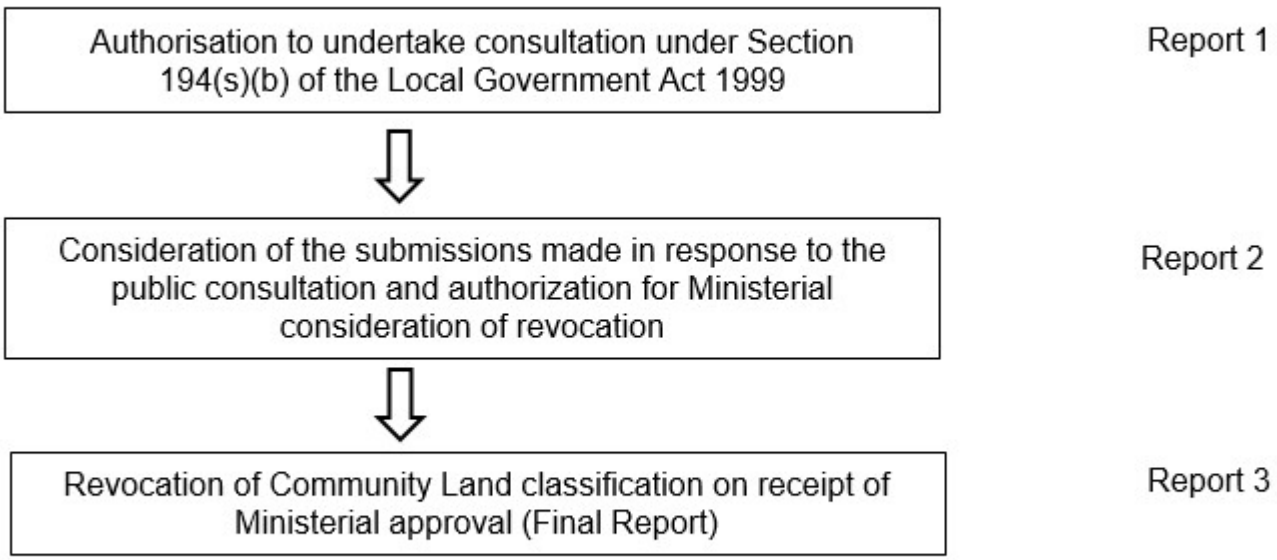
The region between Sturt Road and Majors Rd has eight community tennis courts at Tarnham Road Seacombe Heights and two multi-purpose courts at Sandery Street Reserve, Seacombe Gardens

Community Land Sale Process

The Reserve is classified as Community Land under the Local Government Act and is contained in Community Land Management Plan 7 – General sporting or recreational facilities.

The Community Land classification must be revoked before portion of 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 is as follows:



To consider the disposal of the property, Council needs to determine whether the 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 forms 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 maps (Appendix 1 and 2) show open space in Seacombe Heights and the 400m and 500m radius from nearby reserves. This map highlights that there is a small shortfall of open space in this immediate area. The second map shows all open space in Seacombe Heights.

The removal of the reserve will leave a shortfall of open space in the northern part of Seacombe Heights. Playground mapping also shows a lack of playground provision in the area. Should the western portion of the reserve be sold, the whole or portion net proceeds could be allocated to the development of the eastern portion to be retained by Council.

Land Division of the Western Portion of the Reserve to Create Residential Allotments

Investigations will need to be undertaken to determine the maximum number of allotments that can be created. The zoning of this land is Residential (Hills) Policy 11 and the current land use is tennis clubroom. A development application will be required for the change of land use should a portion of the reserve be sold for residential purposes.

The sewer main does not traverse past the western portion of the Reserve on the Grafton Street frontage. This will impact on the potential development of the reserve.

Electricity supply is currently not provided to the western portion of the reserve.

It is recommended that a Planning Consultant is engaged to provide Council with advise as to how to maximise the outcome for Council should the land be divided into residential allotments for sale by Council.

Legal advice provided to Council states that the sale of reserves is a taxable supply. This means that 1/11th of the sale price must be submitted to the Australian Tax Office (ATO) by Council or may be submitted to the ATO by the Purchaser's Conveyancer at settlement

Regulated tree

There is a regulated tree on the southern side of the Reserve opposite 5 Grafton Street. The presence of the regulated tree may impact on the size of the allotment to be created in this location.

Contamination

Under the Environment Protection Act 1993, Council may be held liable for site contamination as the occupier or person in charge of the land. Should Council consider alternative uses of the site, it is recommended that soil tests be undertaken to determine whether the land is contaminated, what remediation is required to and to prepare a risk management plan if it is deemed necessary.

Financial Considerations

There is currently no funding source identified for developing the eastern half of Tarnham Road.

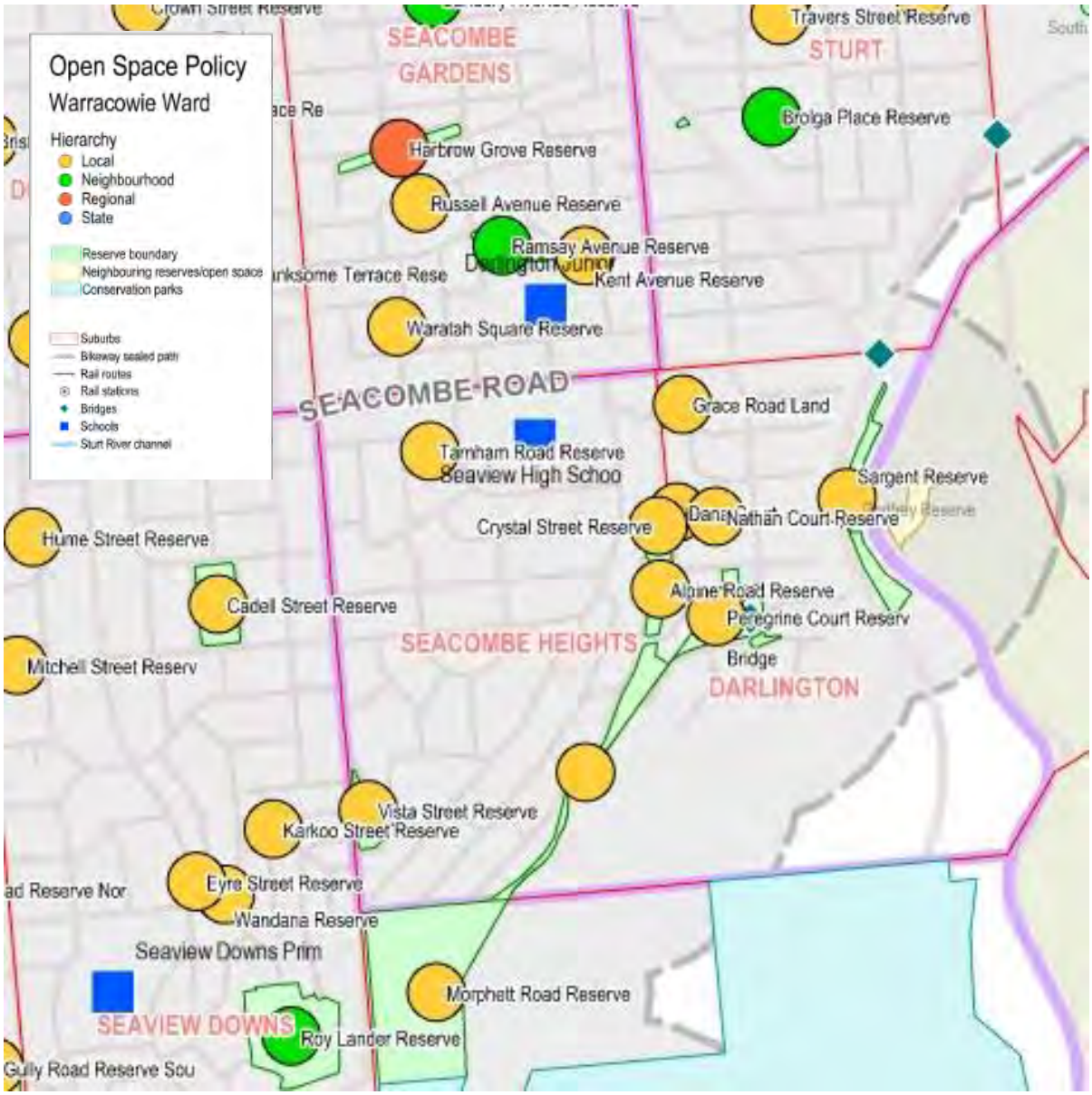
The cost estimate for development of the eastern half of for Tarnham Road as tennis courts and open space is estimated at $1,745,000

The estimated costs to create six residential allotments on the western side is $105,000 with an estimated total gross sale price of $1,000,000. It is recommended that these funds are allocated to the delivery of the project offsetting Councils investment to approximately $745,000.

Attachment

#	Attachment	Type
1	Map showing open space in Seacombe Heights	PDF File
2	Map showing 400m and 500m radius of other reserves in the area	PDF File

Provision of Open Space in Seacombe Heights



500m radius
400m radius
DANAE ST
HOPE ST
DUNEDIN ST
FELIX ST
MARY ST
SEAFORTH AVE
SEAVIEW RD
TARNHAM RD
KIANA ST
WARUNDA AVE
WILSON AVE
DENA AVE
TRUSCOTT AVE
GRANDVIEW CRES
HALE ST
SNOWDON AVE
GALLIPOLI CRES
BRAESIDE AVE
CRYSTAL ST
DANA CRT
AARON AVE
GRACE RD
GRAHAM RD
PORTLAND AVE
TORQUAY RD
KENT AVE
MILLER ST
WENTWORTH ST
PLYMOUTH AVE
BAY ST
GREGORY ST
HURST ST
IRWIN ST
GAWLER ST
CLEVE ST
PEREGRINE CT
HAWKVIEW CRES
EAGLE RS
CAMELOT CRES
JAMES ST
STELLA ST
MOSTYN RD
KATE ST
DIAGONAL RD
CULVERT AVE
0

Lonsdale Residential DPA

Originating Officer	Senior Policy Planner - David Melhuish
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC191210R11

REPORT OBJECTIVE

To provide Council with an overview of proposed amendments to the Marion Council Development Plan as detailed in the Lonsdale Residential DPA (Ministerial) and to seek the Council's views on the draft response to be submitted to the State Planning Commission with respect to the proposed amendments.

EXECUTIVE SUMMARY

The Minister for Planning has released the Lonsdale Residential DPA for public and council consultation and is seeking council's comments on the DPA.

The DPA proposes the rezoning of the Adelaide Development Company (ADC) land at Hallett Cove/Lonsdale to Residential - Lonsdale Policy Area 9.

A previous proposal to rezone this land was not supported by Council as it only addressed that section located within the Marion Council. The entire parcel of land (sections located in both Marion and Onkparinga Councils) is now being considered.

The rezoning will allow the land to be integrated with the existing residential area to the north whilst seeking mitigation of impacts from industrial land to the south.

RECOMMENDATION

That Council:

1. **Considers the Lonsdale Residential DPA (Ministerial) as in Attachment 1**
2. **Endorses the draft written submission to the State Planning Commission as in Attachment 2**

GENERAL ANALYSIS

The Minister for Planning released the Lonsdale Residential DPA for consultation on 25 October 2019.

The DPA proposes changes to the Marion Council and Onkaparinga Council Development Plans to facilitate development of underutilised land owned by the Adelaide Development Company (ADC) at Lonsdale/Hallett Cove for a range of housing types together with open space, while managing potential impacts from adjacent and nearby industrial and employment activities and on adjacent coastal land. A community information brochure, providing a summary of the proposal, is provided in Attachment 3.

The Lonsdale area has long been established with industrial activities and significantly, the former Port Stanvac Oil Refinery. The refinery has been replaced by the Adelaide Desalination Plant. The subject site was previously zoned to provide a buffer from the impacts of the refinery on residential development to the north in Hallett Cove. With the closure of the refinery these impacts and environmental risks have been significantly reduced and opportunity exists to review the development potential of the land for residential uses.

The DPA proposes the following changes to the Marion Development Plan:

- Rezoning the majority of the land owned by ADC in Marion Council from Open Space - Hallett Cove Buffer Policy area to Residential Zone and introducing a new Lonsdale Policy Area 9 to facilitate a range of housing at low to medium densities, together with open space.

- Rezoning the portion of land owned by ADC that is located within 100 metres of the coastal clifftop to 'Coastal Conservation Zone' in order to maintain an appropriate erosion buffer from the development to the coast.

- Rezoning the adjacent Marion Council owned Hallett Headland Reserve in the area affected from Open Space to 'Coastal Conservation Zone' to ensure its ongoing conservation.

- Introducing a new policy framework for proposed residential land in the area affected that:

- includes a Statement of Desired Character to, among other things, to ensure a consistent character and connections with adjacent residential development at Hallett Cove
- encourages development of a range of housing types, including detached , semi-detached, group dwellings, row dwellings and residential flat buildings, and dwellings up to two storeys where appropriate and having due regard to site gradient and slope
- includes requirements to manage potential impacts at the interface between new residential development and industrial and employment activities in the wider Lonsdale area as well as adjacent coastal areas

The DPA also proposes minor changes to the Residential Zone and some of the General Policy Modules within the Development Plan (Land Division, Landscaping, Fences and Walls, Open Space and Recreation, Supported Accommodation) to ensure the most up to date policy is included in the Development Plan and provide cross reference to the new policy area.

The DPA further proposes rezoning the portion of the area affected in Onkaparinga Council from Urban Employment to 'Residential Zone/Lonsdale Policy Area'. The policy within the proposed Lonsdale Policy Area, apart from a few matters that reflect slightly different approaches between the two existing development plans, will be the same for both Councils.

At 13 October 2015 Council meeting, Council showed support for the rezoning of the portion of ADC land within Marion Council but was of the opinion that it would be better for the whole of the ADC land to be rezoned at the same time, to ensure that the layout of future development would be appropriately integrated/planned. Council resolved that the matter be adjourned until discussions had taken place with Onkaparinga regarding the development of that part of the ADC land within its Council area.

Since that time, ADC requested that the Minister give consideration to preparing a DPA to more fully investigate rezoning of the whole of the ADC given its location within the two councils.

<u>Investigations</u>

A number of investigations have been undertaken on behalf of the land owner to consider the suitability of the land for residential purposes. They include:

- *Preliminary Design Concepts (to guide other investigations)*
- *Preliminary Geotechnical Investigations (subsurface conditions)*
- *Preliminary Site Investigations (determine evidence of contamination)*

- *Noise Assessment (potential impacts of existing industrial activities)*
- *Infrastructure Report (clarifies utilities infrastructure requirements)*
- *Traffic Impact Assessment (considers impacts of additional traffic generated by area being developed)*
- *Proposed zoning, land use and built form (policy framework based on 'Foothills and Seaside Policy Area 23' covering existing residential areas to the north in Hallett Cove)*
- Interface between land uses

The investigations have shown that the land is suitable for residential purposes, subject to meeting a number of requirements.

Zone boundary anomaly

A mapping inconsistency currently exists in both development plans whereby the development plan and local government area boundaries do not align with the cadastral boundary. This anomaly is to be corrected as part of the DPA.

Boundary realignment

Whilst the DPA will seek to address the issue of continuity of zoning within the two councils in the area affected it will not address the area being split between councils. It is noted that following any planning amendment resulting from the DPA, a local government boundary change may be referred to the South Australian Local Government Boundaries Commission to amend council boundaries so that the affected area falls entirely within one or the other of the councils.

Planning Reforms

It is likely that the zoning indicated for the residential area immediately north of the site in Hallett Cove in the Planning and Design Code (General Neighbourhood Zone) would be applied to this land when transitioned to the new system.

Urban Planning Committee (UPC)

Due to the timing of the new Committee forming and other Council business, the UPC were unable to meet to discuss this DPA. However, via email, the Chair of the UPC provided the following comments with a staff comment added:

1. Open space - as much as possible of the 12% land contribution to Council should be the coastal land so that we can preserve more of the native vegetation and increase the current coastal park in that area.

Staff comment:
Open space will be negotiated during the land division process. The preliminary design concept plan within the DPA shows a strip of open space abutting the coastal reserve.

2. Buffer area - I would like to see decent area of landscaped vegetation along the north side of Sigma Road. This will reduce industrial noise and road noise and if designed correctly will reduce illegal dumping.

Staff comment:
The above mentioned concept plan shows a 15m landscaped buffer to the north of Sigma Road. Policy within the Desired Character Statement for the Lonsdale Policy area seeks mitigation of noise and other impacts from activities in the Lonsdale area by means of a minimum 4m high acoustic barrier (mounding, masonry, steel fencing) and the provision of landscaping. Again this buffer area (which is currently within Onkaparinga Council) will be negotiated during the land division process.

3. Housing diversity - support a mix of block sizes to encourage a range of house types including courtyard style and row housing.

Staff comment:
The new Policy area seeks a mix of housing types and densities.

4. Road access - as Burlington Rd will be the main access road it would be nice to look at a wider road with streetscape to make more of an entry statement near Freebairn Dr. to avoid car parking issues.

Staff comment:
This is an issue that can be negotiated during the master planning/land division process.

5. Consider option of a emergency vehicle access to Sigma Road should this ever be required by Council.

Staff comment:
This is an issue that can be negotiated during the master planning/land division process.

6. Future amenity - consideration of future community need in 20 to 40 years. Walking trail - toilet, car parking, cafe/kiosk

Staff comment:
The preliminary design concept plan shows a pedestrian network through the site and linkages to the coastal reserve. The community facilities and car parking are matters that could possibly be provided within the coastal reserve in the future, gaining access off Sigma Road.

Planning Reforms

It should be noted that it is likely that the zoning indicated for the residential area immediately north of the site in Hallett Cove in the Planning and Design Code (General Neighbourhood Zone) would be applied to this land when transitioned to the new system. The DPA and impacts of the implementation of the new code will be discussed with DPTI.

DISCUSSION

The policy framework for proposed Lonsdale Policy Area 9 is based on 'Foothills and Seaside Policy Area 23' which was recently introduced by Part 1 of the Housing Diversity DPA in August 2019. The majority of Hallett Cove, in particular the residential area directly to the north of the affected area, is now covered by Policy Area 23.

The only difference between Foothills and Seaside Policy Area 23 and proposed Lonsdale Policy Area 9 is the content of the 'Desired Character'. The Lonsdale Policy Area recognises the need to address potential impacts from the industrial/employment activities to the south, the consideration of Water Sensitive Urban Design throughout the policy area, the opportunity for higher density dwellings adjacent areas of public open space and protection of natural features, including the coast..

The choice of zone/policy area will provide continuity between the ADC site and the existing residential area to the north. Rezoning the entire ADC site will ensure a better planned development of the land that can more efficiently manage impacts from beyond the site.

The proposed rezoning of the land within 100 metres of the coastal clifftop to Coastal Conservation Zone will provide an appropriate erosion buffer and ensure its ongoing conservation.

Attachment

#	Attachment	Type
1	Lonsdale Residential DPA - consultation 2	PDF File
2	GC191210 - Lonsdale Residential DPA - letter to the Minister	PDF File
3	Community-Information-Lonsdale-Residential-DPA	PDF File

Development Plan Amendment

By the Minister

Marion Council
Onkaparinga Council
Development Plans

Lonsdale Residential Development Plan Amendment

Executive Summary and Analysis

For Consultation

Government of South Australia
Department of Planning, Transport and Infrastructure

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THE AMENDMENT

DEVELOPMENT PLAN AMENDMENT SUMMARY

1 INTRODUCTION

The Minister for Planning has released the Lonsdale Residential Development Plan Amendment (DPA) for consultation.

The DPA proposes changes to the **Marion Council** and **Onkaparinga Council** Development Plans to facilitate development of underutilised land owned by the Adelaide Development Company (ADC) at Lonsdale for a range of housing together with open space, while managing potential impacts from adjacent and nearby industrial and employment activities and on adjacent coastal land.

If approved, the DPA will be consolidated into the Marion Council and Onkaparinga Council Development Plans and used by relevant planning authorities to assess development applications.

HAVE YOUR SAY

The Development Plan Amendment (DPA) is on consultation for eight weeks.

Submissions are due by Wednesday 18 December 2019.

The Chair, State Planning Commission, c/- Department of Planning, Transport and Infrastructure:

- **by post: GPO Box 1815, Adelaide SA 5001, or**
- **by website: www.saplanningportal.sa.gov.au/en/consultation**

The State Planning Commission has been established to act as the state's principal planning advisory and development body. The Commission will provide advice to the Minister on the DPA.

The Commission will hold a public meeting on **Thursday, 16 January 2020,** where a submission indicates that a person wishes to be heard.

If you would like more information on the DPA, a public information session will be held on:

When: 11.00am to 2.30pm, Saturday 23 November 2019
Where: Cove Civic Centre, 1 Ragamuffin Drive, Hallett Cove

Or you can contact the Department for Planning, Transport and Infrastructure on **1800 752 664**

Public submissions will be made available on **Thursday 19 December 2019** following the consultation period until the public meeting on Thursday 16 January 2020.

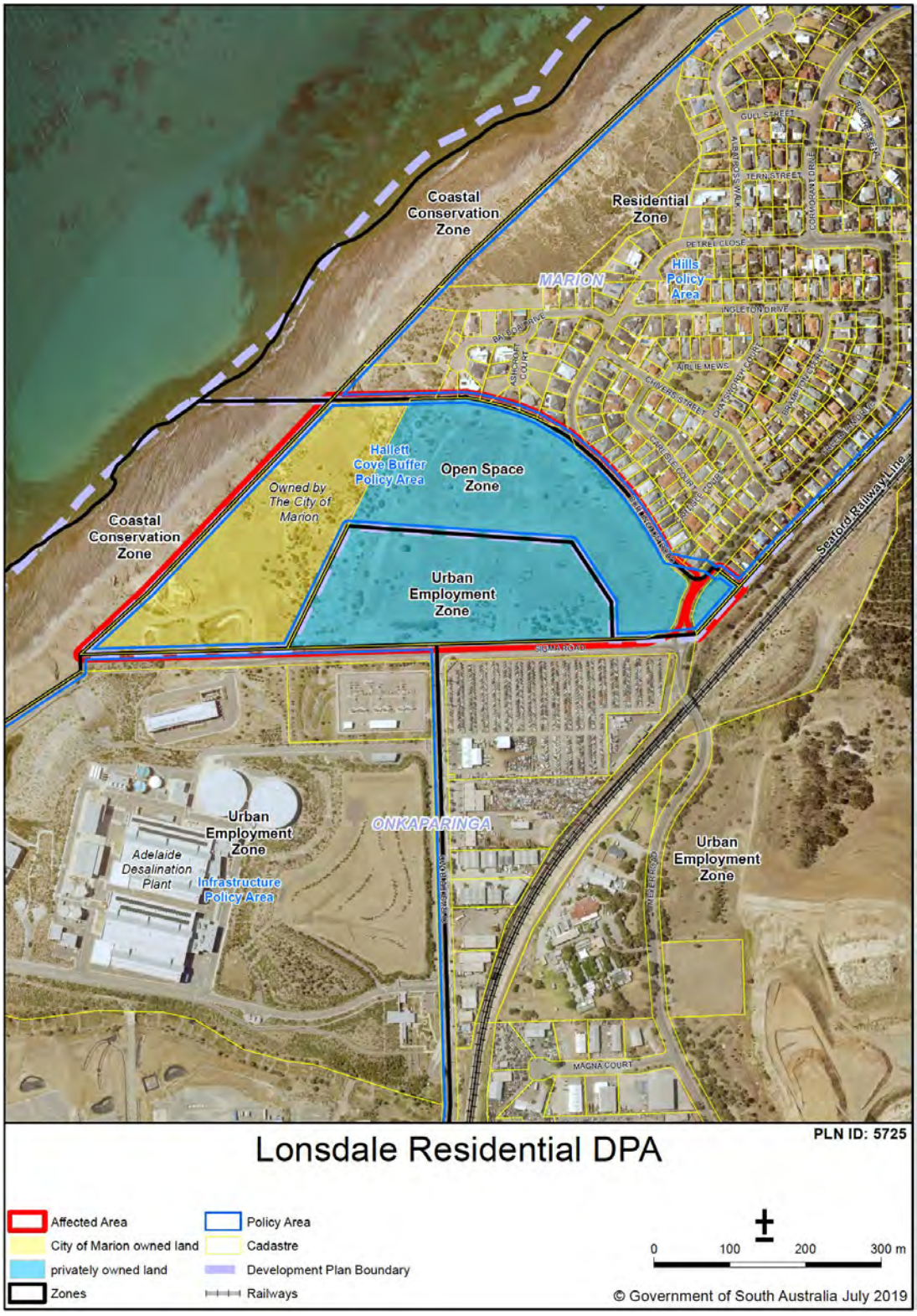
Following receipt of the Commission's advice, the Minister will decide whether to approve, amend or refuse the DPA.

This Summary is for information only and does not form part of the formal Amendment to the Development Plan.

2 THE AREA AFFECTED BY POLICY CHANGE

The area affected by this DPA comprises two allotment pieces totalling approximately 12 hectares owned by the Adelaide Development Company (ADC) and straddling the Onkaparinga and Marion Council boundary, as well as 6 hectares of land owned by the City of Marion (Marion Council) to the west of ADC's land, as indicated in **Figure 1** below.

Figure 1 – Map of Area Affected



The area affected is generally bound by Burlington Road and existing residential development to the north and north-east, Freebairn Drive to the south-east, Sigma Road to the south, and coastal land to the west and north-west. The area affected also includes a small piece of land of some 2,300 square metres east of Freebairn Drive and west of the Adelaide-Seaford rail corridor.

Of the 18 hectares affected by this DPA, almost 13 hectares of the area affected lies within the Marion Council and is zoned Open Space and almost 5.4 hectares is located with the City of Onkaparinga (Onkaparinga Council) and is zoned Urban Employment.

The Field River also flows approximately 700 metres to the north-east of the area affected, while the coast is located some 80 metres to the west at its closest point. The Adelaide-Seaford rail line lies in close proximity to the east.

Land in the area affected owned by ADC is not currently developed but contains some scattered vegetation and an earth mound running along the Marion / Onkaparinga Council boundary, providing a buffer between the residential development to the north and industrial activities to the south of Sigma Road. With the exception of the existing earth mound, this land is relatively flat and generally grades downwards from the south-east to north-west, with site levels varying between 44 metres Australian Height Datum (AHD) to 68 metres AHD.

Steeper land exists to the west of ADC's land toward the coastal open space owned by Marion Council and the ocean. The land owned by Marion Council forms part of the wider Hallett Headland Reserve and includes coastal walking trails as well stormwater infrastructure in the southern portion of the reserve.

3 WHY WE ARE CHANGING PLANNING POLICY

The Lonsdale area has been long established with industrial activities, including manufacturing, services and trades, auto wrecking, waste management, mineral extraction and, significantly, the former Port Stanvac Oil Refinery site. The closure of the Port Stanvac Refinery in 2009 has since provided new development opportunities, including the Adelaide Desalination Plant (Desalination Plant) and the opening of access to coastal areas for the community.

Land immediately north of the former refinery site and the subject of this DPA was previously zoned to provide a buffer from the impacts of the refinery activities to the residential development further to the north at Hallett Cove. Approximately 12 hectares of the adjacent land is owned by the ADC, who previously developed the residential land further to the north at Hallett Cove.

However, with the closure of the refinery and the development of the Desalination Plant, these impacts and environmental risks have been significantly reduced and an opportunity now exists to review the future development potential of land contained within this buffer area for other land uses.

This review of planning polices provides an opportunity to investigate rezoning of this land for residential purposes to expand on residential development to the north, capitalising on the coastal location and access to public transport and employment opportunities. More specifically, the DPA will review the suitability of this land to support low to medium density residential development together with open space, considering the characteristics of the site, the surrounding land uses, proximity to the coast, infrastructure provision, linkages with existing open space areas and demand for residential development.

This review supports goals in *The 30-Year Plan for Greater Adelaide 2017* (30-Year Plan) to better utilise established urban areas and encourage economic and population growth.

Notably, the area affected is adjacent to a range of infrastructure, industry, environmental and mining activities, which are recognised to have potential impacts on sensitive residential development. It is also located in close proximity to sensitive coastal environments and conservation areas. The DPA will therefore examine the range and degree of potential interface impacts and consider policy responses to mitigate these as appropriate.

The DPA will also review a minor boundary anomaly whereby the Marion Council and Onkaparinga Council Development Plan boundaries do not align with the cadastral boundary of the subject land.

4 COUNCIL BOUNDARY REALIGNMENT

The boundary of both Councils currently bisects the area affected. Although this rezoning would result in an extension of an existing residential policy area in the Marion Council, it would also result in a new residential policy area for the Onkaparinga Council.

Currently, there is no zoning continuity between the affected area with distinctly different zonings being applied – Urban Employment (Onkaparinga Council) and Open Space (Marion Council). Whilst the DPA will seek to address this issue of continuity of zoning, both within the affected area and with the adjacent established residential area to the immediate north of the site, it will not address the area being split between councils, so there remains potential for disjunction.

It is noted that following any planning amendment resulting from the DPA, a local government boundary change may be referred to the South Australian Local Government Boundaries Commission (the Boundaries Commission) to amend council boundaries so that the affected area falls entirely within one or the other of the councils.

The Boundaries Commission would then consider any council boundary change proposal separate to this DPA and would do so using the process included in Chapter 3, Part 2 of the *Local Government Act 1999* (Local Government Act). The Boundaries Commission is the body established to undertake the initial assessment of council boundary change proposals, oversee investigations, and make recommendations to the Minister responsible for the Local Government Act.

The Boundaries Commission is required to assess any boundary change proposal in accordance with its published Guidelines to determine if it is in the best interest of the community and to ensure the proposal meets the requirements of the Local Government Act. Recommendations of the Boundaries Commission must have regard to the principles prescribed in section 26 of the Local Government Act.

The DPA consultation process presents the opportunity to seek comment on whether a change to council boundaries should occur to place the affected area entirely within one council area, and, if so, whether the affected area would be most appropriately placed within the Marion Council or the Onkaparinga Council, should any rezoning occur.

Under the Boundaries Commission's *Guideline 9 – Engagement and Consultation*, it can consider any previous engagement and consultation that has occurred regarding a council boundary change proposal, this would include consultation undertaken as part of the consultation on the DPA.

Further information on council boundary change proposals, including copies of the Boundaries Commission's Guidelines, can be found at www.dpti.sa.gov.au/local_govt/boundary_changes

5 SUMMARY OF THE PROPOSED ZONE CHANGES

The DPA is proposing to make changes to the Development Plans for the Marion and Onkaparinga Councils including:

Marion Council Development Plan

- Rezoning the majority of the portion of land owned by ADC in the Marion Council from Open Space - Hallett Cove Buffer Policy Area to Residential Zone and introducing a new Lonsdale Policy Area 9 to facilitate a range of housing at low to medium densities, together with open space

- Rezoning the portion of land owned by ADC that is located within 100 metres of the coastal clifftop to Coastal Conservation Zone in order to maintain an appropriate erosion buffer from development to the coast

- Rezoning the adjacent Marion Council-owned Hallett Headland Reserve in the area affected from Open Space to Coastal Conservation to ensure its ongoing conservation

- Introducing a new policy framework for proposed residential land in the area affected that:

    - includes a statement of Desired Character to, among other things, ensure a consistent character and connections with adjacent residential development at Hallett Cove

    - encourages development of a range of housing types, including detached, semi-detached, group dwellings, row dwellings and residential flat buildings, and dwellings up to two storeys where appropriate and having due regard to site gradient and slope

    - includes requirements to manage potential impacts at the interface between new residential development and industrial and employment activities in the wider Lonsdale area as well as adjacent coastal areas

- Updating a number of General policy modules to better align with the latest version of the South Australian Planning Policy Library (SAPPL)

- Applying the *Noise and Air Emissions Overlay* from SAPPL over the area planned for future residential development to mitigate interface issues with the Adelaide-Seaford passenger rail corridor and industrial and employment activities in the wider Lonsdale area

- Applying the *Affordable Housing Overlay* from SAPPL over privately-owned land in the area affected to encourage provision of affordable housing.

Onkaparinga Council Development Plan

- Rezoning portion of the area affected in the Onkaparinga Council from Urban Employment to Residential Zone and introducing a new Lonsdale Policy Area 69 to facilitate a range of housing at low to medium densities, together with open space

- Introducing a new policy framework for proposed residential land in the area affected that is consistent with policies proposed in the Marion Council Development Plan that:

    - includes a statement of Desired Character to, among other things, ensure a consistent character and connections with adjacent residential development at Hallett Cove

    - encourages development of a range of housing types, including detached, semi-detached, group dwellings, row dwellings and residential flat buildings, and dwellings up to two storeys where appropriate and having due regard to site gradient and slope

  - o includes requirements to manage potential impacts at the interface between new residential development and industrial and employment activities in the wider Lonsdale area as well as adjacent coastal areas

- Updating Concept Plan Map Onka/29 that currently applies to the Urban Employment Zone to remove the area affected

- Applying the *Noise and Air Emissions Overlay* from the SAPPL over the area affected to mitigate interface with the Adelaide-Seaford passenger rail corridor and industrial and employment activities in the wider Lonsdale area

- Applying the *Affordable Housing Overlay* from the SAPPL over the area affected to encourage provision of affordable housing.

6 LEGISLATIVE REQUIREMENTS

The DPA has been prepared in accordance with requirements of the *Development Act 1993* (the Act) and the *Development Regulations 2008*. The Act provides the legislative framework for undertaking amendments to a Development Plan. The Act allows either the relevant council or, under prescribed circumstances, the Minister for Planning (the Minister) to amend a Development Plan.

In this case, the Minister is undertaking the amendment because it relates to areas within two councils and is reasonably necessary to promote orderly and proper development within the relevant areas in accordance with section 24(1)(b)(i) of the Act.

Prior to the preparation of this DPA, the Minister received advice from a person or persons holding prescribed qualifications pursuant to section 26(3) of the Act.

ANALYSIS

1 BACKGROUND

In the late 1990s, the Hallett Cove Joint Venture (the Joint Venture), through ADC, developed significant portions of the Hallett Cove residential area. Development of this land included contributing significant areas of land to the Marion Council for public open space purposes, including the coastal reserve to the west.

More recently, the Joint Venture has developed additional residential land immediately north of the area affected by this DPA, linking with the wider Hallett Cove residential area.

ADC still holds some 12 hectares of vacant land adjacent the southern extremity of Hallett Cove at Lonsdale, which historically provided a separation buffer for when the former Port Stanvac Oil Refinery was in operation.

Following the closure of the Port Stanvac Oil Refinery in 2009 and completion of the Desalination Plant in 2013, ADC commenced discussions with both the Marion and Onkaparinga Councils regarding potential investigations into rezoning the land to support residential development.

While the Marion Council identified an opportunity to undertake a potential privately funded DPA process to investigate rezoning of the land as part of its last Development Plan Review, it was considered appropriate that the whole of the land be reviewed, including the portion in the Onkaparinga Council.

However, the Onkaparinga Council was in the process of commencing a region-wide employment lands study that included land in Lonsdale, and had not identified rezoning investigations for the subject land as a priority. Notably, however, the employment lands study that was later completed in 2016 identified the site as a 'change site' that has limited appeal for future industrial use, and therefore concluded that future rezoning to support residential use may have merit subject to appropriate investigations.

Consequently, ADC requested that the Minister give consideration to preparing a DPA to more fully investigate rezoning of the whole of the land for residential purposes given its location within the jurisdiction of two separate councils in accordance with section 24(1)(b)(i) of the *Development Act 1993*.

2 THE STRATEGIC CONTEXT AND POLICY DIRECTIONS

Various strategic documents have been considered in preparing this DPA, including overarching State Government strategies and plans produced by local government (refer to the References / Bibliography list for a comprehensive list of all publications considered). Additional information about the South Australian Planning System and links to relevant key strategic and demographic documents can be found at http://saplanningportal.sa.gov.au/home.

The Strategies and Plans that are most pertinent to planning policy are summarised below as they have a direct influence on the planning policy directions proposed in this DPA.

Key findings of other Strategic Plans of relevance, including local plans and directions, have been summarised in *Appendix 1 – Strategic Objectives and Priorities.*

2.1 Consistency with The 30-Year Plan for Greater Adelaide 2017

The Planning Strategy presents current State Government policy for development in South Australia based on key economic, social and environmental imperatives. It seeks to guide and coordinate State Government activity in the construction and provision of services and infrastructure. It also indicates directions for future development to the community, the private sector and local government.

The 30-Year Plan is the relevant volume of the Planning Strategy for South Australia and applies to areas affected by this DPA.

The 30-Year Plan identifies 6 targets, underpinned by a range of policies that will help measure progress on delivering a new urban form and how Greater Adelaide will become a more liveable, sustainable and competitive place. These are:

1. Containing our urban footprint and protecting our resources
2. More ways to get around
3. Getting active
4. Walkable neighbourhoods
5. A green liveable city
6. Greater housing choice.

More specifically, the following targets of the 30-Year Plan are supported by the DPA:

- 85% of all new housing in metropolitan Adelaide will be built in established urban areas
- 60% of all new housing in metropolitan Adelaide will be built within close proximity to quality public transport (rail, tram, O-Bahn and bus) by 2045
- Increase housing choice by 25% to meet changing household needs in Greater Adelaide by 2045.

The DPA seeks to deliver the targets of the 30-Year Plan by providing rezoning and opportunity for a diversity of housing to be developed on underutilised land within Adelaide's existing urban footprint and adjacent an established residential area and infrastructure.

The area affected is located adjacent open space, areas of employment and the Adelaide-Seaford rail corridor, providing access to a mass transit service.

The DPA will also provide additional residential land supply in southern Adelaide, which is fast diminishing in the context of supply across the Greater Adelaide region.

Targets and policies of the 30-Year Plan that are of particular relevance to this DPA are detailed in ***Appendix 1 – Strategic Objectives and Priorities.***

2.2. Integrated Transport and Land Use Plan for South Australia (2015)

The *Integrated Transport and Land Use Plan* (ITLUP) provides comprehensive actions and directions for land use, infrastructure and transport over the next 30 years. The focus is on connecting people to places and business to markets through three goals of:

- Healthy, safe, affordable, connected communities
- A strong, diverse and growing economy
- Thriving natural and built environments.

The area affected is located within an area identified in ITLUP as Outer Adelaide. Key directions for Outer Adelaide and the Greater Adelaide region are:

- An increasing focus on major urban centres and accessibility to these centres – building upon the electrification of the north-south backbone of the public transport system, a modernised and redesigned bus network with a focus on major activity centres, and supporting a more active city through better connected walking and cycling networks and walkable environments
- Giving businesses the efficient, reliable transport connections they need to deliver goods and services around the city and to interstate and international markets – a well-targeted package of investment in the North-South Corridor, Inner and Outer Ring Routes and intersection and road upgrades.

While ITLUP does not specifically reference the area affected by this DPA, it envisages further growth to occur in the southern suburbs linked to major upgrades such as the electrification of the Adelaide-Seaford rail line that runs adjacent the area affected to the east and upgrades to major train stations such as Noarlunga Centre, and recent duplication of the Southern Expressway. It also identifies a need to manage growth in a way that decreases the demand for longer car-based trips and providing more travel options for people without access to a car, including through:

- Making public transport a more attractive option for more people to increase patronage and enable us to offer more travel choices
- Encouraging and enabling more people to take up walking and cycling to boost the liveability, vibrancy and vitality of the suburban centres and improve our health and wellbeing
- Capitalising on recent and ongoing investments in the train network and maximise the use of existing rail assets, making them work harder to deliver
- Creating better connectivity and more reliable and more frequent services
- Reinforcing the bus network's core role, continuing to promote bus travel as a viable and positive choice for commuting to work and supporting the north-south backbone of the system in making trips to the CBD and across Adelaide.

ITLUP also identifies nearby Lonsdale Road as a major traffic / freight route that provides a key link between the Lonsdale manufacturing hub and Adelaide Airport, while also providing an important connection for residents to nearby centres at Hallett Cove, Noarlunga, Glenelg and to some extent, the Marion Regional Centre.

Having regard to the above, the following key directions of ITLUP are particularly relevant to this DPA:

- Improve walking and cycling facilities in catchment areas for schools, public transport stations, activity centres and main streets
- Create safe and convenient walkable environments in and around public transport stations, activity centres, main streets and schools
- Create safe and convenient walkable neighbourhoods
- Actively manage the operation and performance of the road network to give priority to movements along key freight and major traffic corridors.

The area affected is well placed to take advantage of current and proposed walking and cycling connections to the coast and to local destinations, including public bus services operating in Freebairn Drive that connect the area to the Hallett Cove Beach rail station and high frequency passenger rail services. This is discussed further in sections 4.7 and 4.8 of the DPA investigations.

Investigations in section 3.6 of the DPA have also considered traffic management issues associated with development of land in the area affected to support residential development to minimise any impacts on the wider road network and, in particular, Lonsdale Road.

2.3 Planning Reform and the Planning and Design Code

A new planning system is currently being introduced into South Australia. The new Planning, Development and Infrastructure Act 2016 is being introduced in stages. The Planning and Design Code is the cornerstone of the new planning system, and will consolidate the planning rules contained in South Australia's 72 Development Plans into one rulebook. In this regard the Marion Council and Onkaparinga Council Development Plans will be superseded by the new Planning and Design Code in the middle of 2020.

Existing zones in the current development plans will be transitioned to the equivalent zone in the Planning and Design Code. In regard to the policy changes proposed in this DPA, all changes seek to utilise existing zones with the current Marion Council and Onkaparinga Council Development Plans. These changes will be transitioned within the new zones and subzones that may be applied to the affected area.

Refer to the SA Planning Portal at www.saplanningportal.sa.gov.au for more information about the planning reforms or the Planning and Design Code.

2.4. Related Development Plan Amendments

Consideration has been given to the following Development Plan Amendments that are currently also being undertaken. This includes consideration of council led DPAs and other DPAs being conducted by the Minister.

- **City of Onkaparinga Development Plan Amendments**

  While the Onkaparinga Council is not currently undertaking any DPAs that are relevant to this DPA, the investigations have considered the recent *Employment Lands DPA* that was approved and gazetted on 6 February 2018. The *Employment Lands DPA* rezoned a number of Industry and Light Industry Zones to a new Urban Employment Zone, including industrial land at Lonsdale and the portion of the area affected by this DPA that sits within the Onkaparinga Council.

  Notably, the *Employment Lands DPA* included almost 5.4 hectares of the area affected within an 'interface area' until such time as more detailed investigations could be carried out as part of a separate process to determine the suitability or otherwise of rezoning the land for more sensitive residential purposes, particularly given a number of Environment Protection Authority (EPA) licensed activities operating within the local vicinity. These matters have been considered in more detail in section 4.5 of this DPA.

  Further, despite rezoning of the site to Urban Employment, post-consultation investigations for the *Employment Lands DPA* acknowledged that the site has limited appeal for future industrial use.

- **City of Marion Development Plan Amendments**

  The Minister is undertaking the *Housing Diversity DPA* which seeks to increase housing diversity across the Council area, including opportunities for a greater range of infill and redevelopment in the southern portion of the Council area while also having due regard to the sloping nature of land in this area. Following public consultation, the Minister determined to split the DPA into two parts.

  Part 1 of this DPA, was considered suitable for approval and was gazetted on 8 August 2019. This Part of the *Housing Diversity DPA* affected the zoning and policy framework for various areas, including the established residential area in Hallett Cove immediately adjacent the site affected by this DPA and the adjacent Coastal Conservation Zone. Consequently, the new zoning and policy framework proposed by the DPA has been considered in section 4.2 of this DPA to ensure a consistent approach.

  Part 2 of the DPA is undergoing further investigations before reconsideration for approval.

  The Cities of Marion and Holdfast Bay are also jointly preparing a *Seacliff Park Residential and Centre DPA*, which proposes to create a new Suburban Neighbourhood Zone to facilitate the appropriate development of the 8.34 hectare 'Cement Hill' site (former Lorenzin / Monier land) that straddles the Marion / Holdfast Bay council boundaries for residential and commercial purposes. The *Seacliff Park Residential and Centre DPA* is unlikely to impact on rezoning of the area affected.

- **Development Plan Amendments by the Minister for Planning**

  There are currently no Ministerial DPAs that will directly impact on the area affected by this DPA.

  Notwithstanding this, the *Morphettville Racecourse DPA* was released for consultation from 5 September to 3 November 2017 and proposes changes to the Marion Council Development Plan to facilitate medium to high density housing and mixed use development on surplus racecourse land at Morphettville. While zoning changes proposed by the DPA directly affects land in and around the Morphettville Racecourse precinct, the DPA also updates General Section policies in the Marion Council Development Plan, which will be considered as part of this DPA.

2.5. The State's Planning Policy Library

The South Australian Planning Policy Library (SAPPL) provides the current 'benchmark' for amending land use policy and zoning in South Australia and has been used as a basis to frame proposed amendments contained in this DPA. The SAPPL is made up of a General Section, Overlays, Zones, Policy Areas and Precincts.
Given the proposed rezoning, nature of land affected by the DPA and adjacent uses, the following General policy modules have been specifically considered in the DPA investigations that follow:

- Coastal Areas
- Design and Appearance

- Energy Efficiency
- Hazards
- Interface between Land Uses
- Land Division
- Landscaping, Fences and Walls
- Mineral Extraction
- Natural Resources
- Open Space and Recreation
- Orderly and Sustainable Development Residential Development
- Siting and Visibility
- Sloping Land
- Supported Accommodation
- Transportation and Access.

Given the location of the area affected adjacent industrial and non-residential land uses at Lonsdale and the Adelaide-Seaford rail line, and anticipated dwelling yields, application of the *Noise and Air Emissions* and *Affordable Housing Overlays* has also been considered in the DPA. The purpose and application of these Overlays is discussed below.

2.5.1 Noise and Air Emissions Overlay

The *Noise and Air Emissions Overlay* in SAPPL contains planning policies to protect new sensitive development from noise and air emissions generated from major transport corridors (road and rail) and mixed land use in particular. For example, planning requirements for sensitive developments include:

- locating private and communal open space at the rear of buildings and away from emission sources
- minimising urban canyons and narrow confined spaces that restrict the dispersal of air pollutants (e.g. by stepping back upper storeys, orientation to prevailing winds and allowing for open spaces and building separations)
- use of landscaping treatments.

The Minister's Specification SA78B for the *Construction Requirements for the Control of External Sound* also applies to land identified in the Overlay. This specification requires varying levels of treatment at the building façade depending on noise exposure and the separation distances from the building to the noise source.

The Government has also released a Guide for *Reducing noise and air impacts from road, rail and mixed use land use*. The Guide is tailored towards builders, designers and the community and is proposed to complement the *Noise and Air Emissions Overlay* and the Minister's Specification SA78B to ensure residential buildings are appropriately designed and constructed to minimise noise and air emission impacts to occupants where such impacts may exist.

In the Marion Council Development Plan, the Overlay currently applies to land at Tonsley (adjacent to the Tonsley rail corridor) and to areas adjacent Main South Road and Sturt Road.

In the Onkaparinga Council Development Plan, the Overlay was recently extended to areas adjacent to Main South Road as part of the *Southern Innovation Area DPA*.

In this case, the Overlay is proposed to apply to the entirety of the subject land which is proposed to support sensitive residential development. This is on the basis that there are impacts from a range of significant industrial activities in the vicinity that can have potential cumulative impacts on the site, in addition to the acoustic impacts of the nearby strategic rail and roadways.

2.5.2 Affordable Housing Overlay

The 30-Year Plan sets a target of fifteen percent affordable housing being included for developments (where creating over twenty dwellings) and growth areas. Affordable housing applies to all residential components of significant developments, including mixed use, retirement living and multi-unit development, as well as detached dwellings.

The *Affordable Housing Overlay* in SAPPL is therefore designed to apply over land where a rezoning process will provide the potential for an increased dwelling yield.

In the Marion Council Development Plan, the Overlay currently already applies to land in and around the Castle Plaza activity centre at Edwardstown, as well as land at Tonsley, Bedford Park, Mitchell Park and Marion.

In the Onkaparinga Council Development Plan, the Overlay already applies to land at Darlington that was also recently rezoned as part of the Minister's *Southern Innovation Area DPA.*

Implications for this DPA

While both Development Plans are based on the format and content of SAPPL, updates are proposed to some General modules in the Marion Council Development Plan to ensure consistency with the latest version (Version 6) of SAPPL and policies contained in the Onkaparinga Council Development Plan. These include:

- Land Division
- Landscaping, Fences and Walls
- Open Space and Recreation
- Supported Accommodation.

Given that the DPA proposes to rezone land in the area affected for more sensitive residential development in proximity to industrial and other non-residential activities in the wider Lonsdale area and the Adelaide-Seaford rail corridor, it is proposed to apply the *Noise and Air Emissions Overlay* from SAPPL to the entirety of the area affected which may be impacted by potential noise and air emission sources.

Further, given anticipated housing yields resulting from the proposed rezoning of land in the area affected for residential development, it is also proposed to apply the *Affordable Housing Overlay* from SAPPL to the land.

Application of these Overlays is also discussed further in the investigations in sections 3 and 4 of the DPA below.

3 INVESTIGATIONS PREVIOUSLY UNDERTAKEN

A number of investigations have been undertaken by or on behalf of the land owner to consider the suitability of rezoning land in the area affected for residential development. The outcomes and recommendations of these investigations are discussed below, including how they affect the proposed planning policy framework for the DPA.

3.1. Preliminary Design Concepts, Ian Robertson Design

Preliminary design concepts have been prepared to demonstrate potential development of land in the area affected for residential development.

These concepts are shown in **Figure 3** below and provide guidance on:

- possible internal road layouts and connections with the existing road network,
- potential areas of new public open space and linkages to existing open spaces, particularly along the coast, and
- potential buffering arrangements to adjacent industrial and employment activities.

Figure 3 – Preliminary design concepts for area affected

Source: Ian Robertson Design

Importantly, while the above concepts are preliminary only and may be subject to change in the future, they have been used to guide other investigations below, including preparation of a traffic impact assessment and infrastructure investigations to determine future servicing requirements in the area affected.

While the above preliminary concepts do not show possible future development of the small parcel of land in the area affected on the eastern side of Freebairn Drive, development arrangements for this land are limited due to its scale and are unlikely to affect the general layout of development and infrastructure. Infrastructure investigations carried out for the area affected and discussed in section 3.5 below have, however, considered this land in the area affected to guide future servicing of the land.

Implications for this DPA

While the concepts prepared for development of land in the area affected are preliminary only and may be subject to change, they provide useful guidance for the planning policy framework proposed by the DPA and the investigations that follow.

3.2 Preliminary Geotechnical Investigation, Wallbridge & Gilbert, February 2015

Preliminary geotechnical investigations were carried out to broadly assess the subsurface conditions within ADC's land in order to better inform the planning and design phases for future residential subdivision and supporting infrastructure. This included advice on aspects such as presence of rock, collapsing soils, reactive clays or shallow groundwater based on sampling.

The investigations generally identified that the geotechnical conditions across the land are relatively uniform. They generally concluded that irrespective of the site classification based on reactive soil movements, the overall classification for the land for building footing design purposes is Class P (potentially collapsing soils) in view of the presence of highly calcareous soils across the site and the potential for these soils to soften and collapse upon wetting.

The report therefore makes a number of recommendations regarding footing design for future residential development in the area affected, future earthworks and associated infrastructure, which will need to be considered at the future land division and development assessment phase.

General topography and gradients across the site are discussed further in section 4.2 below.

Implications for this DPA

While the preliminary geotechnical investigations provide certain recommendations in respect to the preparation of the land ahead of development, including as part of the future land division and assessment of individual buildings, they do not present any technical constraints to future development of the site for residential development.

Footing design of new buildings will need to comply with the Building Code of Australia and relevant engineering and Australian Standards.

3.3 Preliminary Site Investigation, LBW, April 2015

A preliminary site investigation was undertaken to determine whether there is evidence of any site contamination that may impact on rezoning of land in the area affected for more sensitive residential development.

This included research of current and historical land use and associated activities undertaken within the area affected and consideration of the potential effect of nearby industrial activities on the feasibility of residential development from an environmental perspective, including from soil and groundwater contamination and noise and air quality. Site inspection and sampling was also undertaken.

A site history assessment generally found that privately owned land in area affected was historically used for broad acre agriculture and appears to have remained vacant since at least 1914 – and there was no evidence of intensive agricultural use which would have required intensive pesticide application. The assessment also suggested that the timeframe since chemicals may have been applied and the likelihood of residual contamination make this an activity of negligible significance for future residential land use. The same was also noted in relation to potential application of agricultural chemicals on adjacent land.

While there was evidence of stockpiling of fill from unknown sources in the central north-western portion and across the middle of the privately-owned land running east-west, the report suggested that this was likely derived from adjacent land division works and of minor significance for future residential use.
Further, while operation of the nearby car wrecking yard and desalination plant are considered activities of potential environmental significance, the report concluded that any site or groundwater contamination from these uses was also considered to pose a negligible risk to potential future residential uses in the area affected.

Overall, the investigation therefore generally found that:

- there was no evidence of contamination in soils across privately-owned land in the area affected, including in potentially imported materials on-site, that would pose an unacceptable risk to human health or the environment if the land was rezoned for residential use, and
- there appears to be no requirement for site remediation or management of site soils.

In addition to the above, the investigation concluded that industrial land adjacent to the south of the site was also not considered to pose a significant environmental issue for development of the subject site for residential use – and noise impacts could be managed as identified by the separate noise assessment undertaken and discussed in 3.4 below.

Further, the investigation also noted that while there is a fairly steep gradient from the site towards both the Field River and coast, existing housing development between the site and Field River makes it unlikely for runoff from the site to impact on this water body. The assessment did, however, acknowledge potential for runoff from the site to impact on the coast. Management of stormwater, including water quality, from development in the area affected is discussed further in sections 3.5 and 4.10 of this DPA.

Implications for this DPA

The preliminary site investigations have determined that there is no site contamination evident in the area affected that may preclude rezoning of the land to support more sensitive residential development and associated open space.

Notwithstanding this, where site contamination is determined to be present at a site based on more detailed future investigations, the *Environment Protection Act 1993* provides mechanisms to assign responsibility for the contamination and for the appropriate assessment and/or remediation of the contamination.

Further, both Development Plans contain general provisions under *'Hazards – Site Contamination'* to address site contamination where land is proposed to be divided or used for more sensitive use and to ensure that it is suitable and safe for the proposed use.

3.4 Noise Assessment, Sonus, February 2019

A noise assessment was undertaken to consider potential noise impacts from the existing industrial activities in the locality on more sensitive residential development in the area affected.

The noise assessment was based on:

- Observations and noise measurements conducted adjacent the auto wreckers located adjacent the area affected on the southern side of Sigma Road, which currently operates only during the day
- The Environmental Impact Statement (EIS) that was prepared for the Desalination Plant prior to its construction and operation, which may operate during both the day and night. Use of predicted noise levels in the EIS was considered more appropriate given that the Plant is not currently operating at full capacity, and noise from the associated electrical substation adjacent Sigma / Chrysler roads was also considered
- Relevant noise criteria in both Development Plans and, importantly, noise criteria in the Environment Protection (Noise) Policy 2007 empowered by the *Environment Protection Act 1993*.

Importantly, a key consideration of this assessment was to ensure that noise from existing land uses in the locality would ensure a reasonable level of amenity for future residents if land in the area affected was rezoned to support residential development, and to protect the ongoing operation of existing lawful land uses in the Lonsdale area.

Overall, the noise assessment report concluded that relevant environmental noise criteria will be satisfied for existing noise sources based on the following acoustic treatments being put in place in the area affected to support its rezoning for residential use:

(a) Installation of a solid noise barrier (e.g. earth mound, masonry or sheet steel fencing) along the full length of the southern boundary of ADC's land adjacent Sigma Road to a minimum height of 4 metres above natural ground level. This could include a 2.2 metre high earth mound with a 1.8 metre high steel fence on top. This would also allow the existing earth mound located adjacent the common council boundary in the Marion Council area to be removed

(b) All upper storey habitable rooms for new dwellings within 75 metres of the southern property boundary in the area affected (other than those facing north) should incorporate appropriate noise attenuating design features in the form of 6.38 millimetre thick laminated glass.

The noise assessment report also notes that the above measures would also assist in reducing noise from any industrial uses that might replace the existing industries at some future time adjacent the area affected.

The noise assessment was later supplemented by an additional assessment report that considered potential noise impacts on the area affected from the SA Power Networks temporary power generators recently installed at the corner Christie / Chrysler roads following advice from the EPA, and the RSPCA's Lonsdale Shelter located nearby at Meyer Road. While the outcomes of this additional assessment are discussed further in section 4.5 of the DPA, it confirmed that the acoustic treatments proposed above would be sufficient to appropriately mitigate any noise impacts from these other activities on future residential uses in the area affected. In addition, the EPA has recommended that the *Noise and Air Emissions Overlay* from SAPPL be applied to the entirety of the affected area to ensure that impacts of non-residential developments and infrastructure (such as strategic road and rail) are minimised and community amenity is ensured.

It is noted, however, that the noise assessment did not assess potential impacts on the small parcel of land in the area affected on the eastern side of Freebairn Drive, the majority of which is located within 75 metres from the Sigma Road / Freebairn Drive intersection and diagonally opposite the established auto wrecker activity. This portion of the area affected is also located adjacent the Adelaide-Seaford rail corridor. It is therefore considered appropriate that requirements for noise attenuation measures for upper storey habitable rooms in part (b) above are also applied to this portion of the area affected. This will also allow consideration of potential noise and air emissions from the adjacent rail corridor in the future assessment of new dwellings.

Potential noise and air emission impacts associated with the land's location adjacent the Adelaide-Seaford rail corridor are discussed further in section 4.5 of the DPA.

Implications for this DPA

To ensure a reasonable amenity for future residents and to protect the ongoing operation of adjacent employment and industrial activities, the DPA proposes commentary in the Desired Character statement for the privately-owned portion of the area affected to require development of a suitable buffer along the Sigma Road boundary and appropriate acoustic treatment for upper storey windows (except those facing north) within close proximity to this boundary based on the acoustic treatments recommended in the noise assessment report.

While the noise assessment report suggests that noise attenuation design measures for buildings within proximity to the southern property boundary can be addressed via an encumbrance or land management agreement, it is considered appropriate to include this area within the *Noise and Air Emissions Overlay* from SAPPL to provide greater policy certainty and ensure acoustic treatment is given adequate consideration during development assessment of individual residential buildings.

Both Development Plans also contain general provisions under *'Interface between Land Uses'* and *'Industrial Development'* to address potential impacts between new industrial and residential land uses. These policies were considered in the noise assessment. The Marion Council Development Plan also contains provisions under *'Residential Development – Noise'* to ensure that residential development close to potential high noise sources are appropriately designed to mitigate noise impacts.

3.5 Infrastructure Report, Greenhill, February 2019

An Infrastructure Report has been prepared for the area affected based on preliminary concepts above.

The Infrastructure Report broadly clarifies utilities infrastructure requirements and provides a high-level servicing strategy to service future residential development in the area affected, potentially comprising some 145 residential allotments. It also recognises that the adjacent residential extension of Burlington Road was completed in 2014 and included new underground stormwater, sewer, water, electrical and telecommunications (including NBN) services within the road to service allotments on the north-east side of the road, potentially allowing an orderly sequencing of development and efficient provision of new infrastructure.

Key findings of the Infrastructure Report and proposed servicing requirements are discussed under key headings below:

3.5.1 Roads

Existing road infrastructure servicing the area affected includes:

- Burlington Road to the north-east, which comprises a 7.2 metre wide carriageway within a 14 metre wide road reserve with mountable kerbs and gutters on both sides
- Freebairn Drive, which connects to Burlington Road at the eastern end of the area affected and to Sigma / Meyer roads at the south-eastern end of the area affected, and comprises an 11 metre wide carriageway within a 20 metre wide road reserve with upright kerb and gutter on both sides
- Sigma Road, which borders the area affected to the south and services existing industrial development.

With regard to future servicing requirements to support residential development, the Infrastructure Report suggests the construction of two (2) new road intersections from Burlington Road to provide access to new development, with appropriate re-works to the southern side of Burlington Road to facilitate these new intersections.

No direct access is proposed off Sigma Road, which will allow for an appropriate buffer treatment along the southern boundary of privately-owned land in the area affected in accordance with noise assessment discussed in section 3.4 above to minimise noise impacts for future residential development from existing industrial activities to the south.

A traffic impact assessment has also been undertaken to determine impacts on the local and external road networks and is discussed further in section 3.6 below.

3.5.2 Water supply and sewer

Existing sewer infrastructure in the area affected includes:

- A 150mm diameter sewer main in Burlington Road to the east
- A 350mm diameter mild steel cement lined main in Sigma Road to the south
- A 150mm PVC main in Balboa Drive to the north, which connects to a pump station at the western end of this road.

In relation to the above sewer infrastructure, the Infrastructure Report has confirmed that the existing mains in Burlington and Sigma roads will be too high to service future residential development in area affected without pumping, and has therefore identified two potential options:

- Gravity drain the sewer to the existing pump stations at the end of Balboa Drive to the north, which would require upgrade of this pump station, or
- Provide an independent sewer pumping station in the western portion of the area affected, with a suitably sized internal pumping main to convey wastewater to the existing sewerage network in the roads east of the area affected.

Existing water supply infrastructure in the area affected includes:

- A 150mm diameter PVC main in Freebairn Road
- A 150mm diameter PVC main in Burlington Road
- A 200 PVC main in Sigma Road.

According to the Infrastructure Report, SA Water has advised that, based on modelling of the capacity of the existing potable water network, water supply is available and no network augmentation will be required for the proposed development subject to the following:

- 3 residential lots being connected to the existing water main in Freebairn Road
- The remaining residential lots being connected via an internal water main (or hydraulic equivalent) of approximately 630 metres between the mains in Burlington and Freebairn roads.

While SA Water has confirmed that whilst additional headworks and augmentation are not applicable to development of the area affected, future requirements (including any required easements) would need to be confirmed as part of any future land division.

3.5.3 Electricity

Existing electrical infrastructure in and adjacent the area affected includes:

- High and low voltage cables on Burlington Road, including an existing transformer
- High and low voltage cables on Freebairn Drive, with a switching cubicle on the north-east corner of the Freebairn Drive / Sigma Road / Meyer Road roundabout
- 33kV or 66kV high voltage overhead powerlines on the southern side of Sigma Road.

Envisaged development of portion of the affected area for residential development will require augmentation of the existing electrical networks and installation of additional transformers to meet future supply requirements. Costs and requirements to support proposed developments will be determined at any future development assessment stage and are generally the responsibility of the developer.

Further, given that the existing 66kV overhead main in Sigma Road is located on the southern side of the road, the Infrastructure Report has confirmed that SA Power Networks will not require a buffer from development in the area affected to this electricity infrastructure. Buffering requirements recommended along the southern boundary of the area affected as part of the noise assessment (as discussed in section 3.4 above) will provide additional separation from this infrastructure.

3.5.4 Gas

The APA Group manages and operates local distribution networks for the supply of natural gas in Adelaide.

According to the Infrastructure Report, APA has advised that the supply of natural gas infrastructure to development in the area affected is available in concept and, based on an early assessment of the preliminary design concepts, no contribution from the developer or additional headworks should be required.

Future requirements for supply of natural gas will, however, be fully determined at any future land division and development assessment stage.

3.5.5 Telecommunications

Telstra telecommunications infrastructure currently exists within Freebairn Drive in the area affected.

NBN Co telecommunications infrastructure also exists within the eastern side of Burlington Road - and the National Broadband Network (NBN) rollout map has Burlington Road listed as available for connection.

Under current Australian Government policies, the developer will be responsible to contribute to the cost of new telecommunications infrastructure to support future development within the area affected.

3.5.6 Stormwater

A preliminary stormwater analysis was undertaken as part of the Infrastructure Report to determine detention requirements for future residential development of privately-owned land in the area affected. Importantly, this analysis included:

- A review of both the Marion and Onkaparinga Councils' stormwater management requirements
- A review of the area affected and provision of a catchment plan reflecting the proposed development outcomes
- An estimate of pre-development flows
- An estimate of detention requirements, including the scale of required detention areas
- Details of potential stormwater quality requirements, particularly where discharge may be proposed directly to the adjacent coastal area.

With regard to current drainage conditions and stormwater management within and adjacent the area affected, the analysis has identified that:

- the land generally drains from the southeast to the northwest with an average grade of approximately 3.5 percent, and locally steepens along the western boundary and drains toward the coastal reserve to the west with a grade of approximately 15-20 percent
- a crest located toward the centre of the privately-owned land splits stormwater flows to the east and the west. However, these flows are directed to the north-west by cut-off swales on the eastern and northern boundaries of the land
- the portion of the area affected currently within the Onkaparinga Council area is cut-off from the northern portion of the area affected within the Marion Council area by the existing earth mounds constructed along this boundary, meaning that stormwater would currently run along the swale and out towards the western boundary adjacent the coastal reserve
- Sigma Road grades to the east and west with a crest midway along the southern boundary of the privately-owned land and stormwater runoff is collected in roadside swales on either side of the road which direct flows away from the area affected
- The north and northeast portion of the area affected contributes to an existing downstream 300mm diameter pipe via the grassed cut-off swales and headwall along the northern site boundary
- An existing 450mm diameter pipe discharges from the western end of Balboa Drive to a headwall located in the adjacent reserve west of the site. The 300mm diameter pipe in the northwest corner of the privately-owned land joins this 450mm diameter pipe at a junction box west of the site.

In addition to the above, the stormwater analysis identified that a council maintained stormwater detention basin exists within the coastal reserve to the west of the privately-owned land and north of Sigma Road in the area affected – although the catchment extent, volume and outfall location of this basin is unknown.

Overall, based on the preliminary design concepts and modelling of the area affected, to attenuate stormwater to 'pre-development' flows and incorporate opportunities for water sensitive design in the area affected, the infrastructure report has identified the following:

- Preliminary stormwater design indicates that total detention in the order of 4,000 cubic metres will be required to achieve adequate attenuation of flows generated by future residential development in the area affected
- Detention could be split among a number of basins within the area affected
- Stormwater generated by future development of the northern and eastern portions of the area affected could be managed by detention basins within the land that discharge to an existing headwall at the north-west corner of the area affected
- Stormwater generated by the development of the south-west portion of the privately-owned land could be discharged to the existing detention basin located in the coastal reserve in the Marion Council. While augmentation of this basin would be required, this would negate the need for an additional basin within the area affected, enhancing efficiency and reducing ongoing maintenance.

The stormwater analysis has also confirmed that water quality and stormwater pollutant reduction targets specified by the EPA could be achieved by treating stormwater runoff from roof areas via a 1 kilolitre rainwater tank per lot combined with suitably sized stormwater detention basins. There may also be further opportunities to integrate additional water sensitive design features within the area affected, including at the neighbourhood and building level.

Final stormwater management solutions in the area affected, including opportunities to integrate additional water sensitive techniques, would need to be confirmed as part of any future land division and development proposals and based on discussions with the Marion and Onkaparinga Councils.

Implications for this DPA

The Infrastructure Report clarifies that infrastructure services and utilities such as water, sewer, gas, power and telecommunications may be provided to service future residential development in the area affected without disproportionate extension or augmentation, particularly given that the land forms a logical extension to existing residential area and infrastructure in Hallett Cove to the north.

Both Development Plans also include General provisions under *'Infrastructure'* and *'Land Division'* to ensure land is appropriately serviced and that infrastructure requirements are considered as part of future development assessment processes. Final infrastructure requirements for the area affected will need to be confirmed as part of any future land division and development assessment process, with any augmentation costs being borne by the developer.

With specific regard to stormwater management, both Development Plans also contain policies under *'Natural Resources – Water Sensitive Design'* and *'Residential Development'* to encourage integration of water sensitive design features and water re-use in new developments, and to minimise risks of water pollution to sensitive receivers such as waterways and the coast. Policies are also included under *'Open Space and Recreation'* to encourage use of public open space for stormwater management purposes where practical, aligning with proposals in the infrastructure report to use existing open space in the Marion Council for this purpose.

General provisions are also included in both Development Plans under *'Coastal Areas – Environment Protection'* to ensure that stormwater generated from new development will not impact on the adjacent coastal environment.

3.6 Traffic Impact Assessment, MFY Pty Ltd, February 2019

A Traffic Impact Assessment has been prepared to consider additional traffic that may be anticipated as a result of land in the area affected being developed for residential purposes and its potential impact (if any) on the existing road network.

The Traffic Impact Assessment has been based on the potential road layout identified in the preliminary design concepts discussed in section 3.1 above and potential development of approximately 142 residential dwellings in the area affected (comprising some 77 dwellings in the Marion Council area and some 65 dwellings in the Onkaparinga Council area). It is noted, however, that the traffic assessment has not considered development of the small parcel of land in the affected area located on the eastern side of Freebairn Drive – although development of this land for residential purposes would only result in a small number of additional dwellings (possibly 3 additional allotments) and will not affect current or proposed road layouts.

The external road network servicing the area affected includes:

- Burlington Road to the north-east, which is a local road (50 kilometres per hour) constructed in 2014 under the care and control of Marion Council – attracting approximately 350 vehicles per day
- Freebairn Drive, which is a minor collector road (50 kilometres per hour) and designated public transport route and also under the care and control of Marion Council – attracting between 1,350 to 1,550 vehicles per day and connecting to Burlington Road at the eastern end of the area affected and to Sigma and Meyer roads

- Sigma Road, which is a local road (50 kilometres per hour) under the care and control of Onkaparinga Council that borders the area affected to the south and services existing industrial development. Sigma Road was also recently extended to service the Desalination Plant
- Meyer Road, which is a minor collector road (60 kilometres per hour) and also under the care and control of Onkaparinga Council – attracting around 1,650 vehicles per day.

The Traffic Impact Assessment notes that a new internal road network would be developed, which would comprise local roads and provide connections to existing local roads abutting the area affected and the broader road network. Notably, the preliminary design concepts for the area affected suggest that all internal roads will connect to the external road network via Burlington Road.

The Traffic Impact Assessment has forecast that a total of 1,140 trips per day could be generated from development of land in the area affected for residential purposes based on the preliminary design concepts and proposed development yields, with approximately 115 trips per hour generated during the morning and afternoon peak periods. It also notes that while there are still some vacant lots on Burlington Road, Balboa Drive and Ashcroft Court, these are likely to have a negligible impact on traffic generation, potentially adding only an additional 4 trips per hour during the morning and afternoon peak periods.

Forecast daily traffic volumes on the roads adjacent the area affected are summarised in **Table 1** below. This includes the forecast increase and traffic volumes associated with natural growth over time, as well as that associated with development in the area affected for residential use.

Table 1 – Forecast daily traffic volumes on adjacent roads

	Burlington Road	Freebairn Drive (north of Burlington Rd)	Freebairn Drive (south of Burlington Rd)	Meyer Road
Existing (2018)	350 vpd*	1,350 vpd	1,550 vpd	1,650 vpd
Forecast (2028)	400 vpd	1,600 vpd	1,900 vpd	2,000 vpd
Forecast + development of area affected (2028)	1,650 vpd	1,900 vpd	2,700 vpd	3,000 vpd

**vehicles per day*

Source: Rezoning Investigation Burlington Road Hallett Cove – Traffic Impact Assessment, MFY Pty Ltd, February 2019

Based on the above forecasts, the Traffic Impact Assessment anticipates that future development of the subject land for residential development will not alter the classification or function of these roads, with Freebairn Drive and Meyer Road within the range typically associated with a minor collector road (of approximately 2,000 to 3,000 vehicles per day) and Burlington Road remaining within the range associated with local streets (less than 2,000 vehicles per day).

Traffic modelling was also undertaken based on the above forecasts to assess the impact on the two key intersections adjacent the site, namely the Freebairn Drive/Burlington Road intersection and Freebairn Drive/Meyer Road/Sigma Road roundabout intersection. As a result of this modelling, the traffic impact statement concluded the following:

- Both intersections currently with minimal delays and queuing
- The additional volumes generated by the redevelopment will be readily accommodated, with no change in level of service and negligible increase in delays and queuing
- Accordingly, there will be no measurable traffic impact as a result of development on the subject land
- Traffic will therefore be readily accommodated at intersections on the existing road network and no upgrades will be required.

Overall, the Traffic Impact Assessment has therefore concluded that future development of land in the area affected for residential development in accordance with the preliminary design concepts (and suggested development yields) will have minimal impact, with the potential increase in traffic volumes readily catered for

given the existing spare capacity on the adjacent road network. Consequently, no road upgrade or intersection upgrades are required.

Car parking requirements associated with new residential development are discussed further in section 4.2 below.

Implications for this DPA

The Traffic Impact Assessment has confirmed that extending the local road network to support residential development in the area affected will provide adequate capacity to cater for anticipated traffic volumes and movements.

Further, the anticipated traffic volumes are likely to have a negligible impact on Lonsdale Road, which is identified as a major traffic and/or freight route in the 30-Year Plan.

Existing General provisions of both Development Plans under *'Transportation and Access'* and *'Land Division'* address traffic, movement and access associated with new development and division of land. Consequently, no additional policy is required.

4 WHAT ELSE DID WE CONSIDER / INVESTIGATE?

4.1 Current Zoning and Land Uses

The current zoning of the investigation area and immediate surrounding areas is depicted in **Figure 4** below.

The area affected by this DPA is covered by two Council Development Plans with the larger portion of the affected area being within the Marion Counicil. The applicable zones are:

- Some 13 hectares of the Open Space Zone – Hallett Cove Buffer Policy Area 9 within the Marion Council, including almost 7 hectares of land owned by ADC and 6 hectares of coastal reserve owned by the Marion Council, and
- Almost 5.4 hectares of Urban Employment Zone within the Onkaparinga Council, owned by ADC.

4.1.1 Portion of the affected area within Marion Council

The Open Space Zone in Marion Council has been broadly established to provide a visual contrast to surrounding urban areas and encourages development for a range of recreation, community and educational facilities and ancillary uses, as well as conservation and revegetation activities. All forms of residential dwellings are non-complying in the Zone.

As discussed in the *'Background'* above, it is understood that the land owned by ADC was historically included in the Open Space Zone (previously Landscape (Buffer) Zone prior to 2010) to provide a buffer from the operations of the former Port Stanvac Oil Refinery to residential land at Hallett Cove to the north – and is therefore currently vacant. This has resulted in ADC's land and the adjacent coastal reserve that forms part of the Hallett Headland Reserve being included within a unique Hallett Cove Buffer Policy Area, which has been established to provide spatial, visual and auditory separation between existing general industrial areas of Lonsdale from residential development and growth areas at Hallett Cove. The Policy Area envisages landscape screening techniques integrated with usable recreational open space. This is articulated further in the Desired Character statement of the Hallett Cove Policy Area below:

> *"The policy area provides an opportunity to create a usable green belt area which will separate the existing general areas of Lonsdale from residential growth south from Hallett Cove. It is intended that it develop primarily as a densely planted yet functional open space resource that is accessible to community. Although the provision of active and passive recreation facilities is envisaged, the establishment of these must be secondary to the primary role of the policy area to function as a landscape buffer.*

The landscaping will improve the aesthetics of a prominent entry vista to the City of Onkaparinga to the south and help to also ensure a high degree of residential amenity for the locality which it abuts.

Portion of the land in the policy area adjacent to the coast is a large 'break-away' area of natural erosion, similar to that found in the Hallett Cove Conservation Park, which has scientific value and therefore needs to be protected from any induced erosion."

Figure 4 – Current zoning of area affected and adjacent land

In accordance with the directions of the Hallett Cove Buffer Policy Area, an earth mound currently exists on the privately-owned land - generally extending along the southern boundary of the portion of land in the Marion Council which forms the common council boundary with the Onkaparinga Council. The Policy Area also identifies potential for community buildings to be constructed in the area affected, albeit toward the northern edge of the land adjacent existing residential development, and seeks to ensure that future development does not hinder or obstruct access to or use of recreational facilities located in the Policy Area.

Adjacent land in Marion

Existing residential development at Hallett Cove immediately to the north is currently located in the Residential Zone – Foothills and Seaside Policy Area 23. This land has been primarily developed for lower density residential development, including part of the recent Burlington Estate. The Foothills and Seaside Policy Area more broadly encompasses undulating to steep land along the coast from Marino to Hallett Cove, as well as parts of the escarpment that forms an east-west band through the centre of the Marion Council area and includes elevated land visible from the Adelaide Plains at Seacliff Park, Seaview Downs, Seacombe Heights and Darlington.

The Foothills and Seaside Policy Area encourages primarily detached dwellings at low densities that have due regard to the topography of the Policy Area – and in particular, steeper sloping sites. It is the only Policy Area in Marion Council's southern residential area that provides minimum site areas and frontages based on topography. The desired character for the Policy Area is one that is derived from the existing prevailing character consisting of low-density detached dwellings of a variety of architectural styles on relatively large, sloping allotments with large landscaped gardens. Subdivision is also encouraged to occur at lower densities.

Notably, while detached and group dwellings are envisaged in the Policy Area on sites of between 700 to 1100 square metres, semi-detached and medium / higher density housing forms such as row dwellings and residential flat buildings are non-complying. Policies also seek to reduce the visual impact of new buildings through appropriate use of materials and finishes and protect the landscape character of adjacent coastal land from inappropriate development and earthworks, including through encouraging split-level building forms.

Residential development across Lonsdale Road to the east in Marion Council is located in the Residential Zone - Worthing Mine Policy Area 20, which lies adjacent the Field River and in relatively close proximity to the Reynella Quarry to the south. The Policy Area encompasses gently to steeply sloping land that has primarily been developed for low density residential uses since the mid-1990s. It envisages development of a range of housing forms, including detached, semi-detached and row dwellings as well as medium density housing and supported accommodation in closer proximity to Hallett Cove District Centre. Development in the area must also be designed having due regard to the adjacent Metropolitan Open Space System (MOSS) Zone and Lonsdale Road, including avoiding any environmental or traffic hazards.

The balance of the Hallett Headland Reserve also lies to the north and north-west of the area affected and is located partly in Marion Council's Coastal Conservation and Residential Zones. Onkaparinga Council's Coastal Conservation Zone is also located immediately west of the area affected, extending southward from the Coastal Conservation Zone in Marion Council and providing a consistent policy approach for the protection of this sensitive coastal land.

The Coastal Conservation Zone generally seeks to enhance the natural features of the coast (including visual amenity, landforms, fauna and flora), contribute to the MOSS and allow for a range of low-intensity recreational uses, as well as coastal conservation and protection works. While some buildings and structures are envisaged, these are generally limited to small-scale tourism/visitor facilities (including shelters and toilets) that use low reflective materials and finishes to minimise glare and blend with the landscape.

4.1.2 Portion of the affected area within Onkaparinga Council

The portion of the area affected in Onkaparinga Council was recently rezoned from Industry Zone – General Industry Policy Area 12 (Lonsdale Precinct 2) to Urban Employment Zone as part of the Onkaparinga Council's *Employment Lands DPA* that came into operation in February 2018. The Urban Employment Zone primarily accommodates a wide range of industrial land uses together with other related employment and business activities. Notably, dwellings are non-complying in the Zone except where located in certain home business policy areas further south, in Old Noarlunga or where they involve alterations and additions to existing dwellings.

While the area affected is not located within any policy areas under the Urban Employment Zone, it has been specifically identified as an 'interface area' on Concept Plan Map Onka/29, which distinguishes areas forming part of the core industrial area and those that should provide an interface to more sensitive areas. It is envisaged that these interface areas will accommodate low impact employment activities (including light or service industry uses, warehousing, offices, consulting rooms, retail activities and training facilities) that are designed to reduce adverse impacts on the amenity and safety of adjacent residential zoned land.

The area affected was included in this interface area following public consultation on the *Employment Lands DPA*, although as identified in section 2.3 above, investigations that supported the DPA acknowledged that land in the area affected had limited appeal for future industrial use. Further, these investigations also acknowledged future rezoning of land in the area affected to support residential use may have merit subject to separate assessment, including assessment of potential impacts from adjacent activities and a number of current EPA licensed activities within the wider Lonsdale area.

Adjacent land in Onkaparinga

Land in the Urban Employment Zone immediately south of the affected area over Sigma Road contains the Desalination Plant and a motor wrecking yard (U-Pull-It).

The Desalination Plant is located within Infrastructure Policy Area 13, which also encompasses other major/regional infrastructure sites such as the Christies Beach Sewerage Treatment Plant and the Southern Region Waste Resource Authority facility at Seaford Heights. The Policy Area seeks, among other things, to ensure that infrastructure facilities and land required for infrastructure facilities are preserved from the encroachment of incompatible land uses. This also includes ensuring that core activities within these infrastructure sites will maintain a separation to nearby residential areas and envisages provision of landscaped buffers (including earth mounds) on these infrastructure sites to assist in screening them from areas outside the Urban Employment Zone as well as mitigating air quality impacts (e.g. dust).

Chain wire fencing and landscaping is located on the northern perimeter of the Desalination Plant site adjacent the affected area to secure the site and reduce its visual impact to residential areas to the north. An ETSA substation associated with the Desalination Plant is located adjacent the area affected on the southern side of Sigma Road, with core operational elements of the Plant set further behind and generally to the south-west of the area affected.

Operations of the Desalination Plant and potential impacts for sensitive land uses are discussed in more detail in section 4.5 of this DPA. Development of the Desalination Plant was also subject to an Environmental Impact Statement (EIS) at the time to ensure impacts on the environment and adjacent land uses were managed. This is also discussed in section 4.5.

The adjacent motor wrecking yard and automotive related activities south of Sigma Road and east of Chrysler Road are not located within a specific policy area under the Urban Employment Zone. The wrecking yard is currently located behind a sheet metal fence with wire above, although operations are still visible from the Sigma Road. The yard is relatively well screened from the existing residential areas to the north at Hallett Cove due to the earth mound located adjacent the common Onkaparinga / Marion Council boundary and existing vegetation on the northern side of Sigma Road.

A number of EPA licensed facilities are also located in the wider Lonsdale area to the south and south-east of the affected area, as well as the Reynella Quarry to the east. Potential impacts of these activities on sensitive land uses in the area affected are also discussed in more detail in section 4.5.

4.2 Proposed zoning, land uses and built form

Based on the previous investigations undertaken to inform this DPA and the investigations that follow, privately-owned land in the area affected is considered suitable for residential development subject to appropriate measures to mitigate impacts from adjacent and nearby industrial activities.

The subject land is contiguous with the existing residentially zoned land to the north in Hallett Cove in the Marion Council area, including the recently developed Burlington Estate, and forms a logical extension to this area. However, the land is isolated from other residential areas within the Onkaparinga Council area to the south.

It is therefore considered appropriate to extend the existing Residential Zone in the Marion Council Development Plan over the portion of the affected area owned by ADC within the Marion Council Area to ensure a consistent approach, and include the portion of the affected area within the Onkaparinga Council with the Residential Zone of the Onkaparinga Council Development Plan. This DPA proposes to rezone land to enable residential development that is contiguous with the adjacent established residential development in Hallett Cove.

Proposed zoning for the remainder of the area affected in the Marion Council, including the coastal reserve owned by the Council, is discussed further in section 4.2.5 below.

4.2.1 Housing yields and density

With regard to housing yields and density, residential land to the north at Hallett Cove is characterised by more traditional low-density housing forms, mainly in response to prevailing topography of the area and relatively steep land in parts of the suburb. While privately-owned land in the area affected is also characterised by steeper sloping land along its western edge adjacent the coastal reserve, the overall site is relatively flat in comparison to other residentially developed land at Hallett Cove, potentially enabling a more compact and efficient form of housing to what has traditionally occurred in the area.

Despite its location adjacent the Adelaide-Seaford rail line, however, the area affected is not within close walking distance to high frequency public transport stops or higher order activity centres, and is therefore not well suited to support high density residential development in line with the directions of the 30 Year Plan. The 30-Year Plan does, however, seek to increase the proportion of low-rise, medium density apartments and attached dwellings in established areas to support carbon efficient living.

Preliminary design concepts prepared for the area affected (as discussed in section 3.1 above) suggest potential development of some 145 residential allotments in addition to land reserved for roads, public open space and buffer/separation requirements at the southern boundary of the site. Overall future development of privately-owned land in the area affected would therefore remain as low-density – achieving just over 12 dwellings per hectare if developed as single dwellings, which is considered appropriate given its location and context.

4.2.2 Building form and site areas

With regard to suitable forms of housing and built form, the preliminary design concepts have identified opportunities to develop both traditional low-density housing forms, similar to the predominant form of housing to the north at Hallett Cove, as well as a more diverse range of housing that takes advantage of coastal and park views. This includes a more compact arrangement of terrace or row dwellings fronting open space and the coast.

Given the prevailing topography of Hallett Cove generally and sections of steeper land in the area affected (in particular, sites adjacent the coast), it will be important for the proposed planning policy framework to ensure that due regard is given to land gradient/slope in the design of new dwellings while also allowing more compact housing forms.

Recently amended policies provide flexible minimum lots sizes and frontages for various dwelling types to directly correlate with land gradient, which is considered an appropriate response to seeking greater housing density across Marion's southern residential areas without compromising resident amenity with respect to excessive earthworks, retaining wall heights and privacy impacts. The effect of this policy approach is to allow greatest development potential on land with less than a 1-in-8 gradient (or 12.5% slope).

Figure 5 shows prevailing gradients within the area affected as well as in existing residential areas at Hallett Cove. Notably, this figure shows that while the bulk of the privately-owned land in area affected is generally flatter than the areas further north at Hallett Cove, steeper land exists toward the western coastal boundary and potentially to the rear of sites on the eastern side of Freebairn Drive that may require a different design response to address slope. Consequently, it would be appropriate to apply a similar policy framework in the area affected to that applied to adjacent land at Hallett Cove.

Figure 5 - Topography in affected area and adjacent residential areas in Marion

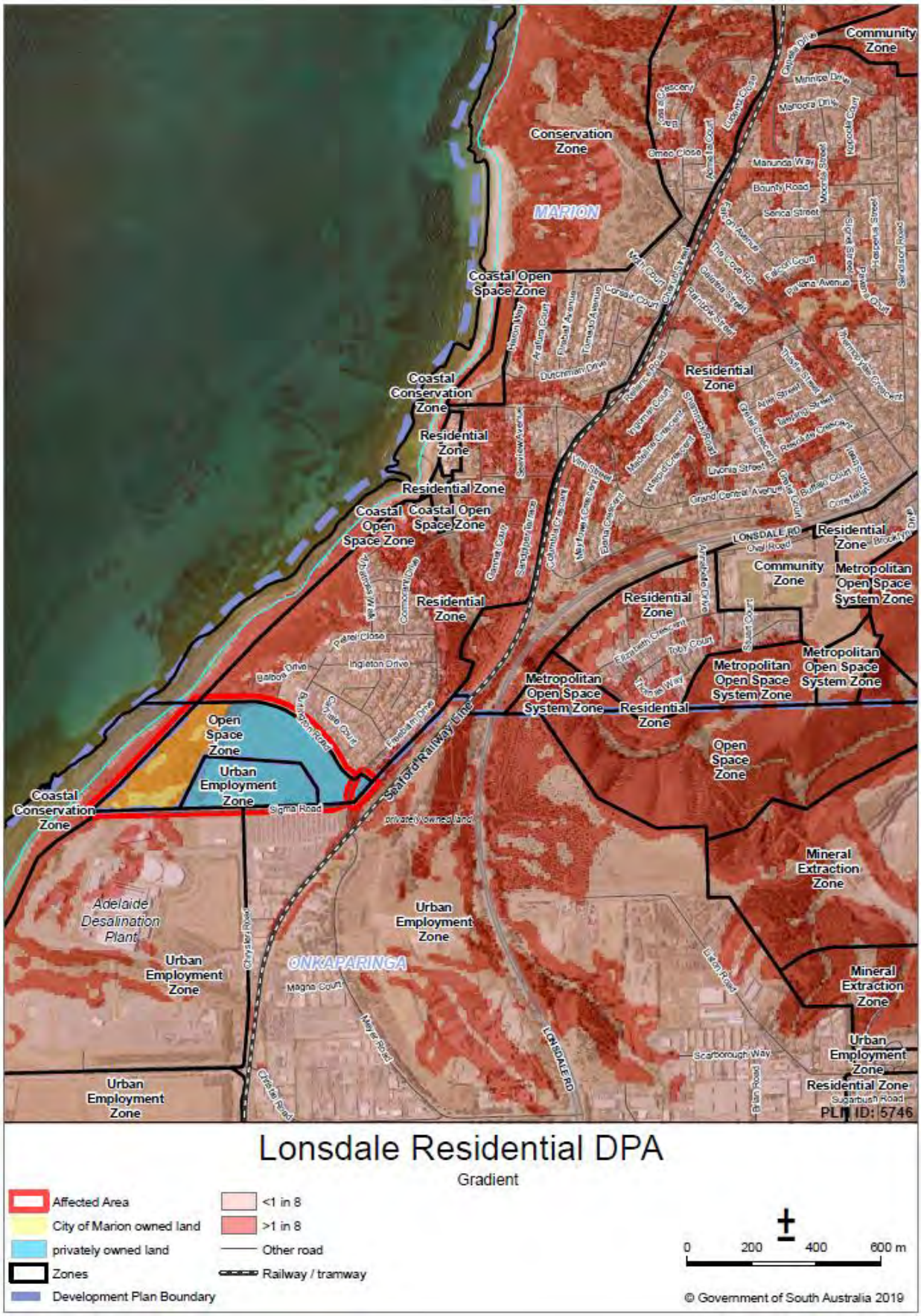


Table 2 below outlines minimum site areas and frontage requirements for various dwelling types for the recently introduced Foothills and Seaside Policy Area 23 in the existing Marion Council Development Plan that applies to the adjacent residential area in Hallett Cove.

Table 2 – Current site area / frontage requirements in Marion Council

	Foothills and Seaside Policy Area (Marion Development Plan)	
Dwelling type	***Minimum site area (square metres)***	***Minimum site frontage (metres)***
Detached and Semi-detached	***350*** *(<1-in-8)* ***400*** *(>1-in-8)*	***10-12**** ***12***
Row dwelling	***300*** *(<1-in-8)* ***350*** *(>1-in-8)*	***9-12**** ***10-12****
Residential flat building and Group dwelling	***300*** *(<1-in-8)* ***400*** *(>1-in-8)*	***20***

**range dependent on type of road frontage (arterial or other)*

While the Onkaparinga Council Development Plan generally allows for slightly lower minimum allotment sizes and frontages for each of these dwelling types across the majority of its Residential Zone (and significantly lower minimums in targeted medium density and infill areas), this does not take into account the topography of land in the area affected and wider Hallett Cove residential area. Therefore, the Foothills and Seaside policy framework is considered to provide an appropriate fit for land in the area affected, while also facilitating a more consistent character across these suburbs.

4.2.3 Building height and setbacks

With regard to other policy parameters such as setbacks and wall and building heights, **Table 3** provides a comparison of these between the Foothills and Seaside Policy Area 23 in the Marion Council Development Plan, and the broader Residential Zone in the Onkaparinga Council Development Plan.

Table 3 – Current and proposed setbacks and building height requirements

	Marion Residential Zone (Foothills & Seaside PA23)	**Onkaparinga Residential Zone**
Setbacks – primary road	**5 metres** (and 8 metres fronting an arterial road)	**5 metres** (and 3 metres in selected infill/medium density areas)
Setbacks – secondary road	**2 metres**	**1.5 metres** (and 0.6 metres in selected infill/medium density areas)
Setbacks – rear boundary (single storey components)	**6 metres**	**3 metres** (or 0 metres in selected infill/medium density areas subject to wall length)
Setbacks – rear boundary (above single storey)	**3 metres** (where single Storey) **3-8 metres** (for walls above 3m high depending on slope)	**5 metres** (and 7.5 metres in Noarlunga Downs and 0-3 metres in selected infill/medium density areas) **5+ metres** for third storeys (dependent on wall height increase)

	Marion Residential Zone (Foothills & Seaside PA23)	Onkaparinga Residential Zone
Setbacks – side boundaries (single storey)	**0.9 metres** for wall not greater than 3 metres	**0-0.9 metres** for walls <3m high (dependent on wall length)
Setbacks – side boundaries (above single storey)	**2 metres** (or **3 metres** where adjacent southern boundary) for walls between 3-6 metres high (and proportionately greater for walls above 6 metres)	**1.9 metres** (and **2.9 metres** if southern boundary) for walls between 3-6 metres high (and proportionately greater for walls above 6 metres)
Maximum length and height of walls on side boundary	**8 metres in length** and **3 metres high** (except if adjoining communal open space – then 50% of length of boundary and 4 metres high)	**Not separately specified.** However, side boundary setback specifies that walls less than 3 metres high should only occur on the boundary where they do not exceed 8 metres in length or 50% of the length of the boundary – and a zero setback does not apply for walls greater than 3 metres high
Maximum building height (above natural ground level)	**9 metres** (2 storeys)	**6 metres** (2 storeys) high, except in areas where 3 storey development is envisaged it is **10.5 metres** (3 storeys)

A comparison of the requirements in **Table 3** above is discussed under key headings below.

Road setbacks

Primary road setbacks that apply to the adjacent residential areas in Hallett Cove are consistent with the Onkaparinga Council Development Plan and should therefore apply to areas proposed for residential development in the area affected. Further, while setback requirements to higher order roads in the Onkaparinga Council Development Plan (detailed in *Table Onka/2 – Building Setbacks from Road Boundaries*) differ slightly from the requirements in Marion Council, land in the Onkaparinga Council portion of the area affected will only front local roads. Therefore, no changes are required to primary road setbacks for land fronting higher order roads.

Setback requirements to secondary roads in the residential areas adjacent the area affected are 2 metres in Marion Council, while the Onkaparinga Council Development Plan requires 1.5 metres or lower for selected infill/medium density areas. While there is only a 0.5 metre difference between the secondary road setback requirements proposed in Marion Council and currently within the Onkaparinga Council Development Plan, these differences could impact on local streetscapes where roads overlay both areas. It is therefore appropriate to apply the proposed 2 metre setback to secondary roads across the whole area affected proposed for residential development.

Rear boundary setbacks

Setback requirements for single storey building components to rear boundaries in the Onkaparinga Council Development Plan are slightly lower than for the current Marion Council Development Plan. Similarly, setbacks for building components above single storey are also lower in the Onkaparinga Council Development Plan than in the Marion Council Development Plan, although policy includes consideration of general slope / gradient of the land.

Importantly, reduced setback requirements in the Onkaparinga Council may not adequately consider the general topography of land in and around Hallett Cove and may give rise to potential impacts on adjacent development that can result from development on steeper land (e.g. privacy, overshadowing and impacts from extensive earthworks and retaining). On the other hand, the Marion Council Foothills and Seaside Policy Area allows reduced setbacks for sites with a slope of less than 1-in-8, particularly for building components above single storey.

It would therefore be appropriate to apply the rear boundary setback requirements proposed to apply to adjacent Foothills and Seaside Policy Area to the whole of the area affected proposed for residential development to ensure adequate consideration is given to site gradients and to facilitate a consistent policy approach.

Side boundary setbacks

Setback requirements for single storey building components to side boundaries are generally consistent in both Development Plans. Further, while there is a slight difference in relation to setbacks to side boundaries for building components above single storey in both Development Plans, this is only a 0.1 metre difference and therefore considered negligible and unlikely to be evident on the ground. Given these negligible differences, it is considered appropriate to apply current Development Plan provisions to the portion of the area affected proposed for residential development.

Both Development Plans also allow walls to be located on the boundary under some circumstances, which is discussed further below.

Boundary wall lengths and building heights

Policy applying to land in the Foothills and Seaside Policy Area in the Marion Council Development Plan allows walls up to 3 metres high and no greater than 8 metres in length to be constructed on side boundaries, with additional dispensation where the boundary wall adjoins communal open space (in which case boundary walls can be 50 percent of the length of the boundary and up to 4 metres high). This is generally consistent with current policies in the Onkaparinga Council Development Plan, with the exception of this extra dispensation for boundary walls that adjoin communal open space.

It is therefore considered appropriate to allow walls to be constructed on the boundary in the portion of the area affected proposed for residential development based on the policies that apply in the adjacent *Foothills and Seaside Policy Area*. With regard to the additional dispensation proposed in the Marion Council Development Plan for boundary walls that adjoin communal open space, such dispensation does not currently apply in any other areas within the Onkaparinga Council and may result in policy confusion based on the different expression applied in the Onkaparinga Council Development Plan.

While both Development Plans also envisage development up to 2 storeys across each respective Residential Zone (except in some areas in Onkaparinga Council where 3 storey buildings are envisaged), the Marion Council Development Plan generally expresses a maximum height in metres based on overall building height (i.e. to roof pitch), while the Onkaparinga Council Development Plan refers specifically to wall height. This gives the impression that 2 storey building height limits in Marion Council (of 9 metres) are greater than 2 storey building height limits in Onkaparinga Council (6 metre wall height).

Therefore, to provide greater policy clarity across the portion of the area affected proposed for residential development and noting that the area is relatively isolated from other residential areas in the Onkaparinga Council, it is considered appropriate to apply a maximum overall building height in the area for both Development Plans rather than specifying a maximum wall height.

Site coverage

Site coverage requirements that apply to the Foothills and Seaside Policy Area in the Marion Council Development Plan are generally contained in the relevant policy area and are expressed as both a percentage of the total allotment area and maximum floor area ratio[1]. In this case, the policy requires a maximum site coverage of 40 percent of the allotment area and a maximum floor area ratio of 0.6, in recognition of the local topography. Provisions contained in the Residential Zone also state that site coverage should not exceed the amount specified in the relevant policy area unless relevant setbacks and private open space requirements are met and it would not adversely affect the amenity of adjoining properties.

Site coverage requirements in the Onkaparinga Council Development Plan are generally included at the zone level. Maximum site coverage requirements are expressed as a percentage of the total allotment area only, unlike in Marion where maximum floor area ratios also apply. For the broader Residential Zone in Onkaparinga Council, no maximum site coverage currently applies.

[1] *Floor area ratios are determined by dividing the total floor area of a dwelling by the total area of the allotment. A higher ratio generally indicates a denser development.*

Generally, the Onkaparinga Council Development Plan relies on other quantitative standards such as setbacks, private open space and car parking being satisfied in order to determine an appropriate site coverage. Further, it is also noted that the Residential Development Code also applies to a substantial portion of the Residential Zone in Onkaparinga Council, which sets a maximum site coverage of 60 percent for new dwellings. The Code does not, however, apply to residential areas adjacent the area affected to the north at Hallett Cove (and areas generally west of the rail line and Cove Road) in Marion Council.

Therefore, to ensure a consistent approach that recognises current topography, it is proposed to apply the site coverage requirements for the Foothills and Seaside Policy Area to the portion of the area affected proposed for residential development.

Private open space

Requirements for private open space that would apply to the portion of area affected in the Onkaparinga Council are specified in the General *'Residential Development'* provisions of the Onkaparinga Council Development Plan based on a range of dwelling site areas. These include minimum private open space areas expressed as square metres.

While the Marion Council Development Plan also includes quite comparable rates for private open space in its General *'Residential Development'* provisions, different requirements exist within Marion Council's Residential Zone that would apply to the portion of the area affected proposed for residential development within Marion. These rates differentiate between dwellings above and below 175 square metres, with private open space expressed as a percentage of the total site area rather than minimum square metres. This would result in some variances in the provision of private open space between the two areas, despite being proposed within a similar policy area in both Development Plans.

While a mix of housing types and sizes are envisaged in the portion of the area affected proposed for residential development, a range of minimum allotment sizes of between 300 to 400 square metres are anticipated based on minimum site areas discussed above. Of course, larger allotment sizes will also be possible.

Therefore, based on the private open space requirements in the Residential Zone of the Marion Council Development Plan, minimum requirements for private open space in the Marion Council portion of the area affected proposed for residential development would be in the order of between 60 to 80 square metres or greater for larger sites. Balconies, roof patios, decks and the like, can also comprise part of this open space area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. Further, one part of the space should be directly accessible from a living room and have an area equal to or greater than 10 percent of the site area (i.e. between 30 to 40 square metres based on the proposed minimum site areas above) with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the open space should also have a minimum dimension of 2.5 metres.

Based on the rates in the Onkaparinga Council Development Plan, however, minimum requirements for private open space within Onkaparinga Council's portion of the area affected would be in order of between 36 to 60 square metres or greater for larger sites, and can therefore be significantly lower compared to Marion Council but only for sites as low as 300 square metres (meaning that the majority of sites could still require a minimum of 60 square metres). Similar to Marion Council, balconies, roof patios, decks and the like, can also comprise part of this open space area provided the area of each is at least 8-10 square metres and has a minimum dimension of 2 metres. All private open space in Onkaparinga Council is also required to have a minimum dimension of 4 metres and a minimum area of 16 square metres or greater is to be provided at the rear or side of the dwelling which is directly accessible from a habitable room.

Despite the differences in private open space requirements between the two Development Plans, this is unlikely to have a noticeable impact on the general layout of sites and streetscapes for proposed residential areas in the area affected. It is therefore not proposed to alter existing private open space provisions.

4.2.4 Car parking and access

With regard to access requirements that would apply to the area affected, both Development Plans contain similar General provisions under *'Land Division – Roads and Access'* to guide access requirements for new subdivisions, based on SAPPL. The Marion Council Development Plan also contains local additions within these policies to require at least one on-street car parking space to be provided for every two allotments unless appropriate on-site visitor parking is provided.

More detailed crossover and driveway width policies, including variances based on the number of dwellings on a site and hammerhead allotments, are contained in the General provisions of the Marion Council Development Plan under *'Residential Development – Car Parking and Access'*. While no additional access policies are included in Marion Council's Residential Zone, additional access and driveway width requirements for hammerhead / battle-axe allotment configurations are outlined in the Foothills and Seaside Policy Area.

Unlike in Marion Council, more detailed driveway and access requirements, including for battle-axe allotments and new land division, are included in the Residential Zone policies of the Onkaparinga Council Development Plan. Some local additions and variations are also included at the policy area level.

A comparison of driveway and crossover width requirements of both Development Plans is provided in **Table 4** below.

Table 4 – Driveway and crossover requirements comparison

	Marion Council Development Plan	**Onkaparinga Council Development Plan**
Dwelling type / configuration	**Driveway width (metres)**	**Driveway width (metres)**
Single dwellings	3 metres for single driveway crossover 5 metres for double driveway crossover	4 metres maximum for crossover
Common driveways or Battle-axe allotments serving up to 3 dwellings	3 metres onto a local road 6 metres onto an arterial road plus 0.5 metre landscape strip	Minimum 3 metres Maximum 4 metres onto a local road plus a 1 metre landscape strip and passing bays for simultaneous two-way vehicle movements
Common driveways or Battle-axe allotments serving more than 3 dwellings	5-6* metres onto a local road 6 metres onto an arterial road plus 0.8 – 1.0* metre landscape strip and a vehicle passing section where driveway exceeds 30 metres in length	Minimum 3 metres and Maximum 4 metres onto a local road (as above) plus a 1 metre landscape strip and passing bays for simultaneous two-way vehicle movements (as above) Minimum 6 metres where fronting an arterial, distributor or collector road

**Dependant on number of dwellings served*

With regard to driveway crossovers servicing single dwellings, the Marion Council Development Plan allows slightly wider crossovers (up to 5 metres for a double driveway) than in the Onkaparinga Council Development Plan (a maximum of 4 metres regardless of whether single or double). While this difference is likely to have a negligible impact on local streetscapes, the greater allowance in Marion Council could impact on on-street car parking provision and provide less space for the establishing new street trees, particularly given proposed minimum frontage requirements in the portion of the area affected proposed for residential development of between 10-12 metres for detached and semi-detached dwellings and 9-12 metres for row dwellings.

Notwithstanding this, the provision of suitable driveway crossovers is also guided by separate Council permit requirements that apply city-wide across both Council areas. Therefore, despite these differences, it not proposed to alter crossover requirements for single dwellings as part of this DPA.

As identified in the Traffic Impact Assessment in section 3.6, the area affected also only includes local and minor collector roads – and the designation of these roads is not proposed to change based on development of the area. Further, new development within the area affected in the Onkaparinga Council will only front local roads. Therefore, driveway width and crossover requirements in the comparison table above relating to higher order roads such as distributor and arterial roads, as well as requirements in the Onkaparinga Council Development Plan relating to collector roads, will not apply to proposed residential areas in the area affected.

On this basis, while there are again some differences between both Development Plans regarding suitable driveway widths and associated landscaping strips for sites providing common driveways or battle-axe configurations from local roads, this is not considered to warrant amendment for the area affected alone.

However, policies contained within the Foothills and Seaside Policy Area seek to generally discourage development of battle-axe configurations in this area, primarily due to topography, unless certain additional requirements are met. While this generally includes the same minimum driveway widths that apply to other parts of the Residential Zone in the Marion Council area, a wider 'handle' (of at least 4.6 metres) is required as well as provision of a landscape strip either side of the driveway as opposed to only down one side. To ensure consistency with this adjacent residential area and better recognise local topography, it is considered appropriate to also apply these requirements to any future battle-axe sites in the portion of the area affected proposed for residential development.

Car parking requirements that would apply to proposed residential land in the area affected are contained in separate *Off Street Vehicle Parking Requirements* Tables in both the Marion Council Development Plan (Table Mar/2) and Onkaparinga Council Development Plan (Table Onka/3).

A comparison of the car parking rates applicable for housing forms that might occur in the portion of the area affected proposed for residential development is shown in **Table 5** below.

Table 5 – Off-street vehicle car parking requirements comparison

	Marion Council Development Plan *Table Mar/2 – Off Street Vehicle Parking Requirements*	**Onkaparinga Council Development Plan** *Table Onka/3 – Off Street Vehicle Parking Requirements*
Dwelling type	**Minimum car parking spaces**	**Minimum car parking spaces**
Detached dwelling Semi-detached dwelling Row dwelling	2 per dwelling containing up to 3 bedrooms 1 of which is to be covered. 3 per dwelling containing 4 or more bedrooms 1 of which is to be covered.	1 covered space for a dwelling with 1 or 2 bedrooms (or room(s) capable of being used as a bedroom). 2 for a dwelling with 3 or more bedrooms (or room(s) capable of being used as a bedroom), one of which should be covered.
Group dwelling Residential flat building	As above, plus in the case of 3 or more group / residential flat buildings, 1 visitor space per 3 dwellings.	As above, plus dedicated visitor parking should be provided for dwellings sharing a common driveway in accordance with the following: (a) 1 space per 3 to 5 dwellings (b) 2 spaces per 6 to 8 dwellings (c) 0.25 spaces per dwelling for 8 or more dwellings (rounded to the nearest whole number).
Multiple dwelling	0.7 per bedroom	1 per 2 occupants.

A comparison of rates in **Table 5** above confirms that both Councils base their parking rates on the number of bedrooms per dwelling. Marion Council Development Plan generally identifies higher rates of provision – for example, a 2 bedroom dwelling in Marion Council would require 2 parking space where as Onkaparinga Council would only require 1 parking space. Whilst, a 3 bedroom dwelling would require 2 spaces in both Councils, a 4 bedroom dwelling would require 3 spaces in Marion Council but only 2 spaces in Onkaparinga Council at a minimum. For group dwellings / residential flat buildings, additional requirements are in place for visitor parks.

Dwellings of 3 to 4 bedrooms are anticipated to be the predominant form of development for the affected area and the provision of 2 to 3 carparks is considered suitable to meet parking requirements. It is therefore not proposed to amend car parking rates applying to detached, semi-detached and row dwellings in either Development Plan.

Multiple dwelling sites

Car parking rates applying to multiple dwelling sites are expressed differently in both Development Plans, with the Marion Council Development Plan applying a rate based on the number of bedrooms and the Onkaparinga Council Development Plan applying a rate based on the number of occupants. While the number of occupants would be difficult to determine at the development assessment stage and could change through the life of the development, it is considered that the rates between the two Plans are likely to result in similar car parking requirements.

Development of multiple dwelling sites within the portion of the area affected proposed for residential development is considered less likely based on the preliminary design concepts and prevailing character of the adjacent residential areas. It is therefore not proposed to amend car parking rates applying to multiple dwellings sites in either Development Plan.

4.2.5 Hallett Headland Reserve

The Hallett Headland Reserve covers an area of approximately 20 hectares on Hallett Cove's southern coastal tip and is owned and managed by the Marion Council with support funding from the government. Notably, the reserve also encompasses the remaining land in the Open Space Zone immediately adjacent ADC's land and forming part of this DPA, and is also located in the Hallett Cove Buffer Policy Area 9. The general extent of the reserve is shown in **Figure 5** below.

Figure 5 – Extent of the Hallett Headland Reserve

The reserve is recognised by the Marion Council as the most important parcel of remnant vegetation under its management and ownership, having over 100 native plant species, over 30 of which are considered to be of conservation significance in the Mount Lofty Ranges [2]. The reserve was also recognised in the *Metropolitan Adelaide Northern Coastal Action Plan (2009)* as being of high conservation value.

As identified in section 4.1.1 above, policies in the Hallett Cove Buffer Policy Area 9 have focused on creating a spatial, visual and auditory separation or buffer between existing general areas at Lonsdale from residential growth south from Hallett Cove to ensure residential amenity. Notably, this policy focus applies more directly to privately-owned land in the affected area, which is proposed to be rezoned to Residential as part of this DPA, as opposed to the coastal reserve owned and managed by Marion Council.

Notwithstanding this, the Desired Character statement in the Hallett Cove Buffer Policy Area also identifies that portion of the land in the coastal reserve (and therefore within the Hallett Headland Reserve) as a large 'break-away' area of natural erosion, similar to that found in the Hallett Cove Conservation Park, which has scientific value and should be protected from any induced erosion.

This DPA proposes to include the Open Space zoned land owned by Marion Council in the Coastal Conservation Zone (rather than allowing it to remain in an isolated area of the Open Space Zone). In addition, the DPA proposes to remove application of the Hallett Cove Buffer Policy Area 9 to this land. The *Metropolitan Adelaide Northern Coastal Action Plan (2009)* also supports introduction of coastal conservation zoning in this area to preserve pedestrian access along the clifftops, protect the geological monument, and allow a clifftop hazard buffer.

Further, while the *Non-complying Development* table in the existing Open Space Zone specifically lists certain types of development in the Hallett Cove Buffer Policy Area as being non-complying, including a caravan park or small-scale shop, these uses are also non-complying in the Coastal Conservation Zone.

Implications for this DPA

The DPA proposes to extend the existing Residential Zone in the Marion Council over privately-owned land in the area affected as a logical extension to the Hallett Cove residential area to the north, while also including the portion of the area affected within the Onkaparinga Council in the Residential Zone in the Onkaparinga Council Development Plan.

The land is proposed to be included within a separate 'Lonsdale Policy Area' in both Development Plans that proposes a consistent policy approach, particularly with regard to encouraging a diverse range of housing types comprising both conventional and more compact building forms up to two-storeys dependent on land gradients/slope. This policy framework has been based on the Foothills and Seaside Policy Area 23 policies that apply to the adjacent residential areas in Hallett Cove.

Consequential amendments are also proposed to the Residential zones in both Development Plans where practical to ensure greater policy consistency in relation to quantifiable elements such as setbacks and building heights in the proposed policy area.

The current designation of the portion of the area affected in the Onkaparinga Council as an 'interface area' is also no longer proposed to apply given the proposed rezoning to support residential development. Policies are, however, proposed to manage the interface between residential and non-residential uses. This is discussed further in sections 3.4 and 4.5 of the DPA investigations.

Further, it is also proposed to include the remaining portion of the Open Space Zone in the area affected, which forms part of the Hallett Headland Reserve, within the Coastal Conservation Zone of the Marion Council. This will ensure the ongoing conservation and greater protection of this area, which is of high conservation value and provide consistency with the expanded Coastal Conservation Zone to the north.

The Hallett Cove Buffer Policy Area is therefore no longer proposed to apply to the area affected.

[2] *City of Marion Remnant Vegetation Plan 2018 to 2023*

4.3 Population Growth, Projections and Housing

The population of South Australia continues to grow and its composition is changing. The SA Planning Portal provides a snapshot of the State's and Greater Adelaide's changing population, which can be viewed at www.saplanningportal.sa.gov.au.

In the five year period between 2013 and 2018, South Australia's population increased from 1.67 million to 1.74 million, at an average annual increase of 12,987 persons and an average growth rate of 0.8% per year.

The Greater Adelaide Capital City region[3], which accounts for 77.5% of the State's total population, grew by just over 56,000 persons from 1.29 million to 1.35 million between 2013 and 2018 at an average rate of 11,216 persons or 0.9% per year – representing 86.4% of South Australia's total population growth during this period.

Population change is driven by natural increase (births and deaths) and net migration (overseas and interstate). Over the past 5 years, net migration has contributed an average of 6,360 persons per year.

In the same 5 year period, the Onkaparinga Council and Marion Council each experienced population increases of around 5,300 persons and 4,500 persons respectively. Comparatively, these two Council areas are ranked fifth and sixth (out of 68 Councils) in the State in terms of greatest population growth. Notably, Marion Council's average annual growth rate during this period was higher than Onkaparinga Council's, largely attributed to residential infill development[4].

Official population projections from 2015, which were used to inform the directions of the 30-Year, resulted in the targets for housing and population being lowered from previous estimates in 2010 to reflect South Australia's slower than predicted growth. The updated targets for the 30-Year Plan now sit at 545,000 people and 248,000 dwellings for Greater Adelaide by 2045, with the State's population reaching almost 2 million people by this time.

The South Australian Cabinet recently endorsed updated population projections for use by State agencies on 17 June 2019 for the 25 year period (rather than 30 years) from 2016 to 2041, which will be used to guide regional planning across the State. While these latest projections do not yet include the Greater Adelaide planning region or projections for individual local government areas, they suggest that South Australia's population could now reach 2 million people by 2038 based on stronger growth - in particular, from increases in new overseas migration and a reduction in the level of interstate migration since 2017[5].

The State's population is also expected to age significantly, with the number of 'active retirees' projected to increase by 40% from 220,000 in 2016 to 309,000 by 2041. Significantly, over the same period the older population (80+ years) is projected to more than double from 82,500 in 2016 to nearly 180,000 by 2041. This is in line with the national trends and generally the result of lower fertility, increased life expectancy and the transition of baby boomers into retirement age.

Southern Adelaide, which includes the Onkaparinga and Marion Council areas along with the Cities of Holdfast Bay and Mitcham, is projected to grow by 53,000 people to reach around 415,000 people by 2041. Notably, much of Marion Council's growth is expected to occur within its central and northern areas where there are currently greater infill housing opportunities, while the highest growth in Onkaparinga Council is expected in its southern coastal areas which includes growth areas at Seaford, Moana, Aldinga and Sellicks Beach.

4.3.1 Housing challenges

Key challenges facing housing provision is the ability to deliver housing that is integrated into communities for our growing population, provide more opportunities for young people to enter the housing market, and ensure greater 'ageing in place' for older people. Housing preferences across the Greater Adelaide region are also changing.

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[3] *The Greater Adelaide Capital City Statistical Area is a different and smaller geographic region to the Greater Adelaide Planning Region used in the 2017 Update of The 30-Year Plan for Greater Adelaide.*

[4] *SA Planning Portal, www.saplanningportal.sa.gov.au*

[5] *SA Planning Portal, www.saplanningportal.sa.gov.au*

A report commissioned in 2015 by Onkaparinga Council noted that currently over half of all households within the Onkaparinga Council area are either lone persons or couples without children, despite 85% of all dwellings comprising three or more bedrooms[6]. Similarly, over half of all households in the Marion Council area at the 2016 Census are either lone persons or couples without children, despite more than 70% of all dwellings in the council area comprising three or more bedrooms.

It is therefore important for new housing across Greater Adelaide and southern Adelaide to respond to Adelaide's changing population, including supplementing the existing provision of 3-4 bedroom detached houses with a more diverse range of accessible, adaptable and affordable homes located close to services, public transport and shops.

Implications for this DPA

The Marion and Onkaparinga Council areas have both experienced population increases, with higher annual growth in Marion Council in particular. This DPA responds to the on-going demand for new housing in the Greater Adelaide Region and in particular, southern Adelaide, to support predicted needs and updated targets in the 30-Year Plan.

Notably, the DPA encourages a range of housing types for future residential land in the area affected and proposes to apply the *Affordable Housing Overlay* from SAPPL to this land to encourage provision of affordable housing.

Residential land supply in southern Adelaide is discussed further in section 4.4 below. Recent sales of residential land as part of the adjacent Burlington Estate at Hallett Cove have also suggested relatively strong demand for additional residential land supply in this location, which can take advantage of this coastal location and existing services and infrastructure.

4.4 Land Supply

The Government's Housing and Employment Land Supply Program (HELSP) was established to guide the effective management of land supply in South Australia for residential, commercial and industrial purposes.

Within the Greater Adelaide region, the HELSP is guided by the 30-Year Plan and supports the achievement of its targets. These include ensuring the Government can deliver a long-term supply of land to support housing and jobs growth, guide rezoning proposals by councils and the Government, support the transition to a new urban form through increased infill development, and aligning land supply with infrastructure planning and investment.

The HELSP reports prepared in 2010 and 2012 specifically review the supply, demand and consumption, and the regional constraints and opportunities of housing and employment land together with population trends in the Greater Adelaide region.

4.4.1 Housing land supply

The 2010 30-Year Plan for Greater Adelaide (2010 Plan) set a target to maintain 15-year zoned supply of residential land, which remains the target in the 30-Year Plan – and it is understood that there is now more than 20 years supply across the Greater Adelaide region as a result of substantial structure planning and rezoning processes emanating from the 2010 Plan.

Importantly, the 2017 update of the 30-Year Plan reinforced commitments to deliver a more compact urban form across the region and to manage growth within the existing urban footprint. This included a shift from 70% infill and 30% fringe development under the previous 2010 Plan, to 85% of all new housing in metropolitan Adelaide being built in established urban areas by 2045. The 30-Year Plan also aims for 60% of new housing in metropolitan Adelaide to be built in close proximity to fixed line public transport.

[6] *Residential Zone Yield Capacity & Associated Analysis (2015), City of Onkaparinga and Intermethod*

While the area affected comprises some 12 hectares of underutilised privately-owned land, it has not previously been earmarked for residential growth and was previously identified as industrial land in the HELSP given its past designation as buffer between industrial activities to residential areas at Hallett Cove, in particular from the operations of the former Port Stanvac Oil Refinery.

Both the Marion Council and Onkaparinga Council areas are located within the southern Adelaide region. The following discussions therefore focus on land supply in southern Adelaide in the context of wider land supply across the Greater Adelaide region.

Residential broadhectare land

Broadhectare or 'Greenfield' residential land generally includes vacant or underutilised land parcels greater than 4,000 square metres which are located in residential or mixed use zones, or designated for future growth but not yet rezoned, and include both fringe/township locations.

The latest *Residential Broadhectare Land Supply Report 2017* has identified that of the total supply of zoned broadhectare residential land for the Greater Adelaide region of 8115 hectares (as at 30 June 2017), only 635 hectares is contained in southern Adelaide compared to 3,205 hectares in northern Adelaide.

Notably, southern Adelaide's zoned land supply represents only 8% of the supply across the Greater Adelaide region and only 16% of all zoned land supply across metropolitan Adelaide.

The bulk of southern Adelaide's supply of zoned land, some 440 hectares, is located within the Onkaparinga Council area, while only 68 hectares is located with the Marion Council area – and this land supply is diminishing fast with some 30% of southern Adelaide's supply being under division and therefore market and development ready, compared to 25% across the Greater Adelaide region and 24% across metropolitan Adelaide.

With regard future growth areas, which generally comprises land identified for growth in the 30-Year Plan but not yet rezoned (including deferred urban zoned land), the Report has identified a total supply for the Greater Adelaide Region of 3,980 hectares (as at 30 June 2017), with 515 hectares contained within southern Adelaide. Notably, all of the future growth area supply in southern Adelaide is in the Onkaparinga Council within the southern areas of Hackham, Aldinga and Sellicks Beach.

Latest estimates suggest that the future yield from these growth areas is anticipated at around 34,000 dwellings across the Greater Adelaide region, with 3,650 dwellings anticipated to be delivered by southern Adelaide's future growth areas compared to 22,350 dwellings from northern Adelaide's future growth areas. Yields from southern Adelaide's future growth areas therefore represent only 11% of Greater Adelaide's future supply and 14% of metropolitan Adelaide's future supply.

Residential infill

Major infill sites generally includes brownfield development sites, infill broadhectare sites, strategic developments in corridors and activity centres, and apartment and aged care developments. Tonsley Park in the Marion Council area is presently the only zoned major infill site in southern Adelaide region and is anticipated to deliver in the order of 1,000 dwellings.

Minor infill development is also an important component of the overall land supply equation and contributes to around one-third of metropolitan Adelaide's housing supply growth. Minor infill generally refers to sites less than 4,000 square metres involving the permanent removal of a dwelling (i.e. demolition), or resubdivision of a parcel to create an additional allotment/s with the original dwelling retained. On average, for every 1 dwelling demolished in metropolitan Adelaide 1.8 dwellings replace it, giving a net increase of 0.8 dwellings. Further, approximately 87 percent of resubdivisions result in an additional dwelling.

The Government maintains a spatial database of residential demolitions, resubdivision and redevelopment of existing housing stock in metropolitan Adelaide. The most recent data is for the period between 2008 and 2014. During that period, the total net dwelling increase on demolition and resubdivision sites across metropolitan Adelaide was 11,913 dwellings, representing an annual average of 1,986 new infill dwellings across the metropolitan area.

During that same period Marion Council had an average annual dwelling increase resulting from demolition and resubdivision of sites of 304 dwellings (269 from demolitions and 35 from resubdivisions), while Onkaparinga Council experienced an annual average dwelling increase of 184 (82 from demolitions and 102 from resubdivisions). Notably, Onkaparinga Council had the highest number of resubdivisions out of any other metropolitan council, while Marion Council had the third highest number of demolitions (second only to the City of Charles Sturt and the City of Port Adelaide Enfield in Adelaide's west). The high number of demolitions in Marion Council is likely due to the limited availability of broadhectare land sites and higher median house (and therefore land) prices within its long-standing established suburbs compared to those in Onkaparinga Council – making redevelopment more attractive.

Together, however, both Councils equated to almost a quarter of metropolitan Adelaide's average annual dwelling increase from infill development during this period and each have an average demolition site replacement rate of 2.1, which exceeds metropolitan Adelaide's rate of 1.8.

Marion Housing Diversity DPA

Yield analysis undertaken to inform Marion Council's *Housing Diversity DPA* (Part 1 of which was approved in August 2019) identified that, under the current policies of the Marion Council Development Plan, yields for Marion Council provide a net dwelling increase of some 4,831 dwellings across the council area. This was determined to represent an 11-year supply using the rate of dwelling growth in Marion Council of around 425 dwellings per year at the time, which fell short of the 15-year supply target in the 30-Year Plan.

While analysis suggested that this supply would be increased to at least 16 years' supply (from some 6,773 new dwellings) across the Marion Council area, this overall supply is not guaranteed until proposed rezoning is in place. Notably, targeted infill and corridor areas in the *Housing Diversity DPA* and sites at Morphettville and Seacliff Park (Cement Hill) are still under consideration.

It is therefore appropriate to consider opportunities to increase supply in Marion Council through rezoning of underutilised land such as in the area affected.

Onkaparinga Residential Zone Yield Capacity and Associated Analysis Report 2015

Yield analysis was also undertaken to inform Onkaparinga Council's *General Residential and Miscellaneous DPA*, which was approved and consolidated into the Onkaparinga Council Development Plan in December 2017.

While this analysis broadly demonstrated that the council area has significant theoretical capacity to achieve both the dwelling targets of the 2010 Plan and Onkaparinga Council Community Plan 2035, it also confirmed that land supply in the council area is a finite resource, with approximately 70 percent of the council area being within and protected by the McLaren Vale Character Preservation District – and that all remaining broadhectare infill opportunities are likely to be exhausted in the next 20 years.

The analysis also identified that the general pattern of development in the council area is approximately 67 percent greenfield and 33 percent infill, meaning that pressure will remain for broadhectare and well-located, larger residential sites, despite policy changes to support greater infill and medium density opportunities in targeted areas across the Council in accordance with directions in the 30-Year Plan.

4.4.2 Industrial and Employment Land Supply

As identified above, the whole of the area affected was previously identified in the 2010 HELSP report as industrial land given its past designation as an industrial/residential buffer. It is therefore appropriate to consider the impact on industrial land supply from the proposed rezoning of land in the area affected from industrial/employment land to residential use, particularly within the Onkaparinga Council area.

With regard to industrial land supply, the 2010 and 2012 HELSP reports broadly identified the following consumption rates for industrial land across both metropolitan Adelaide and the Greater Adelaide region:

- 85 hectares per annum across metropolitan Adelaide between 1996 and 2002
- Between 100 to 110 hectares across the larger Greater Adelaide region between 2002 and 2008
- 75 hectares per annum in Greater Adelaide between 2008 and 2012.

In terms of industrial land supply and to meet targets for employment growth in the 2010 Plan, the HELSP assumed that industrial land consumption would be around 111 hectares per year – with the northern and western Adelaide regions making up 70 percent of this demand and southern Adelaide comprising 19% (or 21 hectares per annum). This was at the higher end of the 2002 to 2008 consumption rates above and was generally based on the desired pattern of industrial development across the Greater Adelaide Region.

Further, in relation to the southern Adelaide region, the 2010 HELSP report highlighted an increased focus on tourism, food and business services.

Onkaparinga Employment Land Study

In order to inform its recent *Employment Land DPA*, the Onkaparinga Council engaged consultants to undertake an Employment Land Study (ELS). The ELS included both an Employment Lands Analysis (July 2015) prepared by Jones Lang Lasalle (JLL) and an Employment Lands Summary Review (2016) prepared by Intermethod.

Importantly, the ELS provided an assessment of the supply and demand for industrial land within the Onkaparinga Council based on recent trends in industrial land consumption across metropolitan Adelaide, as well as recent and forecast trends in employment growth that may influence demand for industrial land.

With regard to trends, the ELS identified the following:

- There is an evidential shift from historic large-scale manufacturing, in particular within Lonsdale, to small scale manufacturing, bulky goods and sales associated with the housing industry, premium food and drink and service industries
- While southern Adelaide has many lifestyle attractors, in competing for employment land investment northern Adelaide has a number of advantages including transport accessibility, access to freight gateways, development ready and appropriate land, expanding population and government grant funding
- Therefore, the main components of employment growth moving forward in Onkaparinga Council are likely to be sectors that do not traditionally locate on industrial zoned land.

Notably, JLL considered the above consumption figures from the HELSP may be an over-estimate of actual consumption for industrial purposes, noting that some of the biggest consumers of vacant industrial land across metropolitan Adelaide have been non-industrial uses or large ‘one-off’ projects. In southern Adelaide, this includes the Desalination Plant located adjacent the area affected, Southern Expressway duplication and residential/home-based business precinct in Aldinga Beach, which has predominantly been consumed for residential purposes.

Therefore, excluding these and other similar projects or uses across Greater Adelaide, JLL estimated that land consumed by industrial uses would have been just 41 hectares per annum between 2008 and 2012 across the region – and a more reasonable average of land consumption for industrial purposes is in the order of 50 hectares per annum across Greater Adelaide, with southern Adelaide likely to account for a relatively small portion of this consumption and the majority of demand being in northern Adelaide.

JLL also estimated that an average of 4-5 hectares per annum of industrial zoned land has been consumed for industrial purposes in the Onkaparinga Council – and that future land consumption in southern Adelaide will continue to be modest. This equates to an estimated 10 percent of metropolitan wide demand, and JLL has suggested that Adelaide’s northern and outer northern industrial markets will continue to dominate industrial land consumption and likely to continue to attract the majority of businesses that consume industrial zoned land, in particular logistics/distribution warehouses given the reasons identified above.

Significantly, with regard to industrial land supply, the ELS identified that:

- Onkaparinga Council currently has approximately 180 hectares of vacant land zoned for industrial purposes and, assuming 80 percent of this land is suitable for industrial development, some 144 hectares of useable vacant industrial land exists to serve future growth
- Based on JLL’s projected consumption rates of between 4-6 hectares per annum, this equates to approximately 24-36 years of future industrial land supply

- Added to this, the former Port Stanvac Oil Refinery site could provide up to an additional 234 hectares of land for industrial purposes in the future - representing an additional 40 years of future land supply.

The ELS therefore identified that significant employment land supply exists across Onkaparinga Council well into the future based on realistic consumption rates and did not recommend any need for additional employment land, nor any significant loss of existing employment land across the council area.

It therefore specifically recommended that the *Employment Lands DPA "maintain supply of employment lands with no early recommendation to alter zone boundaries (accept (sic) for ADC Lonsdale 'change site' subject to further assessment)".* Recommendations relating specifically to the ADC Lonsdale land, which is the subject of this DPA, are discussed below.

Area affected – 'change site'

With regard to land in the area affected owned by ADC, the ELS identified the land as one of three 'change sites' with potential for rezoning.

An assessment of ADC's land was undertaken based on the framework provided in the 2007 Metropolitan Industrial Land Study and generally noted the following:

- The land has remained undeveloped with no history of industrial or commercial land use
- Alternative sites within other industry, commercial and centres zones are better located and have further capacity for future employment generating uses
- The land is not contiguous with other industrial activities, being separated by public roads and located away from major arterial roads
- The land is relatively isolated from the main Lonsdale area and industrial supply chains/service providers – and separated from existing industrial development to the south via Sigma Road
- Residential development is already located on land already to the north, and the land is large enough to incorporate appropriate screening measures
- Ocean views provide significant amenity for open space / recreational use and / or residential uses.

Importantly, based on this assessment, the ELS concluded that privately-owned land in the area affected has limited appeal for future industrial use and that future rezoning to residential (plus consideration of coastal protection) may have merit, but would need to be guided by a well prepared site/master plan that considers open space, noise/light/odour mitigation (based on adjacent industrial activities) and integration with land to the north in the Marion Council.

Importantly, the ELS also specifically noted the following:

> *"Rezoning to residential use may provide new housing opportunity. This may require a cross boundary rezoning of land to the north in the City of Marion to achieve a coordinated and logical extension to existing residential land. If developed for residential use the land should have a buffer to industrial activity south of Sigma Road."*
>
> *"A change to residential across the whole site (with a road frontage of approximately 530 metres) would result in a more sensitive land use in close proximity to established industrial land. Without mitigation this would have a limiting effect on existing and/or future activity on adjoining land."*

Consideration on mitigation measures to manage the interface between the area affected and industrial activities are discussed further in section 4.5, while coastal management is discussed further in section 4.10 below.

Further, the ELS recommended that future rezoning of change sites, including privately-owned land in the area affected, would be best achieved through an externally funded DPA rather than a city-wide DPA such as Onkaparinga Council's *Employment Lands DPA*. Consequently, as identified in 2.3 *'Related Development Plan Amendments'* above, the area affected was included as an interface area as an interim measure as part of the *Employment Lands DPA*, which has since been approved and consolidated into the Onkaparinga Council Development Plan.

Implications for this DPA

The area affected by this DPA is located in the southern Adelaide region.

Land supply data suggests that residential land supply in southern Adelaide (including broadhectare and major infill sites) is diminishing fast. It is therefore important that new areas are identified and carefully planned to provide efficient use of finite land resources in the region, contributing to targets in the 30-Year Plan to maintain at least a 15-year zoned land supply. The area affected provides an opportunity to deliver almost 12 hectares of new residential land in a planned/coordinated way, reducing reliance on minor infill to meet demand, particularly in the Marion Council area.

Further, rezoning of land in the area affected from employment land to residential is not considered to adversely impact on the future supply of industrial land in southern Adelaide or the Onkaparinga Council area based on the analysis undertaken to support Onkaparinga Council's recent *Employment Lands DPA*.

It will, however, be important to ensure that the interface between existing industrial activity and proposed residential uses in the area affected is appropriately managed to ensure the ongoing operation and long-term viability of existing and future employment and industrial activities within the Lonsdale area. Management of this interface is discussed further in section 4.5 of this DPA below.

4.5 Interface between land uses

The EPA released a Position Statement in 2017 that describes how an interface between land uses is to be addressed in preparing DPAs to address noise and air quality impacts, and to meet the requirements of the *Environment Protection Act 1993*, *Environment Protection (Air Quality) Policy 2016*, *Environment Protection (Noise) Policy 2007*, and the *Local Nuisance and Litter Control Act 2016*. This includes an interface between sensitive residential development and industry as well as with transport corridors, including railway lines.

The EPA's *Evaluation distances for effective air quality and noise management* (2016) (evaluation distances guideline) also identifies recommended evaluation distances between sensitive land uses and potentially polluting activities. Notably, the activities identified in the guideline are generally industrial in nature and most are activities that are listed in Schedules 21 and 22 of the *Development Regulations 2008* and therefore referred to the EPA for review and advice or direction as part of development applications. Activities of environmental significance are also generally licensed by the EPA.

Importantly, application of the evaluation distances guideline is intended to assist in protecting amenity in residential and other sensitive use areas as well as protecting existing industry from encroachment by sensitive land uses.

The area affected is located adjacent or in proximity to a number of existing industrial and non-residential activities, including a number of EPA licensed activities, as well as the Adelaide-Seaford rail corridor. Management of these interfaces is discussed further below.

4.5.1 Industrial, infrastructure, mining and employment activities

EPA licensed activities located within the wider locality and in proximity to the area affected are discussed in **Table 6** below. This includes recommended evaluation distances based on the EPA guidelines and discussion regarding potential mitigation where the area affected or portion of the area affected is within the recommended distance.

Table 6 – EPA licensed activities in the locality and recommended evaluation distances

Facility/Use	Licensed activity	EPA Recommended Evaluation Distance	Distance of area affected to activity (approximate)	Comments/ DPA Response
Adelaide Desalination Plant	Chemical storage and warehousing facilities and for the desalination plant that discharges to the marine environment	100 metres Risk of fire or explosion should also be considered	200+ metres from chemical storage and warehousing	The noise assessment discussed in section 3.4 has considered noise impacts from the Desalination Plant and recommended mitigation strategies to address any potential impacts. These strategies are included in the policy framework proposed by the DPA. The EIS Response Document[7] for the Desalination Plant considered risks associated regarding potential chlorine leakage from the Plant and confirmed that the risk of an explosion was discounted as chlorine is a non-explosive gas. It also confirmed that the risk of a chlorine leak causing a fatality beyond the site was minimal and acceptable when appropriate mitigation measures are in place, such as appropriate enclosed areas with extraction fans and scrubber units. SA Water has also advised that the necessary controls are in place in order to safely manage the storage of chlorine and other chemicals on the site.
Scrap metal recycling and reclamation at 9 Chrysler Road, Lonsdale	Receives and processing up to 5000 tonnes of waste metals annually	300 metres	225 metres	Despite portion of the area affected being located within the recommended evaluation distance, this activity is potentially buffered by the U-Pull-It auto wreckers facility immediately across Sigma Road. The noise assessment discussed in section 3.4 has also considered noise impacts, including from the adjacent U-Pull-It facility and recommended mitigation strategies to address any potential impacts. These strategies are included in the policy framework proposed by the DPA. The *Noise and Air Emissions Overlay* from the SAPPL is proposed to extend across the area affected to ensure that potential noise impacts can be addressed in the design and orientation of new dwellings, particularly upper building storeys.
Waste recycling and composting depot at Liston Road, Lonsdale	Receives waste as a recycling depot up to 50,000 tonnes per annum and composting	1000 metres	900 metres	While portion of the area affected generally located east of Freebairn Drive is within the recommended evaluation distance, it is noted that residential areas north of the Field River at Hallett Cove as well as at Reynella to the south-east are located significantly closer to this facility. Notwithstanding this, the *Noise and Air Emissions Overlay* from the SAPPL is proposed to apply to the area affected given its location adjacent the Adelaide-Seaford rail corridor. This will also allow any air quality impacts from recycling activities to be considered in the design and orientation of new dwellings.

[7] *Proposed Adelaide Desalination Plant – Environmental Impact Statement Response Document (January 2009), Government of South Australia*

Facility/Use	Licensed activity	EPA Recommended Evaluation Distance	Distance of area affected to activity (approximate)	Comments/ DPA Response
Small-scale e-waste recycler at 13 Christie Road, Lonsdale	Minor disassembly of televisions and computers and temporary storage of e-waste on site ready for transportation	300 metres	350 metres	Given that the area affected is located greater than the recommended evaluation distance to this facility, no interface issues are foreseen in relation to development of the area affected for residential uses.
Composting facility at Liston Road, Lonsdale	Receives green waste for composting	1000 metres	1000+ metres	Again, given that the area affected is located greater than the recommended evaluation distance to this facility, no interface issues are foreseen in relation to development of the area affected for residential uses.
Reynella Quarry	Extractive industry involving blasting and quarrying	Individual assessment	1100+ metres	The quarry is identified as a strategic mineral resource in *The 30-Year Plan for Greater Adelaide* and should be protected. Blasting and quarrying activities still occur in response to market demand. The evaluation distances guidelines do not recommend a specific distance to extractive industries, but instead recommend that an individual assessment be undertaken for each site. In this regard, the quarry is located significantly closer to residential areas across the Field River in Hallett Cove and Sheidow Park to the north as well as at Reynella – with the area affected being located over 1 kilometre away from the quarry. Consequently, development of the area affected is considered unlikely to impact on the quarry's operations. It is also understood that the quarry is proposing to implement further screening and rehabilitation of older workings at the site.
Closed landfill facility at Meyer Road, Lonsdale	Closed landfill and crushing plant	300 metres	100+ metres from licensed area, but generally 300+ metres from predominate landfill, crushing and resource recovery activities.	Primary access to the landfill site is via Meyer Road, minimising potential impacts from heavy vehicle movements to and from the site on sensitive development in the area affected. The EPA has also determined that the risk of landfill gas having an off-site impact from this activity is low. While the area affected is located just over 100 metres from the licensed area for this facility at its closest point (and therefore within the recommended evaluation distances guideline), the northern extent of the licensed area is generally vegetated, with predominant landfill and resource recovery operations set further behind and generally away from Meyer Road. The area affected is also located approximately 450 metres from existing stockpiles that may be a potential source of air quality impacts (typically odour and dust) for future residents. These stockpiles are currently subject to a retrospective development application being considered by Onkaparinga Council

Facility/Use	Licensed activity	EPA Recommended Evaluation Distance	Distance of area affected to activity (approximate)	Comments/ DPA Response
				and the EPA following dust complaints from existing residential areas at Hallett Cove, which are also located within the recommended evaluation distance to the licensed area. Additional dust suppression measures are also currently being implemented in response to this. There is also potential for additional stockpiling at the site to be located closer to the area affected and existing residential areas as part of this current development application. Regardless, assessment of this application will need to ensure that appropriate mitigation is in place to manage any off-site impacts (in particular dust), including to existing residential development adjacent the area affected at Hallett Cove. The status of this application and air quality monitoring currently being conducted by the EPA is discussed separately below and may require further consideration in later phases of the DPA process. Until such time as the outcomes of this assessment and monitoring is known or further information and data is available, application of the *Noise and Air Emissions Overlay* from the SAPPL to the area affected should ensure that development is appropriately designed to mitigate potential air or noise impacts from landfill and resource recovery activities from this facility. Recommended acoustic and buffering treatments in section 3.4 of the DPA may also assist in mitigating potential air quality impacts on sensitive development in the area affected.
SA Power Networks Temporary Power Generators at corner Christie/Chrysler roads, Lonsdale	Hybrid diesel-gas power generators	Individual assessment	500+ metres	According to the EPA, these power generators are expected to operate intermittently for short periods, most likely between 4pm and 8pm during period of extreme hot weather and maintenance activities. While subject to individual assessment and noting their intermittent use, the EPA has recommended that an evaluation distance of between 1000-1500 metres may be appropriate. While a noise report commissioned by SA Power Networks identified that noise from the generators could be an issue for existing residential areas at Hallett Cove (located adjacent the area affected) and therefore sensitive residential development in the area affected, Sonus has confirmed that with the acoustic treatment measures (per section 3.4 of the DPA), noise levels in the area affected will be less than the noise levels at existing residences and the temporary generators will achieve the relevant noise criteria in expected operating scenarios. The *Noise and Air Emissions Overlay* from the SAPPL is also proposed to extend across the area affected that may be impacted by noise from adjacent activities.

In addition to the above EPA licensed activities, the RSPCA's Lonsdale Animal Shelter is also located approximately 150 metres to the south of the area affected at Meyer Road and includes dog kennels. The EPA's evaluation distance guidelines recommend a distance of 500 metres from dog kennels to sensitive land uses, including residential development given potential noise problems resulting from keeping large numbers and a range of dog breeds as well as the stress sometimes experienced by the dogs in unfamiliar conditions.

Potential noise associated with the shelter has been considered further by Sonus. This assessment has confirmed that with the acoustic treatments proposed in section 3.4 of the DPA, the noise from kennelling activities and dogs barking at the facility will achieve the relevant noise criteria at all times of the day and night.

Cumulative noise and air impacts

The EPA's Position Paper specifically identifies that consideration be given to the cumulative impacts of both noise sources and air pollutants in the region when identifying key development areas. This includes from both licenced activities and those where a licence is not required to operate but may still generate impacts.

It is noted, however, that with the exception of the RSPCA's Lonsdale Shelter and a number of automotive wrecking facilities, the majority of industrial and employment activities within close proximity to the area affected are in fact licensed activities as discussed in **Table 6** above. Consequently, no additional activities have been identified that may give rise to further, or are likely to further compound, noise or air impacts on the area affected.

Noise

Outcomes of the noise assessment undertaken by Sonus has confirmed that noise from immediately adjacent activities (including automotive wrecking and the Desalination Plant), the RSPCA facility and the SA Power Networks temporary generators will meet the relevant noise criteria during all expected operating scenarios and can be appropriately mitigated through recommended acoustic treatments in section 3.4 of the DPA. More specifically, further assessment by Sonus has identified that:

- Based on noise modelling undertaken as part of the EIS for the Desalination Plant, noise from the Plant would need to be reduced by 2 dB(A) for any future dwellings within 70 metres of the of southern boundary of the area affected, which would easily be achieved at ground level by the recommended 4 metre high acoustic barrier. Recommended acoustic treatments to upper building levels within this distance will also result in indoor criteria being achieved
- With regard to the SA Power Networks temporary generators, the difference between the noise at existing Hallett Cove residences north of the area affected and the noise within the area affected prior to installation of any barriers is 3 dB(A) according to predictions from recent testing[8]. Where the line of sight is blocked by the recommended acoustic barrier, the noise reduction achieved at future dwellings close to the barrier will be at least 5 dB(A). Although the performance of the barrier would reduce for future dwellings setback further from the barrier, this noise level is still a conservative estimate when combined with the barrier effect of dwellings located within this setback area (i.e. dwellings located in between these further setback dwellings and the barrier)
- Noise predictions from the adjacent auto wrecking site (U-Pull-It) were based on the noise sources and receivers located close to Sigma Road – and the proposed barrier is expected to perform well. Again, as the distance of the noise sources or receivers (future dwellings) from Sigma Road increases, the performance of the acoustic barrier will be reduced. However, the effect of the increase in distance is expected to be greater than the reduction of the barrier performance
- Predicted noise levels relating to the RSPCA animal shelter have been based on the worst case location within the area affected, taking into account the recommended acoustic barrier at various distances – and are predicted to be 5 dB(A) below the requirements of the *Environment Protection (Noise) Policy 2007*.

[8] *SA Power Networks Temporary Generator Project - Noise Emission Testing Results, Vipac Engineers & Scientists, 1 Development 2017*

Air quality

With regard to air quality, the area affected is located within the recommended evaluation distance of three EPA licensed activities in **Table 6** above that could give rise to potential air emission impacts. These include the Desalination Plant as a result of chemical storage and potential risk of chlorine gas leak, and waste/recycling and landfill activities that could result in dust or odour impacts or release of landfill gas.

As noted in **Table 6**, however, the risk of air impacts from a chlorine leak at the Desalination Plant was determined to be minimal and acceptable as part of the EIS assuming that appropriate mitigation measures are in place - and SA Water has advised that the necessary controls are in place in order to safely manage the storage of chlorine and other chemicals on the site. It is also understood that no blending or mixing of chemicals is licensed to occur at the Plant that could give rise to other air quality impacts.

Further, while the area affected is within the 1000 metre evaluation distance recommended by the EPA in relation to waste recycling/composting activities on Liston Road at Lonsdale, it is still located some 900 metres from this activity and a significantly greater distance than a number of other residential areas north of the Field River at Hallett Cove and at Reynella.

With regard to the closed landfill operated by ResourceCo at Meyer Road to the south, it has been determined that the risk of landfill gas having an off-site impact from this activity is low. The EPA has, however, received dust complaints from existing residents living north of the area affected at Hallett Cove, although it has not been ascertained whether the dust is exclusively from operations on this site or other potential sources (e.g. other industrial activities both licensed and unlicensed, nearby open space, maintenance activities along roadside verges, etc.). Regardless of the source, it is understood that further dust control measures are now in place at this facility to manage any potential off-site impacts in accordance with the *Environment Protection Act 1993* and licence requirements.

Notwithstanding this, ResourceCo has lodged a development application with the Onkaparinga Council seeking authorisation for the ongoing use of the land, post closure and capping of the landfill, as a resource recovery facility for stockpiling, reuse and resale of waste derived landfill (i.e. 'clean fill'). This includes seeking retrospective approval for stockpiling of waste fill from road construction projects at the site, which are currently located approximately 450 metres from the area affected by this DPA, and utilising additional land closer to Meyer Road and the area affected for this purpose. This land is understood to have been historically set aside as a buffer and identified as a 'no fill area' and/or 'clean fill only' area[9], but nevertheless could result in stockpiles being located closer to the area affected and existing residential areas at Hallett Cove, and generally within the EPA's evaluation distances guideline.

At the time of preparing this DPA for consultation, ResourceCo's application was still under assessment by the EPA and Onkaparinga Council, and notification (as a Category 2 form of development) had not yet occurred to abutting land owners. This includes consideration of any potential for air quality impacts based on modelling and assessment undertaken as part of the application.

In addition, the EPA has also recently commenced air quality monitoring in the locality, primarily to determine levels and sources of dust based on recent complaints from residents in the vicinity. The outcomes of this modelling will not, however, be known for a further 12 months (possibly by July 2020), which is beyond the timing for consultation on this DPA, as well as the impending transition of planning policies to the Planning and Design Code for Greater Adelaide.

Outcomes from the EPA's modelling and any subsequent development and/or licencing approvals granted for ResourceCo's current application to expand its resource recovery operations may therefore need to be considered further following consultation of the DPA. Regardless, any future development and licencing approvals will need to ensure that dust or other air quality impacts are appropriately managed to mitigate any further off-site impacts, including impacts on existing residential areas located within similar proximity to the site as the area affected. In an effort to mitigate impacts, the EPA has recommended the application of the *Noise and Air Emissions Overlay* from SAPPL to apply to the entirety of the site.

[9] *Source: Fact Sheet, ResourceCo site at Meyer Road, Lonsdale, City of Onkaparinga (4 February 2019)*

4.5.2 Transport corridors

The eastern portion of the area affected backs onto the Seaford rail line, which is also licensed for railway operations by the EPA. Lonsdale Road, which is a Type B road (i.e. major traffic / freight route), is also located some 300 metres from the area affected to the east. The 30-Year Plan seeks to ensure that new housing permitted in locations near major transport routes (road, rail and tram) mitigates the impact of both noise and air emissions.

The *Noise and Air Emissions Overlay* from SAPPL can be applied to these locations to ensure that new development includes appropriate design measures to mitigate any impacts. Given that the area affected is located over 300 metres from Lonsdale Road, however, potential noise impacts from the road are not considered to warrant application of the *Noise and Air Emission Overlay* (i.e. application of the Overlay would only generally apply to areas within 130 metres of this road).

With regard to the Adelaide-Seaford railway line, however, the boundary of the area affected is located some 50 metres from the rail line itself, with the rail line set down significantly lower within a cutting. Existing residential development immediately north of the area affected is also located a similar distance from the rail line, while residential development located even further north is located much closer to the rail line itself. Notably, the *Noise and Air Emissions Overlay* from SAPPL did not apply at the time these existing areas were zoned to support residential development.

Since its electrification, noise and air impacts from trains operating on the Adelaide-Seaford rail line has been significantly reduced, but can still occur as a result of braking, wheel noise etc. There are no signalised rail crossings in close proximity to the area affected which can also be a source of noise for residents. The nearest station is also located some 1.7 kilometres to the north at Hallett Cove Beach.

Notwithstanding this and while the *Noise and Air Emissions Overlay* does not apply to residential development north of the area affected, the Overlay would be required to apply (at a minimum) over portion of the area affected adjacent the rail corridor (predominantly land on the eastern side of Freebairn Drive) to ensure that new dwellings are designed to mitigate against any potential noise and air impacts based on current best practice.

Implications for this DPA

Given that parts of the affected area are adjacent to a number of potential sources of both noise and air emissions and based on the mitigation measures proposed in the noise assessment discussed in section 3.4, the DPA proposes to apply the *Noise and Air Emissions Overlay* over the entirety of the affected area in both Development Plans. This will ensure that the siting and design of new buildings considers potential noise and air emission impacts depending on the separation distances from buildings to the source.

Policies are also proposed in the proposed Lonsdale Policy Area in both Development Plans to require mitigation measures recommended in the noise assessment to be considered as part of the land division phase and assessment of individual dwellings.

General provisions are also included in both Development Plans under *'Interface between Land Uses'* and *'Residential Development – Noise'* to further guide the siting, design and location of more sensitive residential development to minimise impacts from potential noise and air emissions. Inversely, General provisions are also included in both Plans under *'Industrial Development'* to ensure that new industrial activities in the locality are also designed and sited to minimise adverse effects on the health and amenity of occupiers of future residential land in the area affected.

4.6 Heritage

Information about places of heritage value are captured in either Development Plan for each Council or protected under the *Aboriginal Heritage Act 1988*. The following is a review of heritage within and adjacent to the DPA investigation area.

4.6.1 Indigenous

The Development Plans affected by this DPA do not contain information about the location of objects and sites of Aboriginal heritage significance. Information about such sites and objects is maintained in a register (a Central Archive which includes the Register of Aboriginal Sites and Objects) managed by Aboriginal Affairs and Reconciliation (AAR) within the Department of Premier and Cabinet.

While there are no registered Aboriginal sites or objects identified within privately-owned land in the area affected, sites or objects have been identified within the adjacent coastal reserve. AAR has also advised that given archaeological evidence in the locality and proximity of the area affected to the ocean and nearby waterways, the area affected could contain significant undiscovered archaeological and anthropological sites. The privately-owned land has, however, been significantly modified due to past farming activities and construction of earth mounds to support its more recent use as a visual and auditory buffer between existing industrial and residential areas.

Notwithstanding the advice received or assumptions about the potential location of Aboriginal sites and objects, procedures under the *Aboriginal Heritage Act 1988* for the discovery of, and search for, Aboriginal sites, objects and remains, have an overriding effect. Importantly, pursuant to section 20 of the *Aboriginal Heritage Act 1988*, if an Aboriginal site, object or remain is uncovered on private land, the relevant Minister must be contacted. Section 23 of the *Aboriginal Heritage Act 1988* also states that a person must not damage, disturb or interfere with any Aboriginal site, object or remains until the site has been assessed and directions are given by the Minister.

4.6.2 Non Indigenous

Places of State and local heritage value are listed in tables found in each Development Plan. A review of each Development Plan found that no State or local heritage places exists within or adjacent the area affected.

Implications for this DPA

Protection and discovery of Aboriginal sites or objects is covered by the blanket protection provided by the *Aboriginal Heritage Act 1988*, and the Development Plan does not contain information about the location of objects and sites of Aboriginal heritage significance.

While there are no State or local heritage places within or adjacent the area affected, the Development Plans contain up-to-date heritage planning policies under the General '*Heritage Places'* and *'Design and Appearance'* provisions which provide guidance for the assessment of proposals affecting or proposed near a State or local heritage place. A referral process also exists under Schedule 8 of the *Development Regulations 2008* to the Minister administering the *Heritage Places Act 1993* in relation to State Heritage Places.

Consequently, no additional policy is required.

4.7 Public Transport

While the Adelaide-Seaford rail line runs in close proximity to the east of the area affected, the nearest train station is Hallett Cove Beach, some 1.7 kilometres away to the north-east and at least a 20 minute walk.

A bus stop (stop 65) is located on Freebairn Drive, approximately 25 metres north-east of Burlington Road, which services Route 683. Route 683 is a loop service that connects the residential developments west of the train line, including within the adjacent Burlington Estate, to/from the Hallett Cove Beach train station. It also connects with other bus services linking to the Hallett Cove Centre interchange, Marion Regional Centre and Flinders University, although services operate at relatively low frequencies.

Further, the Hallett Cove Beach train station also includes upgraded park and ride facilities (some 188 spaces) for rail commuters to encourage use of rail as the main component of their daily commute. Park and ride facilities (almost 100 spaces) are also available at Hallett Cove train station further north.

Route 683 is also currently within a 'Roam Zone' meaning that from 7pm until the last service daily, bus services from the Hallett Beach train station will travel via their regular route and drop bus users either at or as close as possible to their door, enhancing the overall safety of these services.

Implications for this DPA

Despite being adjacent the Adelaide-Seaford rail line, the area affected is not within close walking distance to high frequency public transport stops or higher order activity centres, and is therefore not well suited to support higher density residential development in line with the directions of the-30 Year Plan.

The 30-Year Plan does, however, seek to increase the proportion of low-rise, medium density apartments and attached dwellings in established areas to support carbon efficient living.

The DPA therefore seeks to encourage development of a range of housing types for proposed residential land in the area affected, including more compact housing forms in appropriate locations, to take advantage of the area's location adjacent established urban areas and to encourage more carbon efficient living, while reducing pressure on the urban fringe.

Increased residential population in the local area will also allow authorities to consider enhancement of bus services in the Hallett Cove area in response to demand.

4.8 Pedestrian and Cycle Links

4.8.1 Pedestrian facilities

The area affected is located with ready access to the Marion Coastal Walking Trail, which extends some 7.2 kilometres from the adjacent Hallett Headland Reserve to Marino in the north. Walking paths are also provided along parts of the Field River, linking Cormorant Drive Reserve to the Coastal Walking Trail. However, large areas of the Field River upstream of Lonsdale Highway are not open for public access.

The Kauri Interpretive Walking Trail is also located south of the area affected and runs alongside the Desalination Plant. The trail includes wetlands, look-outs and views across Gulf St Vincent.

Designated footpaths are also provided either side of Freebairn Drive and either side of Burlington Road at its northern end, enhancing pedestrian movement to location destinations to the north, including Chatswood Court Reserve. Preliminary design concepts prepared for future residential development in the area affected as shown in section 3.1 above also identify opportunities to extend the existing footpath on the western side of Burlington Road down to Freebairn Drive to further enhance pedestrian movement. Further, the concepts identify opportunities to develop a wider pedestrian network within the area affected, linking not only to key destinations to the north but also to the adjacent coastal reserve and trails to the west, including within the Hallett Headland Reserve.

4.8.2 Cycle links

Given the general topography of Hallett Cove and subsequent street arrangements, there are limited designated on and off-road bicycle paths within the locality, making the area less conducive to cycling. In terms of higher order streets, designated bicycle lanes are provided on either side of The Cove Road south-east of the Adelaide-Seaford railway line and north of the area affected. Lonsdale Road to the east also has a wide shoulder to enable cycling, but no designated bike lanes.

Notwithstanding this, bicycle access is readily provided to key destinations to the north such as Hallett Cove Beach and train station and the Hallett Cove District Centre via a series of local streets.

The Coast to Vines rail trail shared use pathway is also accessible from the Hallett Cove Station some 4.2 kilometres to the north of the area affected, which follows the route of the original rail corridor from Marino in the Marion Council to the wine regions of McLaren Vale and Willunga in the Onkaparinga Council.

Opportunities may also arise in the future for a new shared pathway to be developed south of the area affected through the former Port Stanvac Oil Refinery land (i.e. adjacent the Desalination Plant) to O'Sullivan's Beach

to connect with the existing Coast Park shared pathway in the Onkaparinga Council as part of the Coast Park initiative and implementation of Onkaparinga Council's Foreshore Access Plan.

Implications for this DPA

Development of portion of the area affected for residential development and generally in line with the preliminary design concepts would provide opportunities to enhance pedestrian movement throughout the local area and local connections to coastal walking paths for the benefit of residents and the wider community. It also presents an opportunity to enhance the existing walking trails within the adjacent coastal reserve, including interpretive elements, shelters and seating to add interest for visitors.

Both Development Plans contain General provisions under *'Transportation and Access – Cycling and Walking'* to encourage development of permeable streets and pathways in new development areas to encourage walking and cycling. Therefore, no change to policy is required.

Commentary is, however, proposed in the Desired Character statement for the proposed new Lonsdale Policy Area to encourage linkages between new public open space areas in the area affected to the coastal reserve.

4.9 Airport Height Constraints

Both Development Plans contains development constraints mapping that identify areas where buildings of a prescribed height require referral to the Federal Department of Infrastructure, Regional Development and Cities under the *Airports Act 1996* and *Airports (Protection of Airspace) Regulations 1996* to ensure aviation safety at Adelaide Airport.

Within the Onkaparinga Council Development Plan, airport building height referrals are generally limited to areas north of Kenihans Road and Chandlers Hill Road in the hills and foothills areas of Happy Valley, Aberfoyle Park, Flagstaff Hill, O'Halloran Hill, Darlington, Coromandel Valley and Coromandel East.

While the northern parts of Hallett Cove (generally north of Grand Central Avenue) in the Marion Council area are affected by Adelaide Airport building height referrals, these do not apply to the area affected.

Implications for this DPA

The area affected is not affected by Adelaide airport building height constraints.

Consequently, no referrals will be required to the Federal Department of Infrastructure, Regional Development and Cities for development within the area affected.

4.10 Environment and Sustainability

4.10.1 Energy and water

In response to climate change, the 30-Year Plan promotes energy efficient development to reduce energy costs and Adelaide's carbon footprint. Energy and water efficiency should be considered at both the neighbourhood/subdivision level and individual building level.

Preliminary design concepts for residential development in the area affected generally show opportunities to maximise orientation of allotments to enhance solar access, with the exception of lots adjacent the coast that are likely to be oriented to capture sea views to the west. General land division policies in both Development Plans promote appropriate orientation of allotments in new land divisions to maximise solar efficiency.

Stormwater investigations for the area affected and discussed in section 3.5 above have also identified opportunities to encourage water sensitive design at the neighbourhood and individual building level, although final design will need to be determined as part of any future land division and development proposals and based on discussions with both Councils.

Further, all new residential development in the area affected will need to be designed and constructed in accordance with contemporary energy and water standards prescribed in the Building Code of Australia.

4.10.2 Coastal areas and biodiversity

As discussed in section 4.2.5 above, the coastal reserve to the west of privately-owned land in the area affected forms part of the Hallett Headland Reserve, which is managed by Marion Council and considered significant in terms of both flora and fauna. Consequently, the reserve is proposed to be included in the Coastal Conservation Zone as part of this DPA.

Coastal cliffs

The coastal clifftop is located to the west of the area affected in the Coastal Conservation Zone and represents a potential hazard to development. Indeed in 1996, landslip occurred further north of the area affected at Hallett Cove, requiring affected properties to be purchased, demolished and made safe. The Development Plan also now requires that land identified as being at risk from landslip should not be developed.

The *Metropolitan Adelaide Northern Coastal Action Plan (2009)* (Action Plan) considered potential climate change threats to the coastal reserve and confirmed that sea level rise scenarios (even at a rise of 0.5 metres by 2070) are unlikely to cause widespread change to these stable cliffs, although shore platforms will become narrow to absent. The Action Plan also identified that shrubs and grasses of the coastal slopes and cliffs are not threatened by sea level rise or increasing aridity. Notwithstanding this, a Coastal Management Study undertaken in 2012 for Marion Council identified that by 2100, it is likely that the wave cut platform below the cliff in this location will be inundated more frequently, allowing wave action directly against the base of the cliffs – and recommended that routine monitoring of the cliff condition and stability (in particular the discharge of stormwater) should be undertaken.

The Action Plan also identified that infrequent but larger peak flows will increase cliff face and cliff top gullying and therefore further development of the local stormwater system should avoid increasing run-off to the cliffs. Stormwater investigations undertaken to inform the Infrastructure Report for land in the area affected (see section 3.5) have proposed that stormwater generated by future development can be controlled by proposed and existing detention basins, minimising any potential impacts on the cliffs and sensitive coastal and marine environment. These investigations have also identified that stormwater pollutant targets established by the EPA could be achieved by treating stormwater runoff from roof areas via a 1 kilolitre rainwater tank per lot in combination with these detention basins.

Notwithstanding the above, the Department for Environment and Water (DEW) has recommended that a 100 metre buffer be included between future development and the coastal clifftop, plus an additional exclusion area based on the anticipated rate of erosion over the next 100 years. Both Development Plans also contain policy provisions to encourage the provision of erosion buffers to coastal development.

While portion of the area affected located in the Onkaparinga Council is setback a greater distance to the clifftop, the north-western portion of privately-owned land in Marion Council is located within the recommended buffer distance. Residential development north of the area affected in Balboa Drive is also located within the buffer.

Preliminary slope stability assessment

Further to the geotechnical investigations discussed in section 3.2, a preliminary geotechnical assessment of the stability of the slopes within the 100 metre buffer area (as recommended by DEW) was therefore undertaken to confirm any land stability or landslip issues. This assessment generally identified the following:

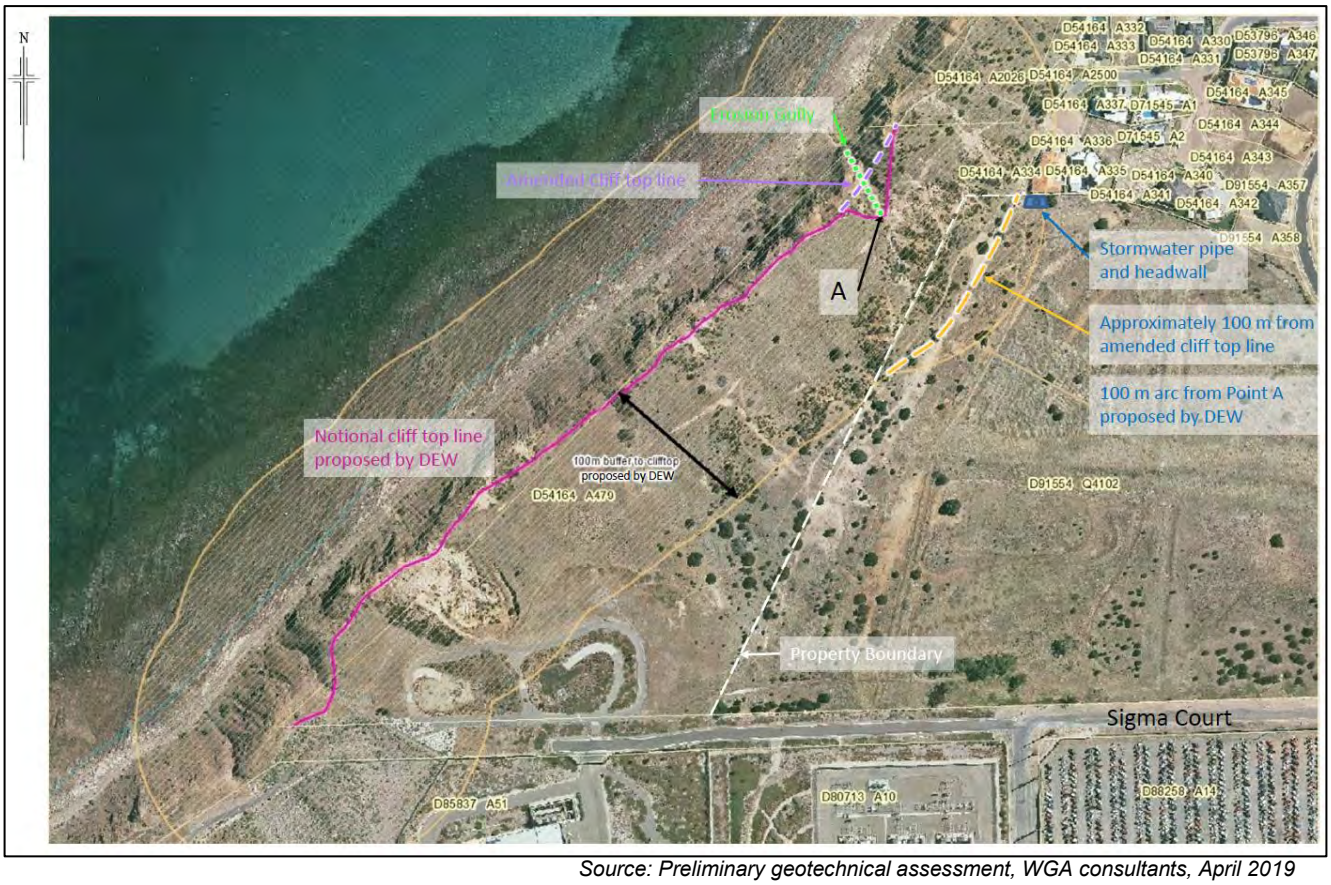
- There is no evidence of any large scale instability in the coastal cliffs
- The bedrock geology within the coastal reserve is considered to be markedly different to that encountered at the landslide which occurred further north at Hallett Cove in 1996
- Erosion by wave action at the base of the cliffs currently appears to be minor given extensive vegetation that exists near the base adjacent to the wave cut platform – and retreat of the bedrock exposed in the cliffs due to coastal processes is therefore expected to be minor over the next 50-100 years.

In addition to the above, the assessment also identified that the clifftop line suggested by DEW does not necessarily reflect the crest of the coastal cliff at all locations and has therefore recommended an adjusted buffer in line with the amended alignment of the clifftop. This is generally shown in **Figure 6** below.

While the assessment also suggested that the width of the coastal erosion buffer could be reduced based on the above findings, DEW has requested that a minimum of 100 metres be maintained from the adjusted coastal clifftop alignment and any future development.

The preliminary design concepts in section 3.1 show potential to create a green edge and 'outlook' park along the western boundary of ADC's land, which would primarily be included within the adjusted buffer area, allowing residential allotments to be setback further from the coastal reserve and clifftop area. The preliminary slope stability assessment has, however, confirmed that the design of footings for any buildings located near the western boundary of ADC's land would need to consider the impact of the batter slope which extends down the coastal path. More detailed slope stability analysis has also been recommended as part of the detailed design of any future development along the western boundary to more reliably assess the appropriate location of future buildings.

Figure 6 – Amended cliff top line and proposed extent of 100 metre coastal erosion buffer



Source: Preliminary geotechnical assessment, WGA consultants, April 2019

Native vegetation

Due to previous farming activities in the area affected, the privately-owned land is predominantly cleared of vegetation – although some scattered vegetation exists across the site, predominantly adjacent Sigma and Burlington roads and the western site boundary adjacent the Hallett Headland Reserve in Marion Council.

As identified above, past surveys of the Hallett Headland Reserve have identified that over 30 native plants species exist within the wider reserve that are considered to be of conservation significance in the Mount Lofty Ranges – and the reserve is therefore considered of high conservation value. Proposed rezoning of the portion of the reserve within the area affected to Coastal Conservation Zone as part of this DPA will ensure its ongoing conservation.

Clearance of native vegetation in certain areas is controlled by the *Native Vegetation Act 1991*. While the *Native Vegetation Act 1991* applies to that portion of the area affected located within the Onkaparinga Council [pursuant to section 4(2)(2a)] as well as to coastal areas west of the area affected, it does not apply to the portion of the area affected in the Marion Council.

A vegetation assessment was undertaken for privately-owned land in the area affected to determine the existence of species or habitats for species of conservation significance and potential approvals required for any future clearance to support residential development of the land. This assessment has generally confirmed that:

- The land comprises almost entirely introduced species, mainly grasses and herbs with some larger shrubs
- Notwithstanding the presence of very occasional individuals of two native species, the existing vegetation on the land cannot be described as a native vegetation association. Consequently, no approvals are required under the *Native Vegetation Act 1991* for any future clearance
- No vegetation listed as rare, vulnerable or endangered at a National, State or Regional level and protected under the *National Parks and Wildlife Act 1972* or *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) was recorded on the land.

In addition to the above, the assessment also identified that the land provides limited / poor habitats for fauna or any threatened species that may be present nearby, including any species protected under the EPBC Act.

Development of private land in the area affected also provides an opportunity to enhance landscape planting and biodiversity, particularly through providing green links to the adjacent coastal reserve. The tree survey has also recommended that any future landscaping should use coastal tolerant plants and local native species where practical.

Significant and Regulated trees

The tree survey undertaken for privately-owned land in the area affected has identified that seven River Red Gums currently exist on the land, two (2) of which are Significant Trees[10] and five (5) being Regulated Trees[11] as defined by the *Development Regulations 2008*. These trees are not native to the area and were understood to have been planted along an internal road/driveway providing access to a former dwelling on the land sometime between 1959 and 1969.

The survey has, however, identified that the growth and condition of these trees has been affected by their location, with exposure to coastal winds resulting in many of these trees demonstrating a tendency to grow to the east and varying amounts of dieback in the canopy. More specifically:

- Two trees have been identified as being in poor condition with a limited lifespan – and are therefore recommended for removal
- The other five trees (with the exception of one) have noticeable dieback and are considered to be in a poor to fair condition with limited amenity value.

In addition to the above, the survey has also identified that many of the smaller River Red Gums within the stand are in poor condition and are therefore also recommended for removal.

4.10.3 Flooding

The Marion Council has undertaken flood mapping for areas west of the Sturt River as part of the endorsed Glenelg to Marino Catchment Flood Inundation Stormwater Management Plan as well as for the Hallett Cove Creeks catchments that considered a significant portion of Marion Council's southern residential area located south of Marino and west of Lonsdale Road. This mapping was introduced into the Marion Council Development Plan under Part 1 of the proposed *Housing Diversity DPA,* however, does not extended to the portion of the area affected in the Marion Council under this DPA.

[10] *A Significant Tree generally includes trees with a trunk circumference of 3 metres or more measured at a point 1 metre above natural ground level (in the case of trees with multiple trunks, it is those with trunks with a total circumference of 3 metres or more and an average circumference of 625mm or more measured at a point 1 metre above natural ground level.*

[11] *A Regulated Tree generally includes trees with a trunk circumference of 2 metres or more measured at a point 1 metre above natural ground level (in the case of trees with multiple trunks, it is those with trunks with a total circumference of 2 metres or more and an average circumference of 625mm or more measured at a point 1 metre above natural ground level. Some trees are, however, exempt from regulated tree controls either through their location or species.*

Similarly, while the Onkaparinga Council has also undertaken flood mapping for sections of the nearby Field River and Christie Creek catchments, no flood mapping has been undertaken for portion of the area affected in the Onkaparinga Council or surrounding areas at Lonsdale.

Notwithstanding this, both Development Plans contain a number of General provisions to minimise the risk to development from flooding and prevent development in areas subject to flooding risk where there is a risk to safety or property damage. The Development Plans also contain policy provisions to encourage water sensitive design in the design of new developments to manage and utilise stormwater for environmental gains while reducing flooding risk.

Stormwater investigations discussed in section 3.5 have also confirmed that stormwater from future residential development in the area affected can be managed to pre-development flows, therefore minimising flood risk.

Implications for this DPA

New residential development in the area affected would need to be designed and constructed in accordance with contemporary energy and water standards. Both Development Plans contain General provisions predominantly under *'Energy Efficiency'*, *'Residential Development'* and *'Land Division'* to encourage energy efficient building design and orientation of residential allotments to maximise solar access. General policy provisions are also contained in both Development Plans under '*Design and Appearance - Overshadowing'* to ensure that development does not result in unreasonable overshadowing that would impact on solar access, including to roof-mounted solar photovoltaic cells.

With regard to the provision of an erosion buffer to the coastal cliff top, policies are included in both Development Plans under *'Coastal Areas – Erosion Buffers'* to ensure that development is setback a sufficient distance from the coast and that appropriate coastal protection measures are in place. Policies are also included under *'Coastal Areas – Environment Protection'* to ensure that stormwater runoff from development is managed to minimise impacts on coastal areas.

To ensure that development does not occur within the 100 metre coastal erosion buffer recommended by DEW and ensure that this area is conserved, the DPA proposes to include all land in the area affected that is located within the adjusted buffer within the wider Coastal Conservation Zone, regardless of ownership. Commentary is also proposed in the Desired Character statement for the proposed new Lonsdale Policy Area in the Marion Council Development Plan to ensure that footing design for new buildings located adjacent the coastal reserve appropriately considers the batter slope that extends down to the coastal pathway in this location.

Significant and Regulated Trees are governed by the *Development Act 1993* and its Regulations and require development approval prior to their removal. Both Development Plans also contain a number of General policies under 'Significant Trees' and 'Regulated Trees' to guide the assessment of proposals for the removal of Significant or Regulated trees.

While flood mapping has not been prepared for the area affected, both Development Plans contain a number of General provisions predominantly under '*Hazards – Flooding'*, *'Coastal Areas'*, *'Hazards - Flooding'*, *'Land Division'* and *'Natural Resources'* to minimise the risk to development from flooding and encourage water sensitive design in the design of new developments to manage and utilise stormwater for environmental gains while reducing flooding risk. The DPA also proposes additional policies in the proposed new Lonsdale Policy Area to encourage integration of water sensitive design throughout the policy area.

4.11 Social Infrastructure

4.11.1 Education

Given the location of the area affected within an established urban area, there are already a number of schools, education establishments and kindergartens within proximity of the affected area. These include:

- At least 8 childcare and early learning centres within the nearby Hallett Cove and Sheidow Park area
- 5 kindergartens within 5-6 kilometres
- 4 public primary schools within 5-6 kilometres

- 4 private primary schools within 5 kilometres
- 4 public secondary schools within 8 kilometres.

In addition to the above, the Noarlunga TAFE campus is located approximately 7 kilometres away. Flinders University is also located some 15.6 kilometres, with bus services operating in Freebairn Drive currently connecting with other bus services linking to the University.

4.11.2 Health Services

The area affected is also located within close proximity to a number of health services within and around the Hallett Cove activity centre, including general practitioners, sports/physio/chiropractic, optical and dental.

The Noarlunga GP Plus Super Clinic is also located some 7.4 kilometres from the area affected within Noarlunga Centre, while Flinders Medical Centre is approximately 15.6 kilometres from the area affected.

4.11.3 Recreation and Community Facilities

There are a number of open space facilities and reserves within Hallett Cove and in proximity to the area affected, which provide for both active and passive recreation and organised and informal active pursuits.

This includes a number of local reserves within the existing residential areas to the north and notable coastal recreation spaces forming part of Adelaide's Metropolitan Open Space System (MOSS) such as Heron Way Reserve, Hallett Headland Reserve, Cormorant Drive Reserve extending along the Field River, as well as Hallett Cove Beach and boardwalks (forming part of the Marion to Hallett Cove walking trail) and the State-significant Hallett Cove Conservation Park.

Oval facilities are also provided at Hallett Cove South Primary School to the north, which are available for community use after hours. Hallett Cove R-12 School also has its own oval and court facilities for a range of sporting activities. The Hallett Cove Skate Park is also located further to the north.

In terms of organised sports, the Cove Sports and Community Club is also located to the north-east of the site across Lonsdale Road and is home to a number of sporting clubs, including soccer, football, netball, cricket and BMX. The Hallett Cove Tennis Club is also located adjacent the Hallett Cove Beach train station and Hallett Cove South Primary School to the north.

The recently constructed Cove Civic Centre is also located within the nearby Hallett Cove District Centre and includes council library facilities, a business hub and community spaces available for hire.

Preliminary design concepts identify potential to develop additional local parks within the area affected linking with the coastal reserve and network of local parks to the north, including providing pedestrian connections to nearby Chatsworth Court Reserve. This also presents an opportunity to enhance the appearance and function of the adjacent coastal reserve.

Implications for this DPA

The area affected is relatively well serviced by social infrastructure facilities located in both the Marion and Onkaparinga Council areas, which are considered adequate to support the potential nominal increase in population resulting from development in the area affected.

Notwithstanding this, policies included in the Residential Zones of both Development Plans also provide flexibility to develop a range of small-scale community uses in portion of the area affected proposed for residential development and adjacent areas should a demand arise.

4.12 Emergency Services

The area affected is relatively well served by a number of fire, police, ambulance, medical and other emergency services. These include:

- Christies Beach Fire Station, which is located approximately 6.5 kilometres (8 minute drive) from the area affected to the south and is the closest Metropolitan Fire Service (MFS) headquarters

- O'Halloran Hill Ambulance and Fire Station, which is also located approximately 9.8 kilometres (10 minute drive) to the north off Majors Road and provides both emergency fire and ambulance services
- Christies Beach Police Station, which is located just over 6 kilometres (8 minute drive) to the south of the area affected and is the closest SA Police headquarters
- Noarlunga State Emergency Services, which is located approximately 2.4 kilometres to the south (4 minute drive) of the area affected off Brian Road at Lonsdale
- GP Plus Super Clinic and Noarlunga Hospital, which are located approximately 7.4 kilometres (10 minute drive) to the south at Noarlunga Centre and offer ambulance and emergency medical.

In addition and as identified in section 4.11.2 above, the area affected is also accessible to major hospital services at Flinders Medical Centre.

Existing roads in and adjacent the area affected are also considered to allow for the efficient movement of service and emergency vehicles. The design of new internal roads within the area affected will also need to meet these requirements.

With regard to local hazards, risks associated with chemical storage at the adjacent Desalination Plant site are also discussed in section 4.5 above. The EIS prepared for the Desalination Plant prior to construction confirmed that, as with all large treatment facilities, an emergency management plan would be developed for the site with input from the MFS and SA Police. It is understood that SA Water and the Desalination Plant operator have the required controls in place to safely manage the storage of chemicals on the site and address any emergency response. Roads within and adjacent the Plant are also readily accessible to emergency vehicles.

Similarly, existing roads servicing other nearby industrial and employment activities south of the area affected are also considered to provide ready access to emergency vehicles in the case of an emergency.

Implications for this DPA

Given its location within an established urban area, the area affected is generally well served by emergency services, predominantly in the Onkaparinga Council area, with adequate response times in the event of an emergency. Consequently, development of the area affected alone is unlikely to warrant provision of additional services in the area.

Both Development Plans also contain provisions under *'Land Division – Roads and Access'* that will require new roads in the area affected to be of a width and alignment to allow for the efficient movement of service and emergency vehicles. The design of new roads will be confirmed at the land division assessment stage and assessed against these policies.

Further, General provisions are included under *'Transportation and Access – Vehicle Parking for Residential Development'* in both Development Plans to ensure that vehicle parking areas servicing more than one dwelling (e.g. residential flat buildings and multiple dwelling sites) also provide adequate space for the manoeuvring of emergency vehicles to ensure safety.

Consequently, no additional policy is required.

4.13 Zone boundary anomaly

A mapping inconsistency currently exists in both Development Plans whereby the Development Plan and Local Government Area boundaries does not align with the cadastral boundary and western property boundary of private land in the area affected. This is potentially the result of a past survey error.

The Local Government Area boundary has, however, since been corrected so that the western edge aligns with the cadastre and western boundary of ADC's land – and this change has now been made available on the government's Location SA Map Viewer at www.location.sa.gov.au.

This change has also been reflected in zone and property data currently being prepared as part of the transition to the new *Planning Development and Infrastructure Act 2016* and the impending Planning and Design Code. It would therefore be appropriate to also include this correction to clarify proposed zone changes as part of this DPA.

Implications for this DPA

New and replacement mapping proposed for both Development Plans as part of the DPA includes adjusted Development Plan and Local Government Area boundaries to align with the cadastre and western property boundary of privately-owned land in the area affected.

5 SUMMARY OF RECOMMENDED POLICY CHANGES

5.1 Marion Council Development Plan Amendments

5.1.1 General Section Amendments

- **Land Division module**
  - Update the Land Division General policies to align with the latest version (version 6) of SAPPL, including policies to encourage land division layouts that optimise efficient building orientation (e.g. solar access)

- **Landscaping, Fences and Walls module**
  - Update the Landscaping, Fences and Walls General policies to align with the latest version (version 6) of SAPPL

- **Open Space and Recreation module**
  - Update the Open Space and Recreation General policies to align with the latest version (version 6) of SAPPL, including policies to encourage development of recreational trails in areas of open space

- **Supported Accommodation module**
  - Update the Supported Accommodation General policies to align with the latest version (version 6) of SAPPL, including expanding application of the policies to housing for aged persons and persons with disabilities

5.1.2 Zoning

- **Residential Zone**
  - Rezone the majority of the portion of the area affected owned by ADC in Marion Council from Open Space to Residential to facilitate a range of housing at low to medium densities, together with open space
  - Update policies of the Residential Zone to include references to the proposed Lonsdale Policy Area, in particular to clarify road and rear boundary setbacks and appropriate site areas and gradients for supported accommodation in the area affected

- **Open Space Zone**
  - Rezone the balance of the Open Space Zone in the area affected to Coastal Conservation Zone to recognise the significance of the Hallett Headland Reserve and ensure its ongoing conservation
  - Delete references in the *Non-complying Development* list of the Open Space Zone to uses that are proposed within the Hallett Cove Buffer Policy Area as these uses are already non-complying in the Coastal Conservation Zone

- **Coastal Conservation Zone**
  - Include all land located within 100 metres of the coastal clifftop within the Coastal Conservation Zone to maintain an appropriate erosion buffer from development to the coast

5.1.3 Policy Areas

- **Hallett Cove Buffer Policy Area 9**
  - Remove the Hallett Cove Buffer Policy Area 9 given proposed rezoning of the area affected to Residential and Coastal Conservation, negating the need for this Policy Area

- **New Lonsdale Policy Area 9**
  - Introduce a new Lonsdale Policy Area to the new Residential Zone area to encourage a range of housing types including detached, semi-detached, group dwellings, row dwellings and residential

flat buildings, and dwellings up to two storeys where appropriate, having due regard to site gradient and slope and including buffer requirements to industrial and employment activities in the wider Lonsdale area

5.1.4 Maps and Overlays

- **Overlays**
  - Introduce the following Overlay Maps and associated policies:
    - ***Noise and Air Emissions*** – to ensure new dwellings in the area affected are designed and sited to mitigate against potential noise and air impacts from the Adelaide-Seaford passenger rail corridor and industrial and employment activities in the wider Lonsdale area
    - ***Affordable Housing*** – to encourage the provision of affordable housing in the area affected.

- **Mapping**
  - Replace the following maps to reflect amended / new policy and address the boundary anomaly:
    - Council Index Map
    - Location Map Mar/15
    - Overlay Map Mar/15 - Transport
    - Overlay Map Mar/15 – Development Constraints
    - Zone Map Mar/15
    - Policy Area Map Mar/15.

5.2 Onkaparinga Council Development Plan Amendments

5.2.2 Zoning

- **Residential Zone**
  - Rezone the area affected in Onkaparinga Council from Urban Employment to Residential to facilitate a range of housing at low to medium densities, together with open space
  - Update policies of the Residential Zone to include references to the proposed Lonsdale Policy Area, in particular to clarify road and rear boundary setbacks, site coverage, and wall and building heights

5.2.3 Policy Areas

- **New Lonsdale Policy Area 69**
  - Introduce a new Lonsdale Policy Area for the area affected, consistent with the Marion Council Development Plan, to encourage a range of housing types including detached, semi-detached, group dwellings, row dwellings and residential flat buildings, and dwellings up to two storeys where appropriate, having due regard to site gradient and slope and including buffer requirements to industrial and employment activities in the wider Lonsdale area

5.2.4 Maps and Overlays

- **Overlays**
  - Introduce the following Overlay Maps and associated policies:
    - ***Noise and Air Emissions*** – to ensure new dwellings in the area affected are designed and sited to mitigate against potential noise and air impacts from the Adelaide-Seaford passenger rail corridor and industrial and employment activities in the wider Lonsdale area
    - ***Affordable Housing*** – to encourage the provision of affordable housing in the area affected.

- **Mapping**
  - Replace the following maps to reflect amended / new policy and address the boundary anomaly:
    - Council Index Map
    - Location Map Onka/19
    - Overlay Map Onka/19 – Transport
    - Zone Map Onka/19
    - Policy Area Map Onka/19
    - Bushfire Protection Area Map Onka/6 – Bushfire Risk
  - Amend Concept Plan Map Onka/29 that currently applies to the Urban Employment Zone to remove the area affected as an 'interface area'.

6 STATEMENT OF STATUTORY COMPLIANCE

6.1 Section 26 of the Development Act 1993

Section 26 of the *Development Act 1993* prescribes that the DPA must assess the extent to which the proposed amendment:

(a) accords with the Planning Strategy

(b) accords with other parts of the Development Plan

(c) complements the policies in the Development Plans for adjoining areas

(d) satisfies the requirements prescribed by the Regulations.

6.2 Accords with the Planning Strategy

Relevant strategies from the Planning Strategy are summarised in Section 2 and Appendix 1 of this document. It is the intent of the DPA to support the achievement of the Planning Strategy policies.

6.3 Accords with other parts of the Development Plan

The policies proposed in this DPA are consistent with the format, content and structure of the Marion Council and the Onkaparinga Council Development Plans and have been tailored accordingly. The DPA also addresses a boundary anomaly that currently exists in both Development Plans.

6.4 Complements the policies in the Development Plans for adjoining areas

Given that the area affected straddles the Onkaparinga and Marion Council boundaries, the policies proposed in this DPA will not affect the Development Plans for other adjoining areas.

6.5 Satisfies the requirements prescribed by the Regulations

The requirements for public consultation (Regulation 11) and the public meeting (Regulation 12) associated with this DPA will be met.

Further, adjacent residential areas at Hallett Cove are excluded from application of the Residential Code in accordance with Schedule 4 of the *Development Regulations 2008*, likely due to prevailing topography. Therefore, while the DPA promotes development of a range of low rise building forms, it is not intended to apply the Residential Code to future residential development in the area affected to ensure consistency with these adjacent areas, and given the need for appropriate design responses to address land gradients and sloping land in the area and manage the interface with industrial and employment activities at Lonsdale and the Seaford railway line.

7 REFERENCES/BIBLIOGRAPHY

- **CITY OF MARION COMMUNITY VISION – TOWARDS 2040**, City of Marion, December 2013
- **CITY OF MARION REMNANT NATIVE VEGETATION PLAN 2018 TO 2023**, City of Marion, 2018
- **CITY OF MARION STRATEGIC PLAN 2017-2027**, City of Marion, June 2017
- **CITY OF ONKAPARINGA FORESHORE ACCESS PLAN – CITYWIDE CONCEPT 2013 REVIEW**, City of Onkaparinga, 2013
- **ECONOMIC IMPACT ASSESSMENT – PROPOSED HALLETT COVE RESIDENTIAL DEVELOPMENT ESTIMATED ECONOMIC BENEFITS**, Hudson Howells, July 2018
- **EMPLOYMENT LANDS ANALYSIS** (Prepared for City of Onkaparinga), JLL, July 2015
- **ENVIRONMENTAL ASSESSMENT GUIDELINE – ASSESSMENT OF DOG KEEPING AND DOG KENNELS**, South Australian Environment Protection Authority, September 2017
- **EVALUATION DISTANCES FOR EFFECTIVE AIR QUALITY AND NOISE MANAGEMENT***,* South Australian Environment Protection Authority, 2016
- **FACT SHEET – RESOURCECO SITE AT MEYER ROAD, LONSDALE,** City of Onkaparinga, 4 February 2019
- **GUIDELINES FOR THE ASSESSMENT OF NOISE FROM RAIL INFRASTRUCTURE**, South Australian Environment Protection Authority, 2013
- **HALLETT COVE DEVELOPMENT – HALLETT COVE AND LONSDALE PRELIMINARY GEOTECHNICAL INVESTIGATION**, Wallbridge & Gilbert Consulting Engineers, February 2015
- **HALLETT COVE LAND TREE SURVEY**, Phil Wild Landscape & Horticultural Consultant, May 2019
- **HALLETT COVE REZONING INVESTIGATION – SIGMA ROAD, LONSDALE TRAFFIC IMPACT STATEMENT**, MFY Pty Ltd, August 2018
- **HAZARDOUS INDUSTRY PLANNING ADVISORY PAPER NO 4 – RISK CRITERIA FOR LAND USE SAFETY PLANNING**, NSW Government, January 2011
- **HAZARDOUS INDUSTRY PLANNING ADVISORY PAPER NO 10 – LAND USE SAFETY PLANNING**, NSW Government, January 2011
- **INFRASTRUCTURE REPORT – HALLETT COVE REZONING**, Greenhill Engineers Pty Ltd, 15 February 2019
- **INTEGRATED TRANSPORT AND LAND USE PLAN**, Government of South Australia, 2015
- **LAND USE PLANNING POSITION STATEMENT – INTERFACE BETWEEN LAND USES**, Environment Protection Authority South Australia, 2017
- **LONSDALE DEVELOPMENT PLAN AMENDMENT – ENVIRONMENTAL NOISE ASSESSMENT**, Sonus Pty Ltd, February 2019
- **LONSDALE DEVELOPMENT PLAN AMENDMENT – RESPONSE TO EPA REQUEST**, Sonus Pty Ltd, May 2019
- **LONSDALE RESIDENTIAL DEVELOPMENT PLAN AMENDMENT SLOPE STABILITY CONSIDERATIONS IN COASTAL BUFFER ZONE**, Wallbridge Gilbert Aztec SA Pty Ltd, 4 April 2019

- **MARION COUNCIL DEVELOPMENT PLAN**, Government of South Australia, Consolidated 29 November 2018
- **METROPOLITAN ADELAIDE NORTHERN COASTAL ACTION PLAN 2009 (VOLUME 2)**, Adelaide and Mount Lofty Ranges NRM Board, 2009
- **ONKAPARINGA 2035 – COMMUNITY PLAN**, City of Onkaparinga, September 2017
- **ONKAPARINGA COUNCIL DEVELOPMENT PLAN**, Government of South Australia, Consolidated 20 December 2018
- **ONKAPARINGA EMPLOYMENT LANDS STUDY 2015** (Prepared for City of Onkaparinga), Intermethod, 20 March 2016
- **REDUCING NOISE AND AIR IMPACTS FROM ROAD, RAIL AND MIXED LAND USE – A GUIDE FOR BUILDERS, DESIGNERS AND THE COMMUNITY**, Government of South Australia, 2012
- **REZONING INVESTIGATION BURLINGTON ROAD, HALLETT COVE – TRAFFIC IMPACT ASSESSMENT**, MFY Pty Ltd, February 2019
- **STRATEGIC DIRECTIONS REPORT** – City of Marion, 2014
- **STRATEGIC DIRECTIONS REPORT** – City of Onkaparinga, 2013
- **STRATEGIC INFRASTRUCTURE PLAN FOR SOUTH AUSTRALIA**, Government of South Australia, 2011
- **THE 30-YEAR PLAN FOR GREATER ADELAIDE 2017**, Department of Planning, Transport and Infrastructure, Government of South Australia 2017
- **VEGETATION ASSESSMENT LOTS 4101, 4102 SIGMA ROAD, LONSDALE,** RMP Environmental Pty Ltd, 4 May 2019

8 APPENDICES

Appendix 1: strategic objectives & priorities

State Government (other strategic documents)

***South Australian Planning Strategy – The 30-Year Plan for Greater Adelaide* (2017)**

The Plan sets 6 overarching targets which the DPA is considered met, as discussed below. In addition, the Plan identifies a range of policies that underpin how these targets can be achieved as well as action plans.

Table 1 - *The 30-Year Plan for Greater Adelaide* (2017)

Planning Strategy Targets	Comment
1. Containing our urban footprint and protecting our resources	
Target - 85% of all new housing in metropolitan Adelaide will be built in established urban areas by 2045	The DPA seeks to facilitate development of underutilised land within Metropolitan Adelaide's existing urban footprint for housing, reducing pressure on the fringe and Adelaide's food production areas.
2. More ways to get around	
Target – 60% of all new housing in metropolitan Adelaide will be built within close proximity to current and proposed fixed line (rail, tram, O-Bahn and bus) and high frequency bus routes by 2045	The area affected by the DPA is located adjacent the Adelaide-Seaford mass transit rail corridor, with public bus services linking the area to the Hallett Cove Beach railway station.
3. Getting active	
Target - Increase the share of work trips made by active transport modes by residents of Inner, Middle and Outer Adelaide by 30% by 2045	As above, the area affected by the DPA is located adjacent the Adelaide-Seaford rail corridor, with existing public bus services connecting the area to the Hallett Cove Beach rail station. Increased population in this area may also increase the viability of public transport services, including opportunities to increase frequency of public bus services in the wider Hallett Cove area. The DPA also provides opportunity to develop walking and cycling connections to transit stops to encourage active travel to work.
4. Walkable neighbourhood	
Target - Increase the percentage of residents living in walkable neighbourhoods in Inner, Middle and Outer Metropolitan* Adelaide by 25% by 2045	Preliminary design concepts prepared for residential development in the area affected identify opportunities to connect the area to adjacent residential areas in Hallett Cove to the north, public bus services and existing walking trails along the coast through a permeable, connected network of streets, footpaths and reserves. The DPA includes policies that will encourage these connections as part of future subdivision and infrastructure works.

5. A green liveable city	
Target - Urban green cover is increased by 20% in metropolitan Adelaide by 2045	The DPA identifies opportunities to develop additional open space in the area affected and green linkages to the adjacent coastal reserve and Hallett Headland Reserve. Site coverage policies proposed in the DPA will also assist in allowing greater green space on individual allotments, contributing overall urban green cover.
6. Greater housing choice	
Target - Increase housing choice by 25% to meet changing household needs in Greater Adelaide by 2045	The DPA seeks to facilitate development of a range and mix of housing types in the area affected, providing greater housing choice in southern Adelaide.

The key policies from *The 30-Year Plan for Greater Adelaide 2017 Update* that underpin these targets are identified as follows:

Policy / Action	**Comment**
Transport corridors, growth areas and activity centres	
P1 - Deliver a more compact urban form by locating the majority of Greater Adelaide's urban growth within existing built-up areas by increasing density at strategic locations close to public transport. (Map 2)	The DPA seeks to facilitate new housing opportunities on underutilised land within the existing built-up community at Hallett Cove in proximity to existing public transport services with connections to mass transit rail services linking Adelaide to Seaford.
P3 - Increase average gross densities of development within activity centres and transit corridor catchments from 15 to 25 dwellings per hectare to 35 dwellings per hectare.	Preliminary design concepts for residential development in the area affected suggest potential development of some 145 residential allotments. This equates to around 12 dwellings per hectare including required roads, public open space and other infrastructure - and generally reflects densities achieved in residential areas to the north at Hallett Cove, including the recently developed Burlington Estate. Importantly, while the area affected is located adjacent the Adelaide-Seaford rail corridor, it is located some 1.7 kilometres (approximate 20 minute walk) from the nearest train station. The topography of the Hallett Cove area is also undulating, requiring increased minimum site areas for new dwellings to minimise extensive earthworks and mitigate potential privacy and overshadowing impacts for adjacent properties. Therefore, while the policy framework proposed by the DPA will allow more compact and efficient housing forms to be developed within certain locations in the area affected, it is not considered appropriate to significantly increase residential densities in this area.
P4 - Ensure that the bulk of new residential development in Greater Adelaide is low to medium rise with high rise limited to the CBD, parts of the Park Lands frame, significant urban boulevards, and other strategic locations where	Given its location in outer metropolitan Adelaide and relative distance to high frequency public transit stops and higher order activity centres, the DPA seeks to facilitate development of privately-owned land in the area affected for a mix of low-rise residential

Policy / Action	Comment
the interface with lower rise areas can be managed.	development, including more compact designs adjacent reserves and open spaces.
P5 - Encourage medium rise development along key transport corridors, within activity centres and in urban renewal areas that support public transport use.	
P10 - Allow for low-impact employment activities in residential areas, such as small-scale shops, offices and restaurants, where interface issues can be appropriately managed.	While preliminary design concepts for residential development in the area affected seek to primarily develop the area for a mix of housing, the existing policy framework for the Residential Zone in both the Marion Council and Onkaparinga Council Development Plans will facilitate development of compatible non-residential uses to support future residential development should a need and demand arise.
P11 - Ensure new urban fringe growth occurs only within designated urban areas and township boundaries and outside the Environment and Food Production Areas, as shown on Map 3.	The DPA will facilitate development of underused land in southern metropolitan Adelaide for residential growth, where residential land supply is currently limited compared to northern Adelaide. This will reduce pressure for further urban fringe growth in the shorter term, further preserving sensitive environmental and food bowl areas.
P12 - Ensure, where possible, that new growth areas on the metropolitan Adelaide fringe and in townships are connected to, and make efficient use of, existing infrastructure, thereby discouraging “leapfrog” urban development.	The area affected forms a logical extension to existing residential land at Hallett Cove without requiring disproportionate augmentation of existing infrastructure, therefore making efficient use of this infrastructure and avoiding ‘leap frog’ development.
Design Quality	
P26 - Develop and promote a distinctive and innovative range of building typologies for residential housing which responds to metropolitan Adelaide’s changing housing needs, reflects its character and climate, and provides a diversity of price points.	The DPA seeks to encourage a range of housing forms in the area affected that responds to topographical conditions and takes advantage of coastal views and access to the coast. Preliminary design concepts prepared for the site have identified opportunities to develop both traditional detached housing forms as well as more compact and efficient housing forms such as townhouses/row dwellings adjacent the coast and public reserves. This will assist in achieving a choice of housing and opportunities for a range of price points to meet market demand.
P28 - Promote permeable, safe, attractive, accessible and connected movement networks (streets, paths, trails and greenways) in new growth areas and infill redevelopment areas that incorporate green infrastructure.	As identified above, preliminary design concepts prepared for residential development in the area affected identify opportunities to connect the area to adjacent residential areas in Hallett Cove to the north, public bus services and existing walking trails along the coast through a permeable, connected network of streets, footpaths and reserves. The DPA includes policies that will encourage these connections as part of future subdivision and infrastructure works and ensure that future residential
P29 - Encourage development that positively contributes to the public realm by ensuring compatibility with its surrounding context and provides active interfaces with streets and public open spaces.	

Policy / Action	Comment
P30 - Support the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers context, location and place.	development is consistent with the character of adjacent residential areas and contributes to a broader neighbourhood.
P31- Recognise the unique character of areas by identifying their valued physical attributes.	
Housing mix, affordability and competitiveness	
P36 - Increase housing supply near jobs, services and public transport to improve affordability and provide opportunities for people to reduce their transport costs.	The DPA seeks to facilitate housing in an established area already serviced by public transport and with ready access to employment and services at Hallett Cove and Noarlunga.
P37 - Facilitate a diverse range of housing types and tenures (including affordable housing) through increased policy flexibility in residential and mixed-use areas, including: • ancillary dwellings such as granny flats, laneway and mews housing • dependent accommodation such as nursing homes • assisted living accommodation • aged-specific accommodation such as retirement villages • small lot housing types • in-fill housing and renewal opportunities.	The DPA proposes to expand the existing Residential Zones in the Marion Council and Onkaparinga Council Development Plans over portion of the area affected proposed for residential development and ensure a consistent approach to adjacent residential areas to the north at Hallett Cove. The Residential Zone provides a flexible policy framework to encourage a range of housing types and sizes to meet demand and encourage diversity of housing and choice. While the DPA also proposes a more localised policy approach that recognises local topography and steeper sites closer to the coast, the average gradient of privately owned land in the area affected is such that it could better enable a more compact and efficient form of housing that may not otherwise be achievable on the sloping land which characterises much of Hallett Cove. This may also improve affordability through allowing a range of price points and potential reduced need for extensive earthworks and retaining walls. Preliminary design concepts for the site have specifically identified opportunities for mix of conventional and coastal housing, and park-front town or row houses.
P43 - Increase the supply of affordable housing through the provision of 15 percent affordable housing in all new significant developments. These developments include surplus and residential government land projects; declared major developments and projects; and rezoned land that increases dwelling yield (including all new growth areas).	The State Government's Affordable Housing policy sets a 15 percent affordable housing target for all significant new developments. The DPA proposes to apply the Affordable Housing Overlay over the affected area in both the Marion and Onkaparinga Council Development Plans to facilitate delivery of affordable housing options.
P46 - Ensure an adequate land supply is available to accommodate housing and employment growth over the longer term (at least a 15 year supply).	While latest land supply monitoring has confirmed that there is some 8,115 hectares of zoned broadhectare land available across the Greater Adelaide Region that will meet targets for a 15 year supply, only 635 hectares is available in Southern Adelaide region and is diminishing fast.

Policy / Action	Comment
	Rezoning proposed by the DPA will therefore assist in ensuring a greater supply of zoned, 'development-ready' land is available in Southern Adelaide, contributing to supply targets across the Greater Adelaide Region.
Health, wellbeing and inclusion	
P47 - Plan future suburbs and regenerate and renew existing ones to be healthy neighbourhoods that include: • diverse housing options that support affordability • access to local shops, community services and facilities • access to fresh food and a range of food services • safe cycling and pedestrian-friendly streets that are tree-lined for comfort and amenity • diverse areas of quality public open space (including local parks, community gardens and playgrounds) • sporting and recreation facilities • walkable connections to public transport and community infrastructure.	The DPA will facilitate a range of housing options in the area affected dependant on land gradient as an extension to an existing urban area with ready access to district-level shopping, community facilities and services and sporting and recreation facilities at Hallett Cove. Preliminary design concepts for the site also identify opportunities to enhance walkability through creating safe cycling and pedestrian links to existing areas and destinations to the north and public transport, as well as pedestrian connections to the coastal reserve to the west. These concepts also identify opportunities to create new public open spaces for the enjoyment of residents and to maximise views to the coast.
P48 - Create greenways in transit corridors, along major watercourse linear parks, the coast and other strategic locations to provide walking and cycling linkages.	Development of land in the area affected for residential development provides opportunities for new residents to connect to existing coastal walking trails in the adjacent coastal reserve, including the Marion Coastal Walking trail which extends from the adjacent Hallett Headland Reserve to Marino, walking trails along parts of the Field River, and the Kauri Interpretive Walking Trail located to the south and running alongside the Adelaide Desalination Plant.
P49 - Encourage more trees (including productive trees) and water sensitive urban landscaping in the private and public realm, reinforcing neighbourhood character and creating cooler, shady and walkable neighbourhoods and access to nature.	Infrastructure and stormwater management investigations undertaken to support the DPA have identified opportunities to incorporate precinct-level water sensitive design features in the area affected, including opportunities for stormwater detention in new open spaces that could be used for local irrigation. Given the general allotment sizes proposed in the preliminary design concepts, opportunities also exist for additional water sensitive design features at the individual site level. Existing streetscapes developed by the land owner to the north also include new street trees and green verges, which is likely to be extended through the area affected, enhancing urban cooling.
P50 - Provide diverse areas of quality public open space in neighbourhoods (especially in higher density areas) such as local parks, community gardens, playgrounds, greenways and sporting facilities to encourage active lifestyles and	As identified above, preliminary design concepts for the site have identified opportunities to create new local parks in the area affected, linking with existing parks and coastal reserves. The location of the area affected adjacent an established urban area will also provide wider access to parks, reserves, sporting

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support access to nature within our urban environment.	facilities and the Hallett Cove beach to the north, supporting active lifestyles and access to natural areas and interpretive facilities along the coast.
The economy and jobs	
P55 - Promote certainty to undertake development while at the same time providing scope for innovation.	The DPA will provide new opportunities for housing on underutilised land within southern Adelaide, including opportunities for innovative housing designs adjacent the coast to capture coastal views. An economic report (Hudson Howells July 2018) prepared in support of proposed residential development in the area affected has also confirmed a number of direct and indirect economic and employment benefits resulting from development of the land, including: • $64.8 million investment over 4 years (Subdivision and House Construction) • $68.6 million contribution to Gross State Product (average of $17.15 m per annum) • 468 FTE jobs directly/indirectly over 4 years (average of 117 FTEs per annum).
P56 - Ensure there are suitable land supplies for the retail, commercial and industrial sectors.	While portion of the area affected by the DPA was recently zoned as Urban Employment by the City of Onkaparinga as part of its *Employment Lands DPA*, investigations that supported the DPA at the time identified that the site has limited appeal for future industrial use and future rezoning to support residential use may have merit subject to appropriate investigations. Further, these investigations also identified that the City of Onkaparinga has significant vacant employment land supply that could cater for the next 24-36 years and alternative sites within other industry, commercial and centre zones are better located and have further capacity for future employment generating uses. Retention of the affected area for employment activities is therefore not considered critical to the future supply of well-located, accessible employment lands in the Onkaparinga Council area, nor considered the highest and best use of the site.
P64 - Protect existing mineral resource operations by: • preserving adequate separation distances between mining activities, housing and other incompatible development • ensuring buffers are contained within mine sites wherever possible • mitigating potential interface issues • maintaining access to freight networks.	The Reynella Quarry is identified on Map 6 of the *30-Year Plan* as a key active mine and mineral deposit. Operations at the quarry are located just over 1 kilometre to the east of the affected area, although a number of existing residential areas are located in closer proximity to the quarry in other parts of Hallett Cove (east of Lonsdale Road), Sheidow Park and Reynella.

Policy / Action	Comment
P66 - Define and protect undeveloped strategic mineral resources from urban encroachment and other incompatible development (see Map 6).	The DPA has considered potential impacts of new residential uses in the area affected on quarrying activities at the Reynella Quarry, which is identified as a strategic mineral resource. The area affected is located sufficiently further from the quarry than other residential areas at Hallett Cove, Reynella and Sheidow Park and is therefore unlikely to impact on operations. Further, traffic investigations have identified that development in the area affected for primarily low-density residential development will have minimal impact on the wider road network, with the potential increase in traffic volumes readily catered for given the existing sparse capacity on the adjacent road network. Consequently, there should be no discernible impacts on Lonsdale Road that would therefore impact on current traffic flows, including any quarry freight movements.
P73 - Provide sufficient strategic employment land options with direct access to major freight routes to support activities that require separation from housing and other sensitive land uses.	While the area affected is located adjacent the Lonsdale industrial and urban employment area and Lonsdale Road freight route, the DPA includes buffering requirements between industrial and employment activities at Lonsdale and future residential development to ensure their ongoing operation and viability. This includes requirements for an acoustic buffer along the southern boundary of privately-owned land in the area affected where it interfaces with industrial activities at Lonsdale, as well as introduction of the *Noise and Air Emissions Overlay* from the SAPPL over areas where new buildings will be required to be designed and sited to mitigate potential noise and air emissions.
Transport	
P74 - Ensure development does not adversely impact the transport function of freight and/or major traffic routes and maintains access to markets (Refer to Map 7).	Traffic analysis undertaken to inform the DPA has confirmed that development of the subject site for residential development will have minimal impact, with the potential increase in traffic volumes readily catered for given the existing spare capacity on the adjacent road network. Further, no road upgrade or intersection upgrades are anticipated. Development of the land is therefore unlikely to result in any movement impacts to Lonsdale Road, which is identified as a major traffic and/or freight route in the 30-Year Plan (Map 7).
P76 - Improve the amenity and safety of public transport stops, stations and interchanges by improving their connections to adjacent development and encouraging mixed-use development and housing diversity in close proximity.	The DPA will facilitate development of additional housing around existing public bus stops in Freebairn Drive, potentially increasing surveillance in and around these stops and service patronage.

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P77 - Ensure that new housing (and other sensitive land uses) permitted in locations adjacent to airports and under flight paths or near major transport routes (road, rail and tram) mitigates the impact of noise and air emissions.	The DPA proposes to apply the *Noise and Air Emissions Overla*y to portion of the area affected adjacent the Adelaide-Seaford railway line to ensure that new residential buildings are designed and sited to minimise noise and air emission impacts. While areas further north in Hallett Cove are affected by airport building height referrals, these do not extend over the area affected.
P78 - Improve, prioritise and extend walking and cycling infrastructure by providing safe, universally accessible and convenient connections to activity centres, open space and public transport (see Map 8).	Map 8 identifies the proposed Coast Park connections along the metropolitan Adelaide coast line, and walking trails in the coastal reserve, which will be directly accessible for new residents. The DPA provides an opportunity to enhance these trails for access by a new resident population. As identified above, preliminary design concepts for residential development in the area affected identify opportunity to provide walking and cycling links through a series of local streets to key destinations to the north, including the Hallett Cove direct-level activity centre, additional open space and rail stations on the Adelaide-Seaford rail line. Public buses also operate in Freebairn Drive and are therefore in easy walking distance for future residents in the area affected.
P81 - Protect current and future road and rail for strategic requirements, such as ensuring adequate access to ports and other major facilities (see Map 7).	Lonsdale Road is identified as a major traffic and/or freight route on Map 7 of the 30-Year Plan. A traffic impact statement prepared in relation to development of land in the area affected for residential development has confirmed that there is adequate capacity within the existing road network to cater for the development without the need for any major upgrades. Therefore, anticipated traffic volumes are likely to have a negligible impact on Lonsdale Road. Further, no direct connections are proposed from the area affected to Lonsdale Road.
Infrastructure	
P83 - Define and protect strategic infrastructure sites and corridors from inappropriate development to ensure the continued functionality of the services they provide.	The area affected by the DPA lies adjacent the Adelaide Desalination Plant, which is specifically identified on Map 9 – *Major Infrastructure* of the 30-Year Plan. This map also identifies a number of other major infrastructure sites located nearby in Lonsdale, including composting and transfer stations/materials recycling facilities. SA Power Networks' temporary power generators are also located in close proximity to the area affected at Christie/Chrysler roads. These activities are also generally licensed under the *Environment Protection Act 1993*. The DPA has investigated potential impacts of residential development in the area affected on these strategic infrastructure sites to ensure their continued functionality and has generally confirmed that noise
P85 - Provide for adequate buffer zones around water and waste treatment plants and identify complementary activities that generate economic or community benefits that can occur in these areas (See Map 9).	

Policy / Action	Comment
	impacts from these strategic infrastructure sites can be appropriately mitigated in all operating scenarios. The DPA has also identified that appropriate separation is provided to chemical storage facilities the Desalination Plant and most composting and transfer stations/materials recycling facilities within the Lonsdale area. The DPA has, however, identified potential for waste stockpiling activities associated with a nearby landfill/resource recovery operation to be brought closer to the area affected and existing residential areas as part of a current development application being considered by the City of Onkaparinga and the EPA. Ultimately, however, assessment of this application will need to ensure that dust or other air quality impacts are appropriately managed to mitigate any further off-site impacts, including to existing residential areas located in similar proximity to this facility as the area affected. The DPA also includes a policy framework to ensure potential air emission impacts from this and other sources are considered in the design of future residential development.
P86 - Ensure that new urban infill and fringe and township development are aligned with the provision of appropriate community and green infrastructure, including: • walking and cycling paths and facilities • local stormwater and flood management including water sensitive urban design • public open space • sports facilities • street trees • community facilities, such as child care centres, schools, community hubs and libraries.	As identified above, the DPA will provide opportunities to enhance connections to existing walking trails along the adjacent coastline, as well as provide new pedestrian and cycling connections to existing open spaces and community and sporting facilities at Hallett Cove. The Hallett Cove area is already supported by a range of community and emergency services as well as local schools at Hallett Cove and south in the Onkaparinga Council area. Existing streetscapes developed by the land owner to the north also include new street trees and green verges, which is likely to be extended through the area affected. Further, infrastructure and stormwater management investigations have identified opportunities to incorporate water sensitive design features at both the precinct/neighbourhood level down to the individual site level, providing opportunities to enhance the overall greening of the area.
P88 - Design and locate community infrastructure to ensure safe, inclusive and convenient access for communities and individuals of all demographic groups and levels of ability.	
Biodiversity	
P91 - Protect coastal features and biodiversity including: • habitats that are highly sensitive to the direct impacts of development • important geological and/or natural features of scientific, educational or cultural importance • landscapes of very high scenic quality.	Hallett Cove's coastal clifftop environment is an area of unique geology and considered the most significant and highest quality area of remnant native vegetation in the City of Marion. The adjacent Hallett Headland Reserve is specifically recognised in the City of Marion's *Remnant Native Vegetation Plan* as the most important parcel of remnant native vegetation owned and managed by Marion Council. Notably, the reserve has over 100
P92 - Support the enhancement of the urban biodiversity of metropolitan Adelaide through the	

Policy / Action	Comment
development of greenways in transit corridors, along major watercourses, linear parks and the coast and in other strategic locations. **P93 -** Ensure that greenways are landscaped with local indigenous species where possible to contribute to urban biodiversity outcomes. **P95 -** Support the enhancement of the urban biodiversity of metropolitan Adelaide through a connected and diverse network of green infrastructure.	native plants species, and over 30 of these are considered to be of conservation significance in the Mount Lofty Ranges. The DPA therefore proposes to include the reserve in the Coastal Conservation Zone to better ensure its ongoing conservation and protection. The DPA also provides an opportunity to enhance connections with walking trails and interpretive areas within the adjacent coastal reserve, and potential enhancement of the coastal reserve itself to maximise this natural asset. Preliminary design concepts for the area affected have also identified potential green links from internal roads through to the coastal reserve, which could be planted with native vegetation to enhance biodiversity. An assessment of native vegetation in portion of the area affected proposed to support future residential development has also identified that no rare, vulnerable or endangered vegetation exists on the land. Further, the DPA proposes to retain an appropriate buffer between future development in the area affected and the adjacent coastal clifftop.
P97 - Minimise or offset the loss of biodiversity where this is possible and avoid such impacts where these cannot be mitigated (for areas not covered by the Native Vegetation Act 1991).	While the *Native Vegetation Act 1991* does not apply to the portion of the area affected in the City of Marion, it does apply to portion of the area located within the City of Onkaparinga as well as to coastal areas west of the site. Any future clearance of native vegetation on this portion of the land would therefore require approval under the Act. Notwithstanding this, privately owned land in the area affected by the DPA is predominantly cleared of vegetation due to previous farming activities, although some scattered vegetation remains. Preliminary design concepts for development of the site clarify opportunities to enhance landscape planting and biodiversity, particularly through links to the adjacent coastal reserve.
Open space, sport and recreation	
P98 - Provide for a Greater Adelaide open-space framework that builds on the Metropolitan Open Space System (MOSS) to create quality open space across the region. The open space will feature urban forests and parks, watercourse and coastal linear parks, trails, greenways, shared use paths and green buffers, and sustainable recreation and sporting facilities (See Map 11).	Development of privately owned land in the area affected provides opportunities to link communities with Marion's Coastal Walking Trail developed as part of the Coast Park, as well as other MOSS land along the coast and Field River to the north, including the Hallett Cove Conservation Park which is specifically identified on Map 11 of the *30-Year Plan*. Opportunities also exist to enhance adjacent MOSS land and the coastal reserves through green connections from residential land in the area affected.

Policy / Action	Comment
P99 - Ensure quality open space is within walking distance of all neighbourhoods to: • link, integrate and protect biodiversity assets and natural habitats • provide linkages to encourage walking and cycling to local activities, local activity centres and regional centres • be multi-functional, multi-use (including the shared use of strategically located school facilities) and able to accommodate changing use over time • incorporate the principles of Crime Prevention Through Environmental Design for safety and amenity • contain appropriate and low-maintenance species and locate trees to maximise shade • encourage unstructured recreation opportunities such as the provision of a variety of paths and children's play equipment • foster a connection to the natural environment through the provision of nature play spaces and urban forest opportunities.	As identified above, preliminary design concepts prepared for residential development in the area affected identify opportunities for enhanced pedestrian and cyclist movements through the area and linking to adjacent open space, transport, recreational facilities, shopping, local schools and other key destinations – as well as new open spaces and green links to the adjacent coastal reserve, fostering a connection to the natural environment and potentially enhancing biodiversity. The nearby Chatswood Court Reserve to the north also provides children's play equipment for structured play, and is in easy walking distance to the area affected. Opportunities also exist to create new open spaces and enhance adjacent green spaces and reserves to foster nature play. The preliminary design concepts also identify opportunities to develop more compact housing forms such as row or terrace housing adjacent open space areas to enhance casual surveillance and public safety.
P103 - Ensure that public open space is adequately greened and irrigated (where appropriate) to act as a natural cooling system to reduce heat island effects in urban areas.	Street plantings and green roadside verges are a feature of the existing residential enclaves to the north, which add to the overall cooling of the area. Cooling is also enhanced by the site's proximity to the coast. Grassed swales also exist along roadsides adjacent the area affected, which could be extended to enhance overall greening of the area and reduce water use, while also acting as a natural cooling system. Infrastructure and stormwater investigations have also identified potential for stormwater detention in local reserves that could be used for irrigation purposes.
P104 - Investigate opportunities to increase the amount and/or quality of public open space provision in areas of low open space provision and areas of increasing population growth.	Given the proximity of the area affected to the coast and MOSS land, the area has ready access to a range of coastal reserves and linear spaces as well as recently upgraded reserves at Hallett Cove beach. Preliminary design concepts have also identified opportunities to develop new local open space areas for future residents, including a potential park overlooking the coast. The projected population increase in the area affected is also not, however, considered to warrant development of significant new open space areas.
Climate change	
P105 - Deliver a more compact urban form to: • protect valuable primary production land • reinforce the Hills Face Zone, character preservation districts and Environment and Food Production Areas • conserve areas of nature protection areas	The DPA seeks to facilitate housing development on an underutilised site with southern Adelaide's existing urban footprint, thereby reducing carbon emissions and delivering a more compact urban form while reducing pressure on the metropolitan fringe.

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• safeguard the Mount Lofty Ranges Watershed • reduce vehicle travel and associated greenhouse gas emissions.	
P106 - Protect key coastal areas where critical infrastructure is at risk from sea level rise, coastal erosion and storm surges, and ensure new coastal development incorporates appropriate adaptation measures.	The existing Hallett Headland Reserve and coastal reserve will provide a buffer from future residential development in the area affected to sensitive coastal areas. Elevation of these areas will also limit the impacts of sea level rise on future development in the area affected. General policies are contained in both the Marion and Onkaparinga Developments Plans, in particular under *'Coastal Areas'* and *'Hazards'* to ensure that new development is appropriately designed to mitigate coastal and climate change impacts. Geotechnical investigations have not identified any potential landslip issues or impediments to future development in the area affected as a result of this coastal location. Further, the DPA also proposes to maintain a buffer between the coastal clifftop and new residential development to protect development from potential coastal hazards. Setbacks to the coastal cliffs will be similar to those at the Adelaide Desalination Plant and critical infrastructure to the south.
P111 - Create a more liveable urban environment through establishing a network of greenways, bicycle boulevards, tree-lined streets and open spaces, which will have a cooling effect on nearby neighbourhoods and buildings.	As identified above, preliminary design concepts prepared for residential development in the area affected identify opportunities for enhanced walkability and cycling connections, including green links to the adjacent coastal reserve. Opportunities for new open space is also envisaged, including spaces to capitalise on the coastal outlook. An opportunity also exists to extend existing tree-lined streets and grassed verges to enhance urban cooling.
P113 - Promote energy efficiency, the use of renewable energy sources and neighbourhood level alternative energy supplies and storage in new developments to reduce energy costs and carbon footprint.	Both the Marion and Onkaparinga Development Plans contain policies to promote energy efficient building designs (including through appropriate orientation of buildings and associated private open space areas, minimising shading and overshadowing from adjacent development, etc) as well as on-site power generation where feasible, including through use of solar photovoltaic cells on new dwellings. New dwellings in the area affected will be required to achieve contemporary requirements in respect to energy efficiency. There are also opportunities for new home owners to take advantage of contemporary rebate and subsidy schemes such as the recent SA Home Battery Scheme during new home builds within the affected area to reduce energy costs and Adelaide's carbon footprint.

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Water	
P115 - Incorporate water-sensitive urban design in new developments to manage water quality, water quantity and water use efficiency and to support public stormwater systems.	Infrastructure investigations used to inform this DPA have proposed new infrastructure and use of existing infrastructure to attenuate stormwater to 'pre-development' flows and incorporate opportunities for water sensitive design in the area affected, while ensuring appropriate water quality given the area's proximity to the coast. Development in the area affected also provides an opportunity to build on and extend existing water sensitive design features in the locality, including grassed roadside swales. Infrastructure investigations have also identified opportunities to incorporate water sensitive design features at the site or building level, including use of rainwater tanks.
P117 - Increase the provision of stormwater infrastructure (including water sensitive urban design) to manage and reduce the impacts of: • run-off from infill development • urban flooding from increased short-duration intense rainfall events associated with climate change • pollution from roads and other developed areas.	
Emergency management and hazard avoidance	
P118 - Minimise risk to people, property and the environment from exposure to hazards (including bushfire, terrestrial and coastal flooding, erosion, dune drift and acid sulphate soils) by designing and planning for development in accordance with a risk hierarchy of: • avoidance • adaptation • protection.	General policies are contained in both the Marion and Onkaparinga Developments Plans, in particular under *'Hazards'* to ensure that new development is appropriately designed and located to minimise risk of hazards. While geotechnical investigations have identified footing design requirements based on soil and geological conditions, there are no identified impediments to development in the area affected for residential development. The general elevation of privately owned land in the area affected from sea-level will also limit risks of coastal flooding. Also, as identified above, a coastal buffer is proposed to be maintained between the area affected and the coastal cliff top to the west. While the area affected is not in a bushfire prone area, the former Port Stanvac Oil Refinery site is identified as having a Medium Bushfire Risk in the Onkaparinga Development Plan (BPA Map Onka/6). This risk does not, however, extend to the Adelaide Desalination site or existing industrial sites adjacent the affected area, which has been identified as a 'bushfire safer place' in the metropolitan area.
P119 - Improve the integration of disaster risk reduction and hazard avoidance policies and land use planning.	Both the Marion and Onkaparinga Development Plans have been formatted to include the SAPPL, and therefore include up to date, best-practice policies to mitigate hazards to new development – and ensure that any risks are appropriately considered in land use planning. With regard to the area affected by the DPA, both Plans contain a raft of General policies under *'Hazards'* to ensure that development is protected from a range of potential hazards, including flooding, bushfire, salinity, acid sulphate soils, site

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	contamination, landslip, and containment of chemicals and hazardous materials. The DPA has investigated potential impacts of adjacent industrial and EPA-licensed activities on future sensitive residential development in the area affected, including potential hazards arising from chemical storage at the adjacent Adelaide Desalination Plant and ResourceCo landfill. Necessary controls are understood to be in place in order to safely manage the storage of chlorine and other chemicals at the Desalination Plant and the EIS response Document for the Plant discounted the risk of explosion that may impact on adjacent uses, including in the area affected. Further, the EPA has determined that the risk of landfill gas having an off-site impact from ResourceCo's landfill and resource recovery facility to be low. The DPA investigations and Map 13 in the *30-Year Plan* also identifies that both MFS and SES services are located in close proximity to the area affected, as well as police and ambulance services in the event of an emergency.
P121 - Ensure risk posed by known or potential contamination of sites is adequately managed to enable appropriate development and safe use of land.	Preliminary site investigations undertaken for the area affected by this DPA have found that there is no evidence of site contamination from past land use activities (predominantly farming) or from adjacent activities that would impact on use of the site for residential purposes.
P122 - Mitigate the impact of extreme heat events by designing development to create cooler communities through the use of green infrastructure.	As identified above, preliminary design concepts prepared for residential development in the area affected have identified opportunities to create green linkages through the area to the adjacent coastal reserve, as well as opportunities to cluster housing adjacent public open spaces areas. Opportunities also exist to extend the existing network of tree-lined streets and grassed verges in the adjacent residential areas at Hallett Cove through the area affected to enhance urban cooling.

Local Government

City of Marion

Strategic Directions Report (2014)

Potential rezoning investigations for privately-owned land in the area affected were identified in Marion Council's last Strategic Directions Report (Section 30 Development Plan Review) in 2014, albeit as a 'low priority' predominantly due to resource limitations at the time. However, the Report also identified that a DPA could be prioritised as part of a privately funded DPA to minimise resource impacts for Council.

DPA Response

This DPA was specifically identified as part of Marion Council's last Strategic Directions Report. However, given that the area affected straddles two separate council areas, it is more appropriate that rezoning investigations are considered as part of a Ministerial DPA process to ensure a consistent approach to future development of the land.

Marion Strategic Plan 2017-2027

The City of Marion Strategic Plan has been developed around a shared community vision. This community vision (Towards 2040) identifies six themes to represent the shared values and aspirations that will guide how the City of Marion develops in line with the community's vision. These six themes and how the DPA aligns with them are discussed in the **Table** below.

Table 2 – *Marion Community Vision > Towards 2040*

Themes	Comment
Liveable	Proposed rezoning of land in the area affected for residential purposes provides opportunities to create a high quality living environment as logical extension to the existing suburb of Hallett Cove, which affords a high level of amenity and function for its residents. This includes ready access to coastal views, recreational and walking trails, public transport and existing community and shopping services in Hallett Cove. The policy framework proposed by the DPA will also encourage a more diverse range of housing than has traditionally been provided for in Marion's southern residential areas, providing greater housing choice and affordability and contributing to the City's growing and diverse population.
Valuing Nature	Proximity of privately-owned land in the area affected to valued coastal reserves, including the Hallett Headland Reserve, Marion Coastal Walking Trail and walking trails and wetland areas to the south adjacent the Adelaide Desalination Plant, will enhance residents' connection with nature. The DPA also proposes to include the remaining portion of the Open Space Zone, which includes southern extent of the Hallett Headland Reserve, in the Coastal Conservation Zone to ensure its ongoing conservation for the enjoyment of residents and visitors. Opportunities also exist to design new development in response to climate change, including opportunities for more energy and water efficient designs and integration of water sensitive design systems at the neighbourhood and individual site level. Future development will also be appropriately setback from coastal reserves and sensitive areas to ensure the preservation and enhancement of these areas into the future.
Engaged	The DPA will be subject to appropriate community engagement as required by the *Development Act 1993* and new *Community Engagement Charter* prepared under the *Planning, Development and Infrastructure Act 2016*.
Prosperous	Proposed residential development in the area affected would offer new residents access to a range of leisure and cultural experiences within the existing Hallett Cove area. Development of the land would also result in both direct and indirect economic benefits over time, while providing opportunities for new residents to locate near jobs and major urban employment lands, particularly at Lonsdale. Investigations supporting Onkaparinga Council's recent *Employment Lands DPA* have also confirmed that the area affected has limited appeal for future industry use. Therefore, the proposed residential use of the land is considered the highest and best use.

Themes	Comment
Innovative	The coastal location provides an opportunity for innovative coastal housing designs in the area affected that are appropriately designed for land gradients (e.g. split level) and to maximise coastal views. The area affected also has ready access to high speed information technology services, including the NBN.
Connected	The area affected by this DPA provides a logical extension to existing infrastructure and services with Hallett Cove, including a network of roads and footpaths and public transport (bus and rail). This will assist in ensuring appropriate levels of mobility within the community, together with access to high speed broadband internet access via the NBN that can be provided to each new home.

City of Onkaparinga

Strategic Directions Report (2013)

While potential rezoning of land in the area affected for residential development was not specifically identified in Onkaparinga Council's last Strategic Directions Report (Section 30 Development Plan Review) prepared in 2013, the Review identified a City-wide *Employment Lands DPA* as a priority. This included investigating changes in the Lonsdale area as a result of the closure and remediation of the former Port Stanvac Oil Refinery land.

The *Employment Lands DPA* was subsequently completed and consolidated into the Onkaparinga Council Development Plan on 6 February 2018 and included portion of the area affected by this DPA in the Onkaparinga Council area. Notably, investigations supporting the *Employment Lands DPA* identified that the area affected has limited appeal for employment and industrial activities. It therefore included the area affected within an 'interface area' until such time as more detailed investigations could be carried out as part of a separate process to determine the suitability or otherwise of rezoning the land for more sensitive residential purposes, particularly given a number of EPA licensed activities operating within the local vicinity.

DPA Response

While this DPA was not specifically identified in Onkaparinga Council's last Strategic Directions Report, it furthers investigations undertaken as part of Council's recent *Employment Lands DPA*, which was identified as a priority in the Review.

More specifically, the DPA includes more detailed investigations to determine the suitability of land in the area affected to support residential development, including managing the interface with existing industrial and employment activities at Lonsdale.

Onkaparinga 2035

The *Onkaparinga 2035* Plan is Onkaparinga Council's leading strategic plan and sets a future vision for the city to create strong, vibrant communities. The Plan is focused around three key themes of People, Place and Prosperity. Alignment of the DPA with these themes and relevant objectives is discussed in the **Table** below.

Table 3 – *Onkaparinga 2035*

Theme	Relevant Objectives	Comment
People	An active, creative and learning city. A diverse city that celebrates cultural expression, respecting past and embracing future.	Rezoning of land in the area affected for residential development provides opportunities for new residents to engage in active lifestyles and local interpretation, including use of adjacent coastal walking trails and interpretive facilities to the north and south of the area.

Theme	Relevant Objectives	Comment
		The area also has access to a number of existing schools and education facilities and is accessible to high speed internet provided by the NBN, which can be readily provided to all new homes. The DPA has also considered cultural heritage and the significance of southern Adelaide's coastal area to Aboriginal people.
Place	A well-planned, managed and maintained green city that enables and promotes sustainable and healthy lifestyles. A liveable and connected city with a rich mix of destinations, activities and experiences. A fun, safe and inclusive city that is attractive to live in, work in and visit.	The DPA seeks to facilitate residential development as a logical extension to existing residential areas at Hallett Cove in the adjacent Marion Council area, providing connections to a range of passive and active lifestyle and coastal experiences as well as to existing services and local destinations, promoting healthy lifestyles. The area is also located adjacent major urban employment lands at Lonsdale, providing local employment opportunities for new residents and reduced commuting times.
Prosperity	A prepared city that values natural resources, landscapes and sustainable management. A city with a prosperous, diverse and competitive economy.	The DPA provides an opportunity to increase residential land supply within an existing urban area in southern Adelaide without requiring disproportionate augmentation of existing infrastructure, contributing to a more carbon-efficient, sustainable urban footprint and reducing pressure on the urban fringe. Development of the land for residential use is also considered the highest and best use of the land, and would also result in both direct and indirect economic benefits over time while providing opportunities for new residents to locate near jobs and major urban employment lands, particularly at Lonsdale.

Development Plan Amendment

By the Minister

Marion Council
Onkaparinga Council
Development Plans

Lonsdale Residential Development Plan Amendment

The Amendment

Government of South Australia
Department of Planning, Transport and Infrastructure

Amendment Instructions Table				
Name of Local Government Area: City of Marion				
Name of Development Plan: Marion Council Development Plan				
Name of DPA: Lonsdale Residential DPA				
The following amendment instructions (at the time of drafting) relate to the Marion Council Development Plan consolidated on 15 August 2019. ***Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.***				
Amendment Instruction Number	**Method of Change** **• Amend** **• Replace** **• Delete** **• Insert**	**Detail what in the Development Plan is to be amended, replaced, deleted or inserted.** **If applicable, detail what material is to be inserted and where. Use attachments for large bodies of material.**	**Is Renumbering required (Y/N)**	**Subsequent Policy cross-references requiring update (Y/N) if yes please specify.**
COUNCIL WIDE / GENERAL SECTION PROVISIONS (including figures and illustrations contained in the text)				
Amendments required: **Yes**				
Land Division				
1.	Replace	The entire 'Land Division' general module with the contents of **Attachment A**.	N	N
Landscaping, Fences and Walls				
2.	Replace	The entire 'Landscaping, Fences and Walls' general module with the contents of **Attachment B**.	N	N
Open Space and Recreation				
3.	Replace	The entire 'Open Space and Recreation' general module with the contents of **Attachment C**.	N	N
Residential Development				
4.	Replace	In PDC 41, the words: *'Driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:'* with the words: '*Except where otherwise specified in a particular zone or policy area, driveways serving hammerhead sites, or more than one dwelling, should satisfy the following:'*	N	N

Supported Accommodation				
5.	Replace	The entire 'Supported Accommodation' general module with the contents of **Attachment D**.	N	N
ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)				
Amendments required: **Yes**				
Open Space Zone				
6.	Delete	The entire 'Hallett Cove Buffer Policy Area 9'	N	N
7.	Delete	In the third line of the Non-complying Development table, the words: *"Caravan park located within Hallett Cove Buffer Policy Area 9."*	N	N
8.	Delete	In line 25 of the Non-complying Development table relating to 'Shops or group of shops', the words: *"…not located within Hallett Cove Buffer Policy Area 9…"*	N	N
Residential Zone				
9.	Replace	The 'Residential Zone' with the contents of **Attachment E**.	N	N
Residential Zone - (New) Lonsdale Policy Area 9				
10.	Insert	New 'Lonsdale Policy Area 9' in **Attachment F** immediately before Cement Hill Policy Area 10 in the Residential Zone.	N	N
TABLES				
Amendments required: **No**				
MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps, Policy Area & Precinct Maps)				
Amendments required: **Yes**				
Map Reference Table				
11.	Delete	In the **Zone Maps** Table in the Zone Map Numbers column adjacent the Open Space entry, the following: Mar/15	N	N
12.	Replace	In the **Policy Area Maps** Table in the Policy Area Name column, the words: *'Hallett Cove Buffer Policy Area 9'* With the words: Lonsdale Policy Area 9	N	N
13.	Insert	In the **Overlay Maps** Table in the Overlay Map Numbers column adjacent the Affordable Housing entry, the following in numerical order: Mar/15	N	N
14.	Insert	In the **Overlay Maps** Table in the Overlay Map Numbers column adjacent the Noise and Air Emissions entry, the following in numerical order: Mar/15	N	N

Map(s)				
15.	Replace	The following Maps: • Council Index Map • Location Map Mar/15 • Overlay Map Mar/15 - Transport • Overlay Map Mar/15 – Development Constraints • Zone Map Mar/15 • Policy Area Map Mar/15 with the contents of **Attachment G**.	N	N
16.	Insert	New Overlay Maps 'Mar/15 Noise and Air Emissions' and 'Mar/15 Affordable Housing' in **Attachment H** immediately following Overlay Map Mar/15 – Development Constraints'	N	N

ATTACHMENT A

(Replacement) General *Land Division* Module

*(*Text in red denotes new or amended policy)*

Land Division

OBJECTIVES

1 Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing under utilised infrastructure and facilities.

2 Land division that creates allotments appropriate for the intended use.

3 Land division layout that is optimal for energy efficient building orientation.

4 Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.

5 Land division restricted in rural areas to ensure the efficient use of rural land for primary production and avoidance of uneconomic infrastructure provision.

PRINCIPLES OF DEVELOPMENT CONTROL

1 When land is divided:

(a) stormwater should be capable of being drained safely and efficiently from each proposed allotment and disposed of from the land in an environmentally sensitive manner

(b) a sufficient water supply should be made available for each allotment

(c) provision should be made for the disposal of wastewater, sewage and other effluent from each allotment without risk to health

(d) proposed roads should be graded, or be capable of being graded to connect safely and conveniently with an existing road or thoroughfare.

2 Land should not be divided if any of the following apply:

(a) the size, shape, location, slope or nature of the land makes any of the allotments unsuitable for the intended use

(b) any allotment will not have a frontage to one of the following:

(i) an existing road

(ii) a proposed public road

(iii) access to a public road via an internal roadway in a plan of community division

(c) the intended use of the land is likely to require excessive cut and/or fill

(d) it is likely to lead to undue erosion of the subject land or land within the locality

(e) the wastewater treatment plant to which subsequent development will be connected does not have sufficient capacity to handle the additional wastewater volumes and pollutant loads generated by such development

(f) the area is unsewered and cannot accommodate an appropriate waste disposal system within the allotment to suit the intended development

(g) the intended use of the land would be contrary to the zone objectives

(h) any allotments will straddle more than one zone, policy area or precinct

(i) the allotments unreasonably restrict access to publicly owned land such as recreation areas.

Design and Layout

3 Except within the **Regional Activity Zone** and **Suburban Activity Node Zone**, residential allotments should have a depth of no more than four times the width of the frontage or four times the average width of the allotment.

4 Allotments fronting South Road, Marion Road, Cross Road, Morphett Road, Daws Road, Diagonal Road, Sturt Road, Seacombe Road, Lonsdale Highway or Landers Road and having no alternative vehicle access from a side or rear street should have a minimum frontage of 16 metres and a minimum depth of 32 metres.

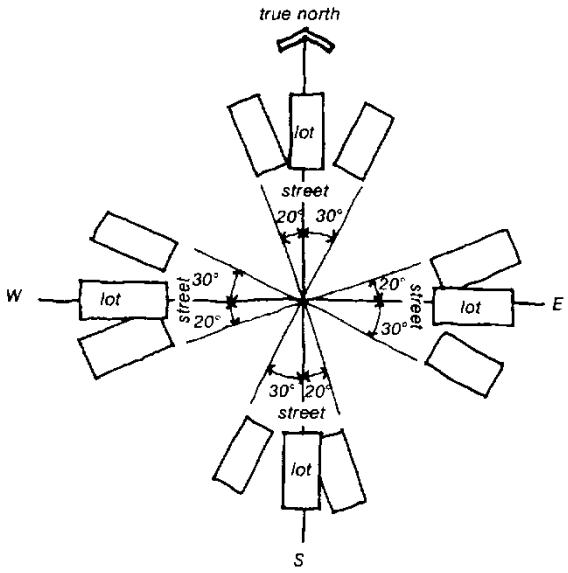
5 Land divisions should be designed to ensure that areas of native vegetation and wetlands:

(a) are not fragmented or reduced in size

(b) do not need to be cleared as a consequence of subsequent development.

6 Land divisions creating more than 20 additional allotments should provide for the following:

(a) at least 80 per cent of allotments should be oriented so that their long axis conforms with the following figure:



Orientated lots for solar access in temperate and hot-arid climates

(b) allotments with a primary road frontage of less than 14 metres should be oriented in a north/south alignment

(c) a maximum of 20 per cent of allotments should be located on the south side of east-west aligned streets.

7 The design of a land division should incorporate:

(a) roads, thoroughfares and open space that result in safe and convenient linkages with the surrounding environment, including public and community transport facilities, and which, where necessary, facilitate the satisfactory future division of land and the inter-communication with neighbouring localities

(b) new road and allotment access points providing appropriate separation distances from existing road junctions or level crossings

(c) safe and convenient access from each allotment to an existing or proposed public road or thoroughfare

(d) areas to provide appropriate separation distances between potentially conflicting land uses and/or zones

(e) suitable land set aside for useable local open space

(f) public utility services within road reserves and where necessary within dedicated easements

(g) the preservation of significant natural, cultural or landscape features including State and local heritage places

(h) protection for existing vegetation and drainage lines

(i) where appropriate, the amalgamation of smaller allotments to ensure co-ordinated and efficient site development

(j) the preservation of significant trees.

8 Land division should result in allotments of a size suitable for their intended use.

9 Land division should facilitate optimum solar access for energy efficiency.

10 Allotments in the form of a battleaxe configuration should:

(a) have an area, that meet the minimum allotment sizes for the proposed form of dwelling, (excluding the area of the 'handle' of such an allotment)

(b) contain sufficient area on the allotment for a vehicle to turn around to enable it to egress the allotment in a forward direction

(c) not be created where it would lead to multiple access points onto a road which would dominate or adversely affect the amenity of the streetscape

(d) be avoided where their creation would be incompatible with the prevailing pattern of development.

11 Access ways serving allotments in the form of a battleaxe configuration should:

(a) provide for an access onto a public road, with the driveway 'handle' being not more than 35 metres in length and the width being not less than one of the following:

(i) 4 metres for an allotment that accommodates no more than 3 dwellings

(ii) 6.1 metres for the first 6 metres and 4.6 metres thereafter for an allotment that accommodates up to 7 dwellings

(iii) 8 metres for the first 6 metres and 7 metres thereafter for an allotment that accommodates more than 7 dwellings.

12 Allotments should have an orientation, size and configuration to encourage development that:

(a) minimises the need for earthworks and retaining walls

(b) maintains natural drainage systems

(c) faces abutting streets and open spaces

(d) does not require the removal of existing native vegetation to facilitate that development

(e) will not overshadow, dominate, encroach on or otherwise detrimentally affect the setting of the surrounding locality.

~~13 The layout of a land division should provide for efficient solar access.~~

14 Where the land to be divided borders a river, lake, wetland or creek, the land adjoining the bank should become public open space and linked with an existing or proposed pedestrian or transport network.

15 Land division should make provision for a reserve or an area of open space that is at least 30 metres wide from the top of the bank of a watercourse and that incorporates land within the 1-in-100 year average return interval flood event area.

16 Where land which has a boundary abutting Sturt River or Field River, is divided, a reserve at least 30 metres wide, when measured from the top of the bank, should be provided along that boundary.

17 The layout of a land division should keep flood-prone land free from development.

18 The arrangement of roads, allotments, reserves and open space should enable the provision of a storm drainage system that:

(a) contains and retains all watercourses, drainage lines and native vegetation

(b) enhances amenity

(c) integrates with the open space system and surrounding area.

Roads and Access

19 Road reserves should be of a width and alignment that can:

(a) provide for safe and convenient movement and parking of projected volumes of vehicles and other users

(b) provide for footpaths, cycle lanes and shared-use paths for the safety and convenience of residents and visitors

(c) allow vehicles to enter or reverse from an allotment or site in a single movement allowing for a car parked on the opposite side of the street

(d) accommodate street tree planting, landscaping and street furniture

(e) accommodate the location, construction and maintenance of stormwater drainage and public utilities

(f) provide unobstructed, safe and efficient vehicular access to individual allotments and sites

(g) allow for the efficient movement of service and emergency vehicles.

20 Roads intended to accommodate bus routes should be of an alignment and width that will:

(a) allow for the efficient movement of buses

(b) provide a reasonably direct route through the middle of residential areas and linking through to adjoining residential areas.

21 The design of the land division should facilitate the most direct route to local facilities for pedestrians and cyclists and enable footpaths, cycle lanes and shared-use paths to be provided of a safe and suitable width and reasonable longitudinal gradient.

22 The layout of land divisions should result in roads designed and constructed to ensure:

(a) that traffic speeds and volumes are restricted where appropriate by limiting street length and/or the distance between bends and slow points

(b) there are adequate sight distances for motorists at intersections, junctions, pedestrian and cyclist crossings, and crossovers to allotments to ensure the safety of all road users and pedestrians

(c) that existing dedicated cycling and walking routes are not compromised.

23 The design of the land division should provide space sufficient for on-street visitor car parking for the number and size of allotments, taking account of:

(a) the size of proposed allotments and sites and opportunities for on-site parking

(b) the availability and frequency of public and community transport

(c) on-street parking demand likely to be generated by nearby uses.

24 A minimum of one on-street car parking space should be provided for every 2 allotments unless separately defined shared visitor parking spaces exist on-site and at the same ratio (e.g. for group dwellings or residential flat buildings).

25 The layout of land divisions should incorporate street patterns designed to enhance the efficient movement of traffic and minimise trip lengths.

Land Division in Rural Areas

26 Rural land should not be divided if the resulting allotments would be of a size and configuration likely to impede the efficient use of rural land for any of the following:

(a) primary production

(b) value adding industries related to primary production

(c) protection of natural resources.

27 Rural land should not be divided where new allotments would result in any of the following:

(a) fragmentation of productive primary production land

(b) strip development along roads or water mains

(c) prejudice against the proper and orderly development of townships

(d) removal of native vegetation for allotment boundaries, access roads, infrastructure, dwellings and other buildings or firebreaks.

ATTACHMENT B

(Replacement) General *Landscaping, Fences and Walls* Module

*(*Text in red denotes new or amended policy)*

Landscaping, Fences and Walls

OBJECTIVES

1 The amenity of land and development enhanced with appropriate planting and other landscaping works, using locally indigenous plant species where possible.

2 Functional fences and walls that enhance the attractiveness of development.

PRINCIPLES OF DEVELOPMENT CONTROL

1 Development should incorporate open space and landscaping in order to:

(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)

(b) enhance the appearance of road frontages

(c) screen service yards, loading areas and outdoor storage areas

(d) minimise maintenance and watering requirements

(e) enhance and define outdoor spaces, including car parking areas

(f) provide shade and shelter

(g) assist in climate control within buildings

(h) minimise heat absorption and reflection

(i) maintain privacy

(j) maximise stormwater re-use

(k) complement existing native vegetation

(l) contribute to the viability of ecosystems and species

(m) promote water and biodiversity conservation.

2 Landscaping should:

(a) include the planting of locally indigenous species where appropriate

(b) be oriented towards the street frontage

(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.

3 Landscaped areas along road frontages should have a width of not less than 2 metres and be protected from damage by vehicles and pedestrians.

4 Landscaping should not:

(a) unreasonably restrict solar access to adjoining development

(b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding

(c) introduce pest plants

(d) increase the risk of bushfire

(e) remove opportunities for passive surveillance

(f) increase ~~autumnal leave fall in waterways~~ leaf fall in watercourses

(g) increase the risk of weed invasion

(h) obscure driver sight lines

(i) create a hazard for train or tram drivers by obscuring sight lines at crossovers.

5 Fences and walls, including retaining walls, should:

(a) not result in damage to neighbouring trees

(b) be compatible with the associated development and with existing predominant, attractive fences and walls in the locality

(c) enable some visibility of buildings from and to the street to enhance safety and allow casual surveillance

(d) incorporate articulation or other detailing where there is a large expanse of wall facing the street

(e) assist in highlighting building entrances

(f) be sited and limited in height, to ensure adequate sight lines for motorists and pedestrians especially on corner sites

(g) in the case of side and rear boundaries, be of sufficient height to maintain privacy and/or security without adversely affecting the visual amenity or access to sunlight of adjoining land

(h) be constructed of non-flammable materials.

ATTACHMENT C

(Replacement) General *Open Space and Recreation* Module

*(*Text in red denotes new or amended policy)*

Open Space and Recreation

OBJECTIVES

1 The creation of a network of linked parks, reserves and recreation areas at regional and local levels.

2 Pleasant, functional and accessible open spaces providing a range of physical environments.

3 A wide range of settings for active and passive recreational opportunities.

4 The provision of open space in the following hierarchy:

- State
- Regional
- District
- Neighbourhood
- Local.

PRINCIPLES OF DEVELOPMENT CONTROL

1 Urban development should include public open space and recreation areas.

2 Public open space and recreation areas should be of a size, dimension and location that:

(a) facilitate a range of formal and informal recreation activities to meet the needs of the community

(b) provide for the movement of pedestrians and cyclists

(c) incorporate existing vegetation and natural features, watercourses, wildlife habitat and other sites of natural or cultural value

(d) link habitats, wildlife corridors, public open spaces and existing recreation facilities

(e) enable effective stormwater management

(f) provides for the planting and retention of large trees and vegetation.

3 Open space should be designed to incorporate:

(a) pedestrian, cycle linkages to other open spaces, centres, schools and public transport nodes

(b) park furniture, shaded areas and resting places to enhance pedestrian comfort

(c) safe crossing points where pedestrian routes intersect the road network

(d) easily identified access points

(e) frontage to abutting public roads to optimise pedestrian access and visibility

(f) re-use of stormwater for irrigation purposes

(g) recreational trails where appropriate.

4 Where practical, access points to regional parks should be located close to public transport.

5 District level parks should be at least 3 hectares in size, and provided within 2 kilometres of all households that they serve.

6 Neighbourhood parks should be at least 0.5 hectares and generally closer to 1 hectare in size, and provided within 500 metres of households that they serve.

7 Local parks should generally be a minimum of 0.2 hectares in size, and should be centrally located within a residential area, close to schools, shops and generally within 300 metres of households that they serve.

8 No more than 20 per cent of land allocated as public open space should:

(a) have a slope in excess of 1-in-4

(b) comprise creeks or other drainage areas.

9 Signage should be provided at entrances to and within public open space to provide clear orientation to major points of interest such as the location of public toilets, telephones, safe routes and park activities.

10 Buildings in open space, including structures and associated car parking areas, should be designed, located and of a scale that is unobtrusive and does not detract from the desired open space character.

11 Development in open space should:

(a) be clustered where practical to ensure that the majority of the site remains open

(b) where practical, be developed for multi-purpose use

(c) be constructed to minimise the extent of hard paved areas.

12 Open spaces and recreation areas should be located and designed to maximise safety and security by:

(a) ensuring that within urban areas, their edges are overlooked by housing, commercial or other development that can provide effective informal surveillance

(b) ensuring fenced parks and playgrounds have more than one entrance or exit when fenced

(c) locating play equipment where it can be informally observed by nearby residents and users during times of use

(d) clearly defining the perimeters of play areas

(e) providing lighting around facilities such as toilets, telephones, seating, litter bins, bike storage and car parks

(f) focusing pedestrian and bicycle movement after dark along clearly defined, adequately lit routes with observable entries and exits.

13 Landscaping associated with open space and recreation areas should:

(a) not compromise the drainage function of any drainage channel

(b) provide shade and windbreaks along cyclist and pedestrian routes, around picnic and barbecue areas and seating, and in car parking areas

(c) maximise opportunities for informal surveillance throughout the park

(d) enhance the visual amenity of the area and complement existing buildings

(e) be designed and selected to minimise maintenance costs

(f) provide habitat for local fauna.

14 Development of recreational activities in areas not zoned for that purpose should be compatible with surrounding activities.

15 Recreation facilities development should be sited and designed to minimise negative impacts on the amenity of the locality.

ATTACHMENT D

(Replacement) General *Supported Accommodation* Module

*(*Text in red denotes new or amended policy)*

Supported Accommodation, Housing for Aged Persons and People with Disabilities

OBJECTIVES

1 Provision of well designed supported accommodation for community groups with special needs.

PRINCIPLES OF DEVELOPMENT CONTROL

1 Supported accommodation (including nursing homes, hostels, retirement homes, retirement villages, residential care facilities and special accommodation houses) and housing for aged persons and people with disabilities should be:

(a) located within walking distance of essential facilities such as convenience shops, health and community services and public and community transport

(b) located where on-site movement of residents is not unduly restricted by the slope of the land

(c) sited and designed to promote interaction with other sections of the community, without compromising privacy

(d) of a scale and appearance that reflects the residential style and character of the locality

(e) provided with public and private open space and landscaping to meet the needs of residents.

2 Supported accommodation and housing for aged persons and people with disabilities should be designed to provide safe, secure, attractive, convenient and comfortable living conditions for residents that include:

(a) ground-level access or lift access to all units

(b) internal communal areas and private spaces

(c) an interesting and attractive outlook from units and communal areas for all residents, including those in wheelchairs

(d) useable recreation areas for residents and visitors, including visiting children

(e) adequate living space allowing for the use of wheelchairs with an attendant

(f) spaces to accommodate social needs and activities, including social gatherings, internet use, gardening, keeping pets, preparing meals and doing personal laundry

(g) storage areas for items such as boats, trailers and caravans

(h) storage for items such as small electric powered vehicles and other personal items, including facilities for recharging small electric powered vehicles

(i) mail boxes and waste disposal areas within easy walking distance of all units.

3 Dwellings comprising of supported accommodation should provide a minimum area of private open space of 30 square metres, one part of which should be capable of containing a rectangle of at least 3 metres by 5 metres.

4 Access roads within supported accommodation and development incorporating, housing for aged persons and people with disabilities should:

(a) not have gradients of more than 1-in-6

(b) provide convenient access for emergency vehicles, visitors and residents

(c) provide space for manoeuvring cars and community buses

(d) include kerb ramps at pedestrian crossing points

(e) have level-surface passenger loading areas.

5 Car parking associated with supported accommodation and housing for aged persons and people with disabilities should:

(a) be conveniently located on site within easy walking distance of resident units

(b) be adequate for residents, staff, service providers and visitors

(c) include private parking spaces for independent living units

(d) include separate and appropriately marked places for people with disabilities and spaces for small electrically powered vehicles

(e) include covered and secure parking for residents' vehicles

(f) have slip-resistant surfaces with gradients not steeper than 1-in-40

(g) allow ease of vehicle manoeuvrability

(h) be designed to allow the full opening of all vehicle doors

(i) minimise the impact of car parking on adjacent residences owing to visual intrusion and noise

(j) be appropriately lit to enable safe and easy movement to and from vehicles.

ATTACHMENT E

(Replacement) Residential Zone

*(*Text in red denotes new or amended policy)*

Residential Zone

Refer to the *Map Reference Tables* for a list of the maps that relate to this zone.

OBJECTIVES

1 An attractive residential zone comprising a range of dwelling types including a minimum of 15 per cent affordable housing.

2 Increased dwelling densities in close proximity to centres, public and community transport routes and public open spaces.

PRINCIPLES OF DEVELOPMENT CONTROL

1 The following forms of development are envisaged in the zone:

- affordable housing
- outbuilding in association with a dwelling
- domestic structure
- dwelling including a residential flat building
- dwelling addition
- small scale non-residential uses that serve the local community, for example:
  - child care facilities
  - consulting rooms
  - health and welfare services
  - offices
  - open space
  - primary and secondary schools
  - recreation areas
  - shops
- supported accommodation.

2 Development listed as non-complying is generally inappropriate.

3 Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.

4 Non-residential development such as shops, offices and consulting rooms should be of a nature and scale that:

(a) primarily serves the needs of the local community

(b) is consistent with the character of the locality

(c) does not detrimentally impact on the amenity of nearby residents.

5 The use and placement of outbuildings should be ancillary to and in association with a dwelling or dwellings.

Form and Character

6 Dwellings should be designed within the following parameters:

Parameter	Value
Minimum setback from primary road frontage where no established streetscape exists	8 metres from arterial roads shown on *Overlay Map – Transport* and any road within **Hills Policy Area 11**. 5 metres in all other circumstances.
Minimum setback from primary road frontage where an established streetscape exists	5 metres within **Medium Density Policy Area 12** and **Regeneration Policy Area 16** except where located on an arterial road. 8 metres from arterial roads shown on *Overlay Map – Transport* and any road within **Hills Policy Area 11**.
Minimum setback from secondary road frontage	2 metres within **Marion Plains Policy Area 8, Lonsdale Policy Area 9, Medium Density Policy Area 12, Northern Policy Area 13, Regeneration Policy Area 16, Foothills and Seaside Policy Area 23** and **Worthing Mine Policy Area 20**and **Southern Policy Area 18**. 3 metres in all other circumstances.
Minimum setback from side boundaries	Where the wall height is not greater than 3 metres: (a) 2 metres within **Hills Policy Area 11** (b) 0.9 metres in all other circumstances. Where the wall height is between 3 metres and 6 metres: (a) 3 metres if adjacent southern boundary (b) 2 metres in all other circumstances. Where the wall height is greater than 6 metres: (a) if not adjacent the southern boundary, 2 metres plus an additional setback equal to the increase in wall height above 6 metres (b) if adjacent the southern boundary, 3 metres plus an additional setback equal to the increase in wall height above 6 metres.
Maximum length and height when wall is located on side boundary	Not applicable in **Hills Policy Area 11**, that part of **Residential Character Policy Area 17** within the suburb of Marion, and **Watercourse Policy Area 19**, as walls on boundaries are generally not appropriate in these policy areas. In all other policy areas of the **Residential Zone** – (a) where the wall does not adjoin communal open space or a public reserve – 8 metres in length and 3 metres in height (b) where wall adjoins communal open space or a public reserve – 50 per cent of the length of the boundary and 4 metres in height.

Parameter	Value
Minimum setback from rear boundary	(a) 6 metres for single storey parts of the dwelling (where no wall height exceeds 3 metres) (b) 8 metres for all other parts of the dwelling with a wall height greater than 3 metres subject to the following variations: (i) within **Hills Policy Area 11 –** (a) is 8 metres (ii) within **Marion Plains Policy Area 8**, **Medium Density Policy Area 12**, **Northern Policy Area 13, Racecourse Policy Area 15**, **Regeneration Policy Area 16**, **Foothills and Seaside Policy Area 23**, **Southern Policy Area 18** for sites with an average site gradient less than 1-in-8 and **Worthing Mine Policy Area 20** - (a) may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary (iii) within **Medium Density Policy Area 12** and **Regeneration Policy Area 16** - (b) is 6 metres. (ii) within **Lonsdale Policy Area 9** for sites with an average gradient less than 1-in-8 - (a) may be reduced to 3 metres for no more than 50 per cent of the width of the rear boundary.
Maximum building height (from natural ground level)	Within: (a) **Medium Density Policy Area 12**: (i) 2 storeys of not more than 9 metres (ii) 2 storeys with an ability to provide a 3 storey addition within the roof space of not more than10 metres (b) **Regeneration Policy Area 16,** 3 storeys of not more than 12 metres (c) **Residential Character Policy Area 17**: (i) within the suburb of Marion, 2 storeys of not more than 9 metres (ii) in all other areas, one storey with an ability to provide a 2 storey addition within the roof space subject to Principles of Development Control within the policy area of not more than 7 metres (d) all other policy areas, 2 storeys of not more than 9 metres.

7 Dwellings at ground level should provide private open space in accordance with the following table:

Site area of dwelling	Minimum area of private open space	Provisions
Less than 175 square metres	20 per cent of the site area or 35 square metres, whichever is the greater	Balconies, roof patios and the like can comprise part of this area provided the area of each is 8 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room, have an area of 16 square metres with a minimum dimension of 4 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.
175 square metres or greater	20 per cent of site area	Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater and they have a minimum dimension of 2 metres. One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1-in-10. The remainder of the space should have a minimum dimension of 2.5 metres.

8 Dwellings used for supported accommodation should have average site areas and site gradients not less than that shown in the following table:

Location	Average site area	Maximum site gradient
Lonsdale Policy Area 9, Foothills and Seaside Policy Area 23 and **Worthing Mine Policy Area 20**	250 square metres	1-in-20
Marion Plains Policy Area 8, **Medium Density Policy Area 12**, **Northern Policy Area 13, Oaklands Park Policy Area 14**, **Regeneration Policy Area 16** and **Southern Policy Area 18**	200 square metres	n/a
All other areas	As set by the relevant policy area for dwellings generally	

Site Coverage

9 Site coverage should not exceed the amount specified by the relevant policy area unless it is demonstrated that doing so:

(a) would not be contrary to the relevant setback and private open space provisions

(b) would not adversely affect the amenity of adjoining properties

(c) would not conflict with other relevant criteria of this Development Plan.

Affordable Housing

10 Development should include a minimum 15 per cent of residential dwellings for affordable housing.

11 Affordable housing should be distributed throughout the zone and/or policy areas to avoid over-concentration of similar types of housing in a particular area.

PROCEDURAL MATTERS

Complying Development

Complying developments are prescribed in Schedule 4 of the *Development Regulations 2008*.

Non-complying Development

Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying:

Form of Development	Exceptions
Advertisement and/or advertising hoarding	Except where an advertisement and/or advertising hoarding satisfies all of the following: (a) the message contained thereon relates entirely to a lawful use of land (b) the advertisement is erected on the same allotment as the use it seeks to advertise (c) it does not exceed the following dimensions: (i) a display area or panel size of 4 square metres (2 square metres if double-sided) (ii) a maximum height of 4 metres if freestanding (d) there will not be more than one advertisement on the allotment; (e) no part of it will be located above the eaves of any building on that allotment.
Amusement machine centre	
Caravan park	
Cemetery	
Consulting room	Except where the gross leasable floor area is less than 150 square metres.
Crematorium	
Dairy	
Farming	
Fuel depot	
Funeral parlour	
Group dwelling where located within **Racecourse Policy Area 15**, **Residential Character Policy Area 17** or **Watercourse Policy Area 19**	
Gymnasium	
Horse keeping	Except where located within **Racecourse Policy Area 15**.
Horticulture	
Hospital	
Hotel	
Indoor recreation centre	
Industry	

Form of Development	Exceptions
Intensive animal keeping	
Land division resulting in the creation of battle-axe or similar allotments where located within the **Residential Character Policy Area 17**	
Mortuary	
Motor repair station	
Multiple dwelling where located within **Coastal Policy Area 21**, **Racecourse Policy Area 15**, **Residential Character Policy Area 17**, **Watercourse Policy Area 19** or **Hills Policy Area 11**	
Office	Except where the gross leasable floor area is less than 150 square metres.
Petrol filling station	
Public service depot	
Residential flat building where located within **Coastal Policy Area 21**, **Racecourse Policy Area 15**, **Residential Character Policy Area 17**, **Watercourse Policy Area 19** or **Hills Policy Area 11**	
Restaurant	
Road transport terminal	
Row dwelling where located within **Coastal Policy Area 21, Racecourse Policy Area 15**, **Residential Character Policy Area 17**, **Watercourse Policy Area 19** or **Hills Policy Area 11**	
Semi-detached dwelling where located within **Coastal Policy Area 21**,**Racecourse Policy Area 15**, **Watercourse Policy Area 19**, **Residential Character Policy Area 17** (within the suburb of Marion) or **Hills Policy Area 11**	
Service trade premises	
Shop or group of shops	Except where: (a) the gross leasable area is less than 150 square metres; and (b) located outside of **Racecourse Policy Area 15**.
Stadium	
Stock sales yard	
Stock slaughter works	

Form of Development	Exceptions
Store	
Warehouse	
Waste reception, storage, treatment or disposal	
Wrecking yard	

Public Notification

Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*. Further, the following forms of development (except where the development is non-complying) are assigned:

Category 1	Category 2
Recreation area Retaining wall/s and/or earthworks which, in the opinion of the relevant authority, are of a minor nature only and will not unreasonably impact on owners or occupiers of adjacent land.	A residential building of 2 or more storeys on a battle-axe site. Demolition of a Local Heritage Place or State Heritage Place. Wall (excluding retaining wall) for residential development which exceeds a length of 8 metres and/or exceeds a height of 3 metres when measured from natural ground level where abutting a side or rear boundary (other than a common wall of semi-detached dwellings, row dwellings or residential flat buildings). Retaining wall/s and/or earthworks, other than where assigned Category 1. Horse keeping and associated facilities where located within Racecourse Policy Area 15 where the subject property is adjacent a property in a different residential policy area.

ATTACHMENT F

(New) Lonsdale Policy Area 9

Lonsdale Policy Area 9

Refer to the *Map Reference Tables* for a list of the maps that relate to this policy area.

OBJECTIVES

1 A policy area primarily comprising low scale, low density housing.

2 Development which is sensitive to the particular topography of the locality

3 Development that reflects good residential design principles.

4 Development that contributes to the desired character of the policy area.

DESIRED CHARACTER

This policy area encompasses land at Lonsdale that formerly provided a landscape buffer between the operations of the (now closed) Port Stanvac Oil Refinery in the Onkaparinga Council area to existing residential areas in Hallett Cove.

This Policy Area will develop as an attractive residential community that includes a mix of housing types and densities, contiguous with the established residential area to the north at Hallett Cove. Development will comprise a mix of predominantly low density, single and two storey formats exhibiting a variety of architectural styles with large, open front gardens and access to public open spaces and the coast. Higher density dwellings are encouraged adjacent areas of public open space, considering the gradient of the land.

Development will be designed to integrate with the topography of the area and protect natural features, including the coast, with limited cut and fill and associated retaining walls. Footing design will consider any impacts from the batter slope which extends down to the existing coastal pathway in the coastal reserve to the west of the policy area.

The built form, siting, architectural and landscape design of individual sites will make a positive contribution to the streetscape and character of the locality. Building design will be of a high architectural standard and incorporate features that reduce the bulk of the development and add visual interest, such as variations in height, roof form, colour and materials, the provision of balconies and porticos and facade articulation. Buildings on sloping land will be considerate of the protection of privacy and amenity of neighbouring properties and the avoidance of construction problems involving retaining walls and fences on boundaries.

Undercroft car parking will be avoided on flat sites and sites that slope down from the street level.

Public open space will be designed and developed to support the needs of future residents, highlight natural features and link to the adjacent coastal reserve.

Water Sensitive Urban Design systems, including the harvest, treatment, storage and reuse of storm water, will be integrated throughout the policy area where practical. Harvested storm water will improve the aesthetic and functional value of open spaces, including public access ways linking to the adjacent coastal reserve.

Potential noise and other impacts from activities within the wider Lonsdale area will be mitigated through development of a suitable acoustic barrier along the full extent of Sigma Road to a minimum height of 4 metres above natural ground level. The barrier will be constructed of solid material comprising earth mounding, masonry or sheet steel fencing, or a combination of these materials. Landscaping and plantings will be provided to improve amenity of this feature and contribute to noise mitigation. Upper storey windows of residences, except those facing north, will also incorporate measures to attenuate potential noise from adjacent industrial and employment activities. Upper storey windows within 75 metres of the Sigma Road

boundary, except those facing north, will also incorporate measures to attenuate potential noise from adjacent industrial and employment activities.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

1 The following forms of development are envisaged in the policy area:

affordable housing
domestic outbuilding in association with a dwelling
domestic structure
dwelling including a residential flat building
dwelling addition
small scale non-residential use that serves the local community, for example:
- child care facility
- health and welfare service
- office
- open space
- primary and secondary school
- recreation area
- shop

supported accommodation.

Form and Character

2 Development should not be undertaken unless it is consistent with the desired character for the policy area.

3 Where a distinctive and attractive streetscape character exists, development should complement the scale, bulk, siting and positive elements of existing dwellings.

4 Development should be designed and sited to relate to the slope of the land, so that the amount of cutting and filling of the natural ground profile is minimised.

5 Where a proposed development would interfere with any view, vista or prospect presently available from land in private ownership, such interference will be reasonable and anticipated if the proposed development complies with the relevant guidelines and desires of this Development Plan, including height, setbacks, building envelopes, building form and massing.

6 Development that would be prominently visible should:

(a) achieve a profile that blends with the topography of the land

(b) avoid the use of bright and highly reflective external materials and finishes

(c) incorporate existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale of the building and any site works.

7 The visual dominance of garages and carports on the streetscape should be minimised.

8 Development of more than one storey in height should take account of the height and bulk of the proposed building relative to dwellings on adjoining land by:

(a) incorporating stepping in the design in accordance with the slope of the land

(b) where appropriate, setting back upper storeys a greater distance from all boundaries than the lower storey.

9 Residential development in a battle-axe configuration should not be developed unless all of the following can be satisfied:

(a) a “handle” of at least 4.6 metres width is provided that gives access to the rear of the site, comprising a driveway of 3.0 metres minimum width and landscaping strips of 0.8 metres minimum width along both sides of the driveway

(b) all dwellings are sited to ensure that they are at least partially visible from the street frontage

(c) fencing along the battle-axe driveway between the primary road frontage and the main face of the dwelling closest to the street is avoided or minimised in height and constructed of a suitable material to maintain an open landscaped character

(d) dwellings are set back an appropriate distance from the battle-axe driveway.

10 A dwelling should have a minimum site area (and in the case of residential flat buildings and group dwellings, an average site area per dwelling) and a frontage to a public road and site depth not less than that shown in the following table:

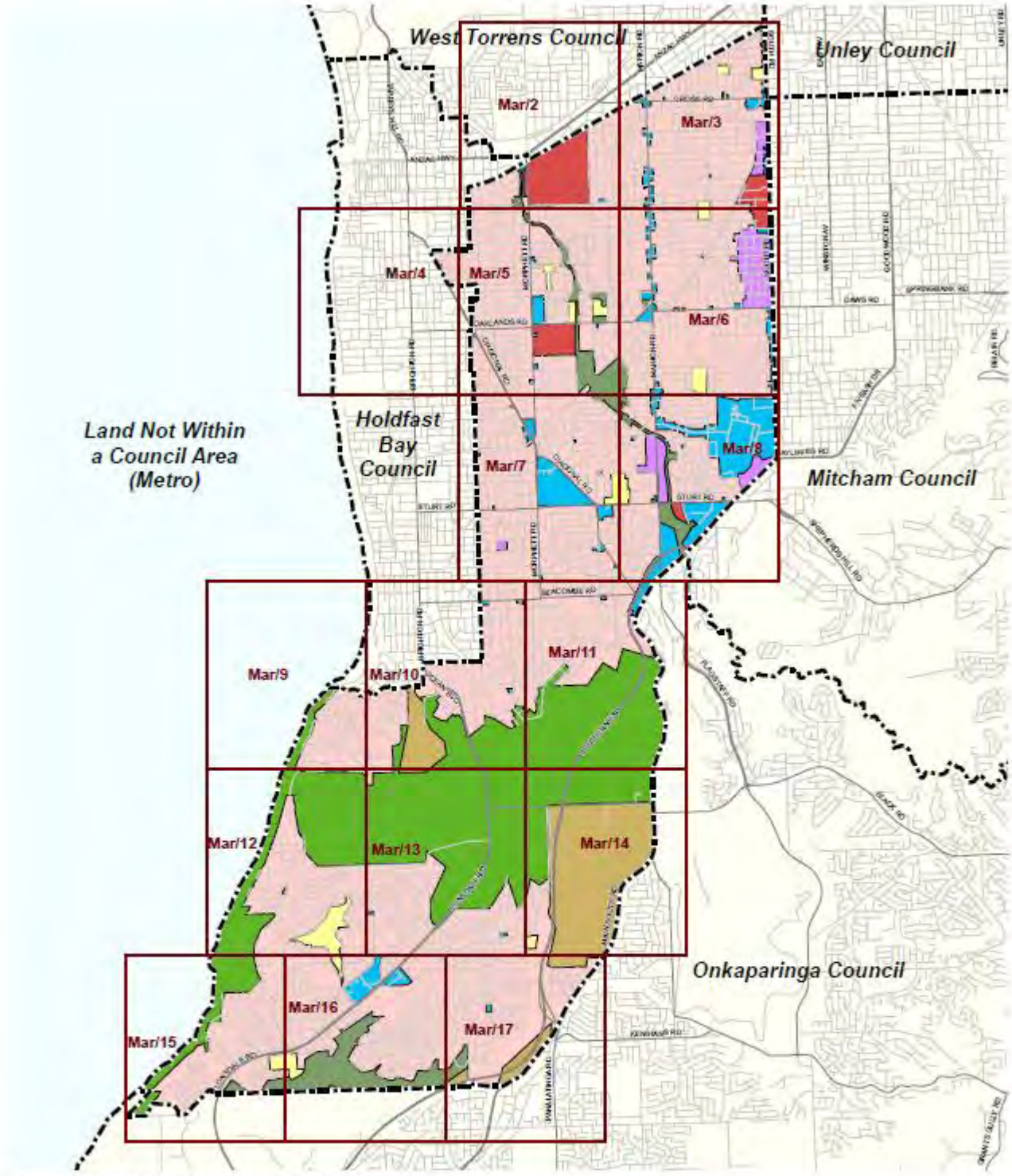
Dwelling Type	Average Site Gradient	Minimum Site Area (square metres)	Minimum Frontage Width		Minimum Site Depth (metres)
			Other Road (metres)	Arterial Road (metres)	
Detached Semi-detached	Less than 1-in-8	350	10	12	20
	More than 1-in-8	400	12	12	20
Row	Less than 1-in-8	300	9	12	20
	More than 1-in-8	350	10	12	20
Group Residential flat building	Less than 1-in-8	300	20	20	45
	More than 1-in-8	400	20	20	45

11 Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.

ATTACHMENT G

(Replacement) Spatial Extent Maps

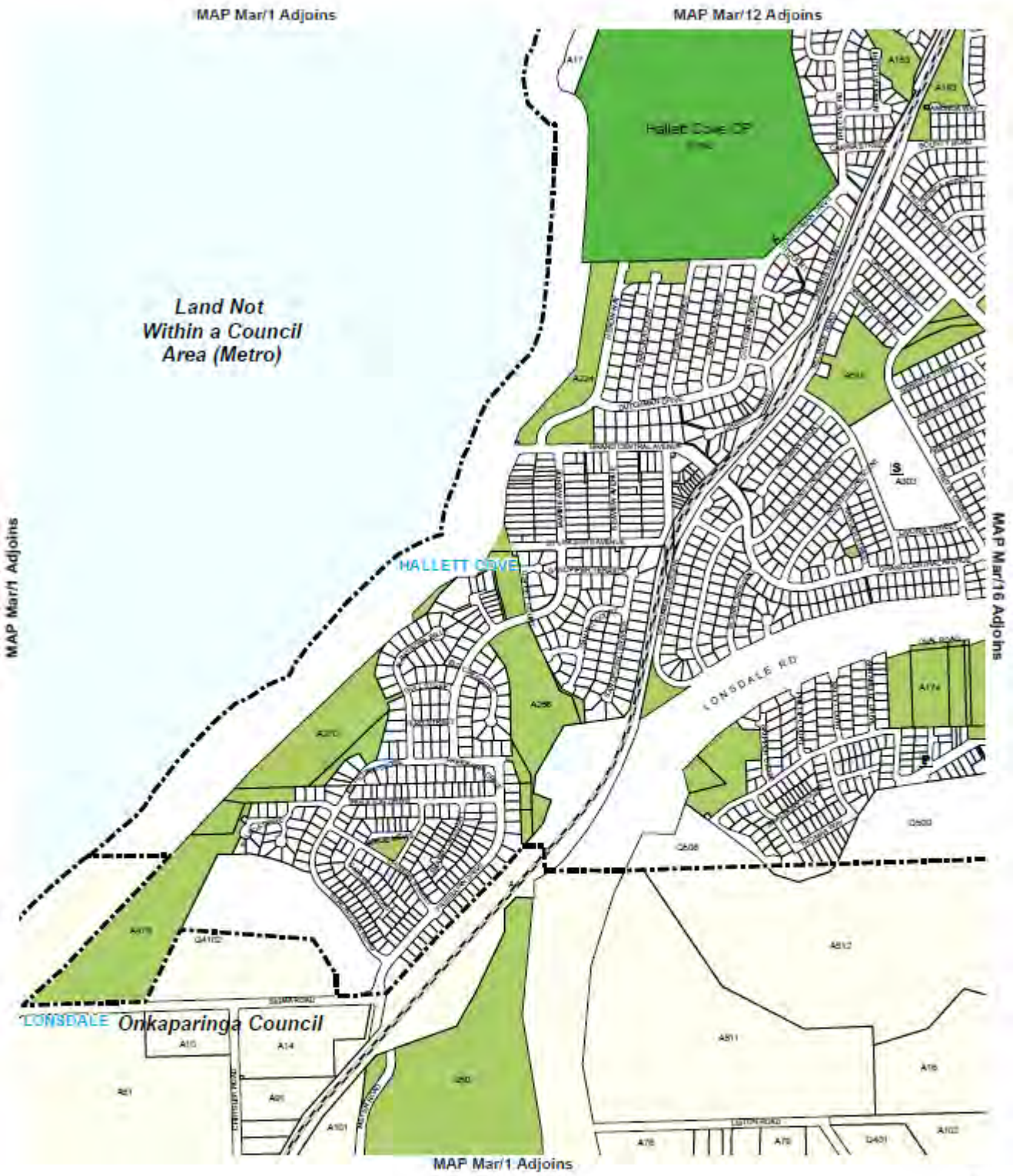
- **Council Index Map**
- **Location Map Mar/15**
- **Overlay Map Mar/15 - Transport**
- **Overlay Map Mar/15 - Development Constraints**
- **Zone Map Mar/15**
- **Policy Area Map Mar/15**



For the purposes of the Development Plan unless otherwise clearly indicated, the zone/policy area/precinct boundaries depicted on or intended to be fixed by Maps Mar/1 to Map Mar/19 inclusive shall be read as conforming in all respects (as the case may require) to the land division boundaries, to the centre line of roads or drain reserves or to the title boundaries, or to imaginary straight lines joining the positions defined by survey or by the measurements shown on the said maps against which the said zone/policy area/precinct boundaries are shown or otherwise indicated.

Council Index Map

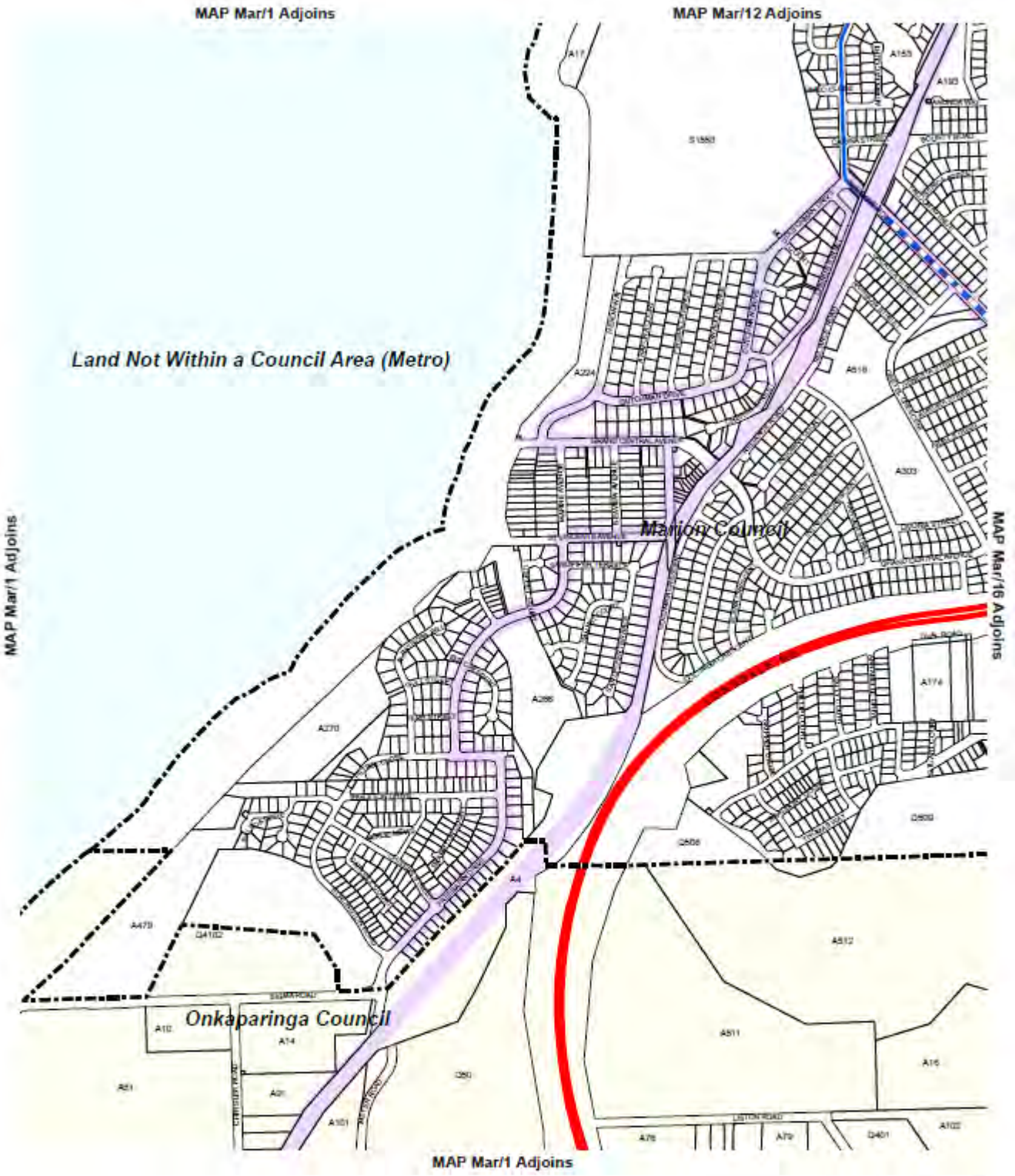
MARION COUNCIL



S School
P Post Office
Railways
Local Reserves
Conservation Park
Development Plan Boundary

Location Map Mar/15

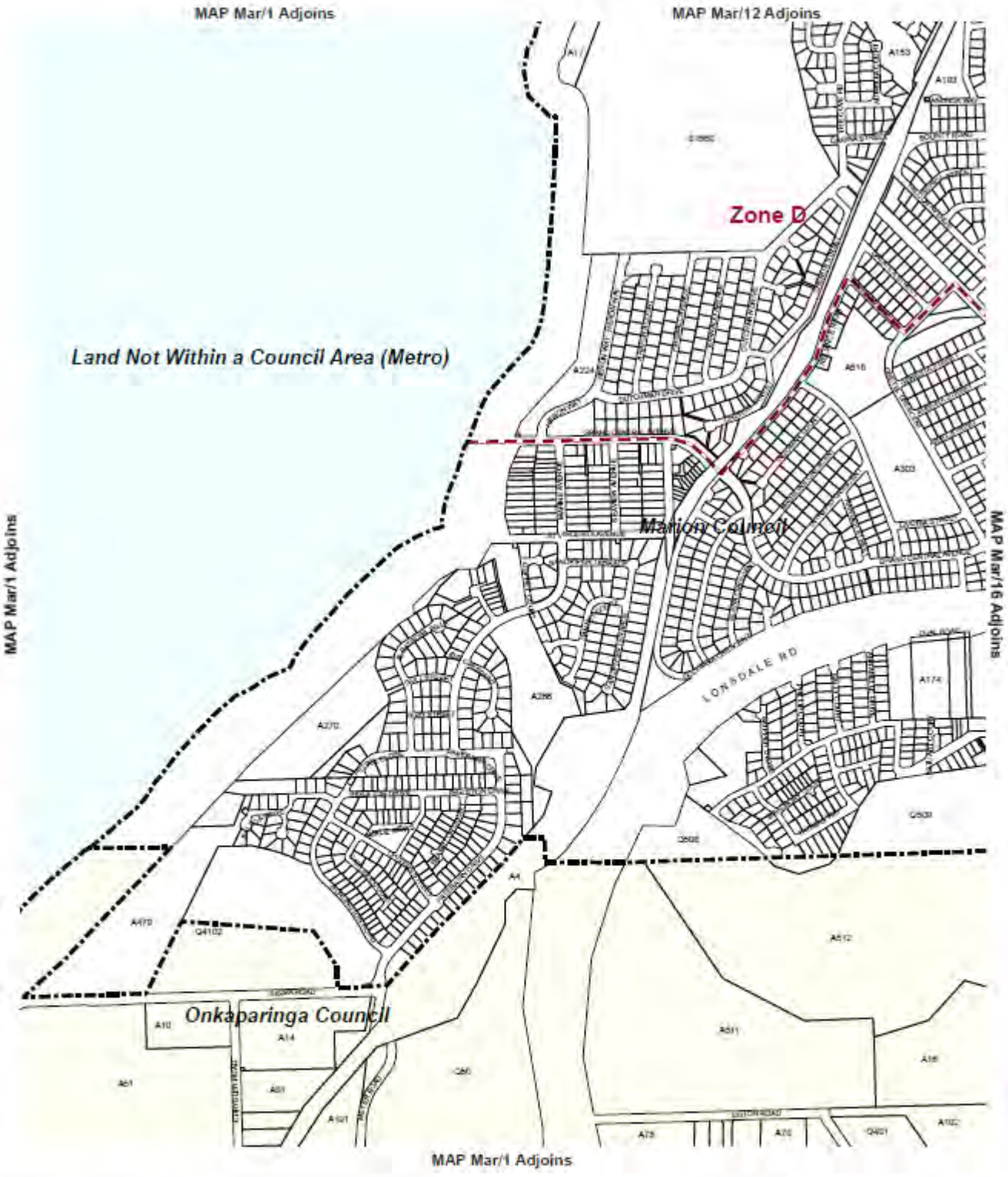
MARION COUNCIL



Primary Arterial Roads
Bikedirect Network
Secondary Road - Bike Lane
Secondary Road
Public Transport
Development Plan Boundary

Overlay Map Mar/15
TRANSPORT

MARION COUNCIL



Airport Building Heights
Zone D All Structures Exceeding 45 metres above existing ground level

N

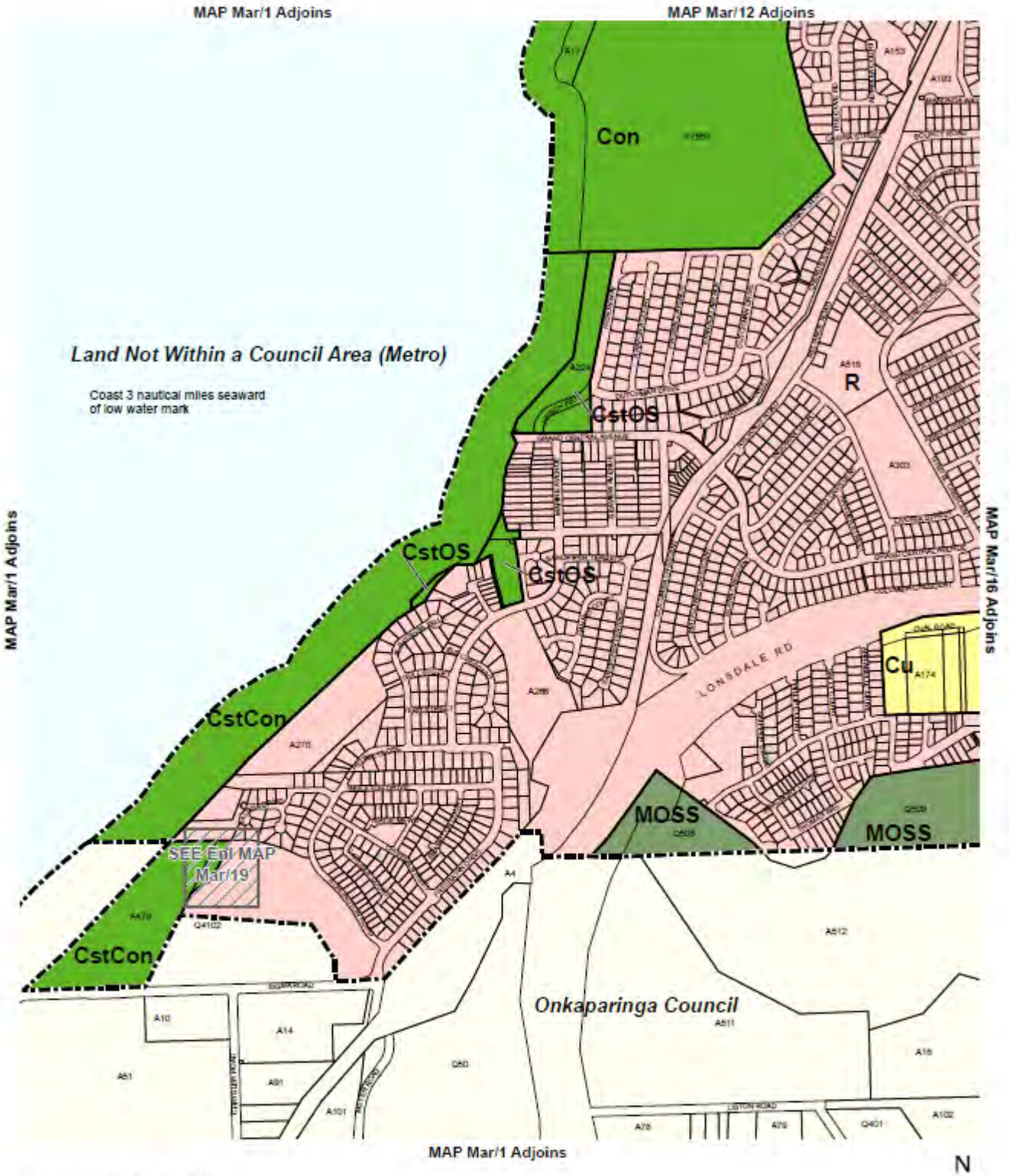
0 500 m

Overlay Map Mar/15

DEVELOPMENT CONSTRAINTS

MARION COUNCIL

Airport Building Heights
Development Plan Boundary

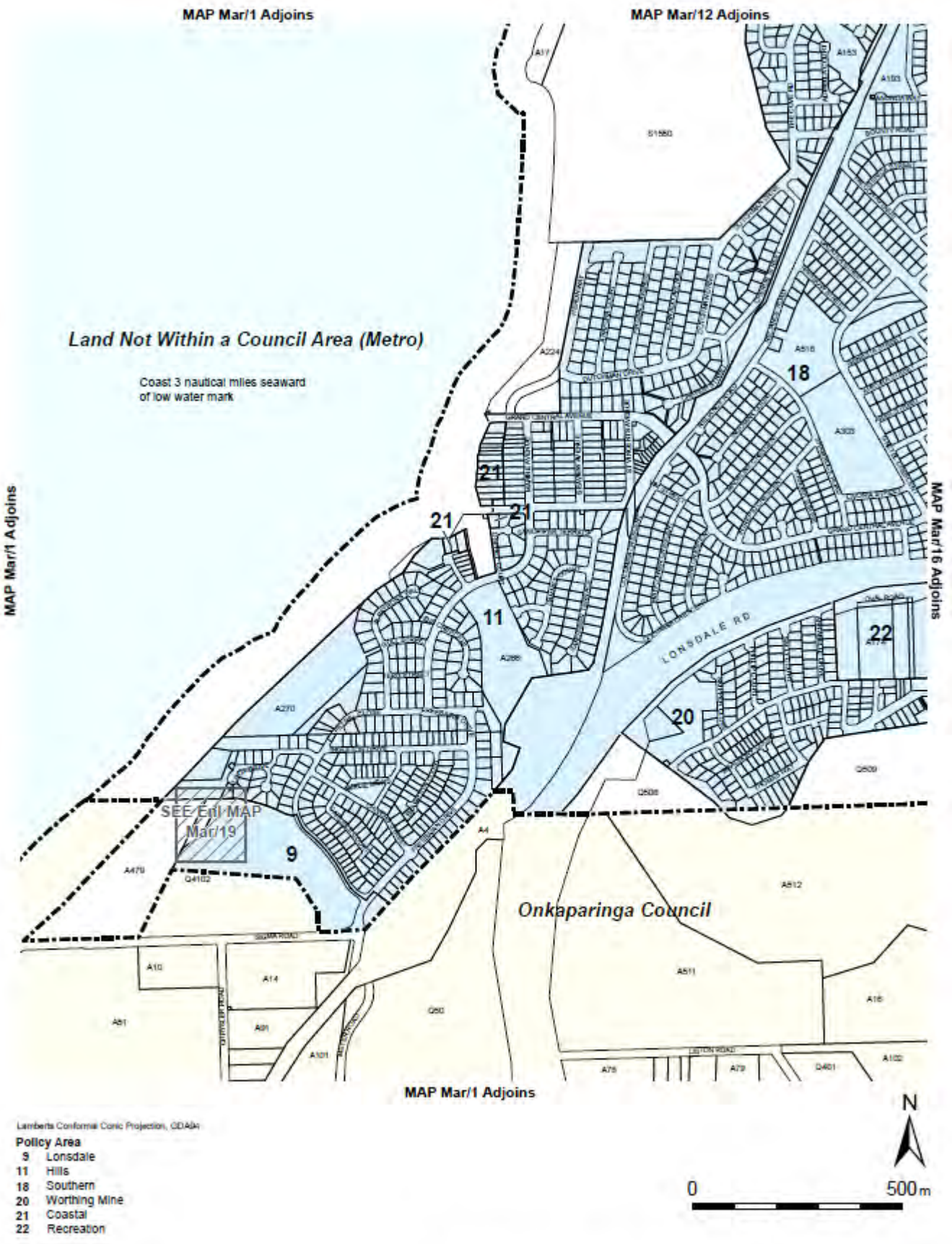


Zones

- CstCon — Coastal Conservation
- CstOS — Coastal Open Space
- Cu — Community
- Con — Conservation
- MOSS — Metropolitan Open Space System
- R — Residential
- Zone Boundary
- Development Plan Boundary

Zone Map Mar/15

MARION COUNCIL



Policy Area Map Mar/15

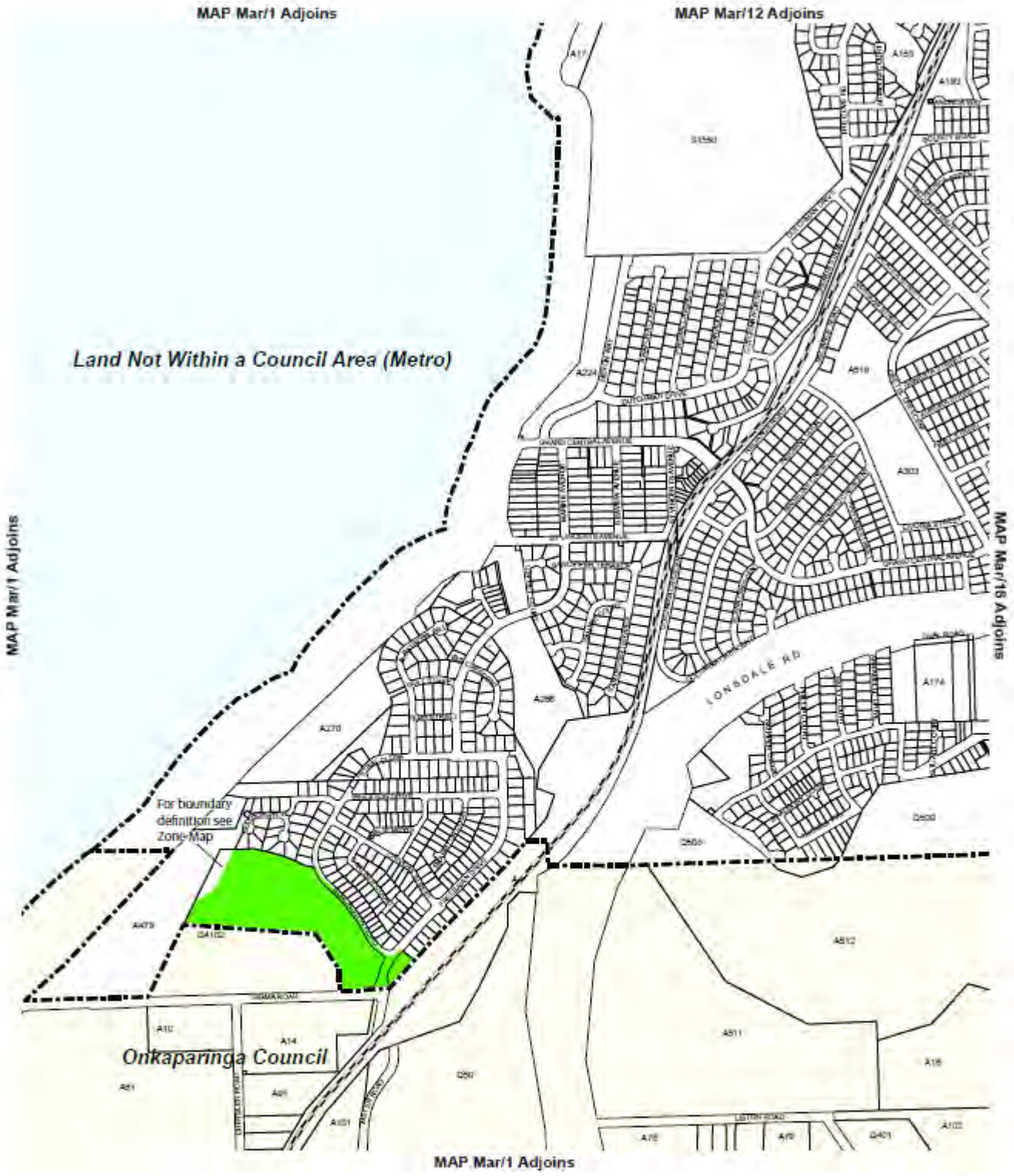
Policy Area Boundary
Development Plan Boundary

MARION COUNCIL

ATTACHMENT H

(New) Overlay Maps:

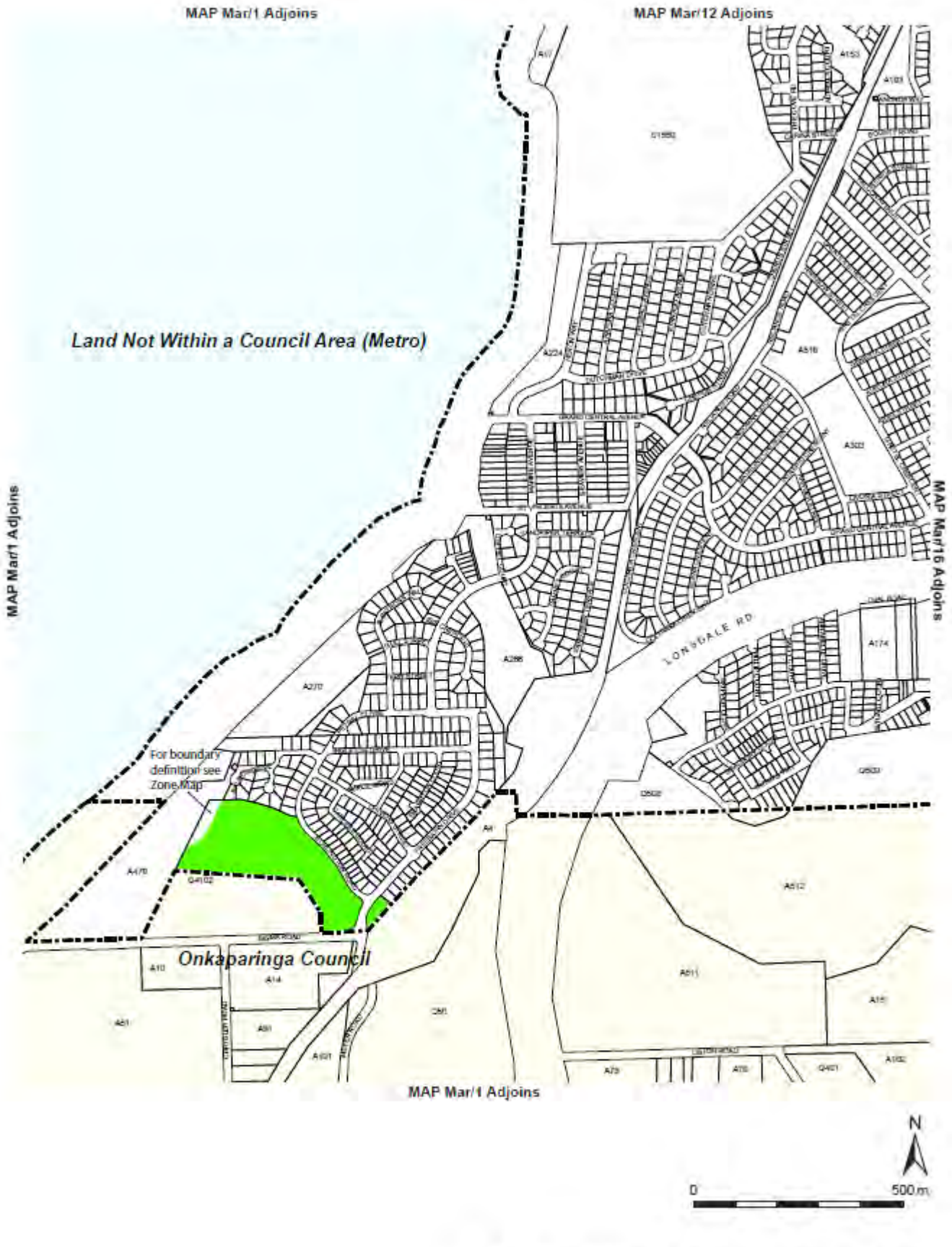
- **Mar/15 Noise and Air Emissions**
- **Mar/15 Affordable Housing**



Overlay Map Mar/15
NOISE AND AIR EMISSIONS

MARION COUNCIL

Train Line
Noise and Air Emissions Designated Area
Development Plan Boundary



Overlay Map Mar/15

AFFORDABLE HOUSING

MARION COUNCIL

Affordable Housing Designated Area

Development Plan Boundary

Amendment Instructions Table				
Name of Local Government Area: City of Onkaparinga				
Name of Development Plan: Onkaparinga Council Development Plan				
Name of DPA: Lonsdale Residential DPA				
The following amendment instructions (at the time of drafting) relate to the Onkaparinga Council Development Plan consolidated on 20 December 2018. ***Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.***				
Amendment Instruction Number	**Method of Change** **• Amend** **• Replace** **• Delete** **• Insert**	**Detail what in the Development Plan is to be amended, replaced, deleted or inserted.** **If applicable, detail what material is to be inserted and where. Use attachments for large bodies of material.**	**Is Renumbering required (Y/N)**	**Subsequent Policy cross-references requiring update (Y/N) if yes please specify.**
COUNCIL WIDE / GENERAL SECTION PROVISIONS (including figures and illustrations contained in the text)				
Amendments required: **No**				
ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)				
Amendments required: **Yes**				
Residential Zone				
17.	Replace	The Residential Zone with the contents of **Attachment A**.	N	N
Residential Zone – (New) Lonsdale Policy Area 69				
18.	Insert	In the new Lonsdale Policy Area 69 in **Attachment B** immediately after Hart Road Policy Area 52 in the Residential Zone.	N	N
TABLES				
Amendments required: **No**				
MAPPING (Structure Plans, Overlays, Enlargements, Zone Maps, Policy Area & Precinct Maps)				
Amendments required: **Yes**				
Map Reference Table				
19.	Insert	In the **Zone Maps** Table in the Map Numbers column adjacent the Residential Zone entry, the following in numerical order: Onka/19	N	N

<table>
<tr><td>20.</td><td>Insert</td><td>In the Policy Area Maps Table under the Hepenstal Road Policy Area 68 entry, the following new entry:<table><tr><th>Policy Area Name</th><th>Map Numbers</th></tr><tr><td>Lonsdale Policy Area 69</td><td>Onka/19</td></tr></table></td><td>N</td><td>N</td></tr>
<tr><td>21.</td><td>Insert</td><td>In the Overlay Maps Table in the Map Numbers column adjacent the Affordable Housing entry, the following in numerical order:
Onka/19</td><td>N</td><td>N</td></tr>
<tr><td>22.</td><td>Insert</td><td>In the Overlay Maps Table in the Map Numbers column adjacent the Noise and Air Emissions entry, the following in numerical order:
Onka/19</td><td>N</td><td>N</td></tr>
<tr><td colspan="5">Map(s)</td></tr>
<tr><td>23.</td><td>Replace</td><td>The following Maps:
Council Index Map
Location Map Onka/19
Overlay Map Onka/19 – Transport
Zone Map Onka/19
Policy Area Map Onka/19
Bushfire Protection Area BPA Map Onka/6 – Bushfire Risk
with the contents of Attachment C.</td><td>N</td><td>N</td></tr>
<tr><td>24.</td><td>Insert</td><td>New Overlay Maps ‘Onka/19 Noise and Air Emissions’ and ‘Onka/19 Affordable Housing’ in Attachment D immediately following Overlay Map Onka/19 – Transport’.</td><td>N</td><td>N</td></tr>
<tr><td>25.</td><td>Replace</td><td>Concept Plan Map Onka/29 with the contents of Attachment E.</td><td>N</td><td>N</td></tr>
</table>

ATTACHMENT A

(Replacement) Residential Zone

*(*Text in red denotes new or amended policy)*

Residential Zone

Refer to the *Map Reference Tables* for a list of the maps that relate to this zone.

OBJECTIVES

1 A residential zone comprising a range of dwelling types, including a minimum of 15 per cent affordable housing.

2 Increased dwelling densities in close proximity to centres, public transport routes and public open spaces.

3 Development that contributes to the desired character of the zone.

DESIRED CHARACTER

The zone covers large areas of the City of Onkaparinga and contains a diverse range of residential environments, topographic characteristics, housing types and locations. This variation ranges from low to very low density, leafy green, steeply undulating hills environment to be found in places including Aberfoyle Park, Chandlers Hill, Coromandel Valley, Flagstaff Hill, O'Halloran Hill and parts of Woodcroft, to less steeply undulating areas that are less heavily vegetated in Happy Valley, Lonsdale and the central areas of Christie Downs, Morphett Vale, Hackham, Huntfield Heights Seaford, Moana and Seaford Rise. South of Christies Beach the coastal and near coastal strip contains gently undulating areas and plains reaching to Maslins Beach. The zone also includes coastal flats and sensitive dune areas at Port Noarlunga and between Aldinga Beach and Sellicks Beach, and areas that possess their own distinct character, such as the coastal township character of Port Noarlunga and the country township character of McLaren Vale and Willunga.

The zone will accommodate an ever more diverse range of housing to meet the needs of the community and will be adaptable to change over time in response to cyclical changes in demographics and household as well as the condition of the housing stock. Older neighbourhoods will undergo progressive change through turnover in population and ageing of existing residents which will generate a need for more housing diversity and adaptability as well as changes in density and in addition to the provision of different services and facilities to complement these changes. Residential development will incorporate affordable housing to serve the wide range of housing needs within the community.

It is envisaged that the character, density and pattern of development across the zone will vary according to local conditions with lower densities and dwelling design that responds to the terrain, eco systems, vegetation and topography. There will be an emphasis on higher residential densities in locations in close proximity to shopping centres, public transport and public open space on land with moderate gradients and where impacts on native vegetation and the natural environment will be minimised.

Development will create attractive public streetscapes and open space with clear definition between public and private spaces and incorporate design features such as public lighting, passive surveillance opportunities and visually permeable public areas that create and maintain high levels of personal and community safety.

It is envisaged that further greenfields development will be undertaken in a manner which will provide for communities with walkable neighbourhoods that maximise land efficiency and provide a range of dwelling types and densities, creating attractive, liveable, versatile and interesting residential areas where the private and public realms interact positively from both social and urban design perspectives. These areas will be characterised by the need for greater housing affordability, a need for social, economic and environmental sustainability, and the ability to provide public transport as efficiently as possible.

Overall, individual dwellings in the zone will contribute to the desired character by incorporating elements of good design which include the establishment of visual and physical connections between the public realm of the streets, and private homes, with windows and entrances orientated to provide opportunities for eyes on the street and enhancing the perception of public safety felt throughout the zone. Individual building design will be expected to respond to the natural qualities of sites and take advantage of orientation opportunities to maximise privacy and internal/external relationships for the benefit of occupants. On steeper sites it is envisaged that dwelling designs will respond to topographic conditions by incorporating split-levels and be designed to minimise alteration of the prevailing landform and vegetation whilst managing the potential impact of visual bulk to public streets and to neighbouring properties.

It is envisaged that medium density forms of residential development will be undertaken within designated policy areas and precincts to take advantage of established infrastructure and community facilities. Redevelopment of large sites or sites created through aggregation of small allotments for medium density development will be done in a manner that reduces the impacts of increased densities on adjoining development by the retention of unbuilt space around the edges of the development and the scaling down of building height and bulk around those edges. Factors such as terrain, existing vegetation, accessibility to services, infrastructure, public transport, proximity to centres and enhancement of the positive elements of existing character will be taken into account when determining the suitability of urban infill proposals.

Development in the Aldinga Dunes area and around the dunes at Port Noarlunga will conserve and protect the particular low density, coastal dunes and highly vegetated scrubland character of these unique parts of the zone.

It is essential that all development within the zone establishes and maintains it as an attractive place in which to live and where the residential use of land is the primary function. Non-residential uses will be minor in scale and nature to serve the needs of the local community, or ancillary or incidental to the residential use of the land. Such non-residential uses will only be undertaken in a manner which does not adversely impact upon the amenity of the locality in which it is situated or on residential lifestyle enjoyed by the occupiers of other land within the zone.

Development undertaken at the interface of the zone and rural areas should be laid out and established in a manner which clearly limits the potential for conflict between urban and rural activities.

Development in the country townships of McLaren Vale and Willunga will be undertaken in a form and pattern of land division that is consistent with the early character established in those areas. Development of a kind, density and character that is typical of suburban areas within the metropolitan area will be avoided.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

1 The following forms of development are envisaged in the zone:

- affordable housing
- domestic outbuilding in association with a dwelling
- domestic structure
- dwelling
- dwelling addition
- small scale non-residential use that serves the local community, for example:
  - child care facility
  - health and welfare service
  - open space
  - primary and secondary school
  - recreation area
  - shop, office or consulting room
- supported accommodation.

2 Development listed as non-complying is generally inappropriate.

3 Vacant or underutilised land should be developed in an efficient and co-ordinated manner to increase housing choice by providing dwellings at densities higher than, but compatible with adjoining residential development.

4 Non-residential development such as shops, schools and consulting rooms should be of a nature and scale that:

(a) serves the local community

(b) is consistent with the character of the locality

(c) does not detrimentally impact on the amenity of nearby residents.

5 The use and placement of outbuildings should be ancillary to and in association with a dwelling or dwellings.

Form and Character

6 Development should not be undertaken unless it is consistent with the desired character for the zone.

7 Dwellings should be designed within the following parameters unless otherwise stated in a policy area:

Parameter	Value
Minimum setback from primary road frontage for local roads and streets	3 metres where located within one of the following precinct or policy areas: (a) **Precinct 36 Targeted Infill** of the **Medium Density Policy Area 40** (b) **Seaford Heights Policy Area 43** (c) **Seaford Meadows Policy Area 44**. 5 metres in **all other circumstances**
Minimum setback from secondary road frontage for local roads and streets	0.6 metres where located within one of the following precinct or policy areas: (a) **Precinct 36 Targeted Infill** of the **Medium Density Policy Area 40** (b) **Seaford Heights Policy Area 43** (c) **Seaford Meadows Policy Area 44.** 2 metres where located within **Lonsdale Policy Area 69** 1.5 metres in **all other circumstances**

Parameter	Value
Minimum setback from rear boundary (ground floor)	0 metres where located within one of the following precinct or policy areas: (a) **Precinct 36 Targeted Infill** of the **Medium Density Policy Area 40** (b) **Seaford Heights Policy Area 43** (c) **Seaford Meadows Policy Area 44** providing that both of the following are satisfied, the wall will not: (i) exceed 8 metres in length (ii) result in attributable walls or structures exceeding 50 per cent of the length of the boundary. 6 metres on sites with an average gradient greater than 1-in-8 where located in **Lonsdale Policy Area 69** 3 metres for no more than 50 per cent of the width of the rear boundary for sites with an average gradient less than 1-in-8 where located in **Lonsdale Policy Area 69** 3 metres in **all other circumstances**.
Minimum setback from rear boundary including balconies (second storey)	7.5 metres where located within **Noarlunga Downs Policy Area 41** unless the rear boundary abuts an access laneway where the set back is 5 metres. 3 metres where located within one of the following precinct or policy areas: (a) **Precinct 36 Targeted Infill** of the **Medium Density Policy Area 40** (b) **Seaford Heights Policy Area 43** (c) **Seaford Meadows Policy Area 44.** 0 metres if the rear boundary abuts a rear access laneway where located within **Seaford Heights Policy Area 43.** 8 metres where located in **Lonsdale Policy Area 69**. 5 metres in **all other circumstances**.
Minimum setback from rear boundary including balconies (third storey)	**5 metres** plus an additional setback equal to the increase in wall and/ or screen height above 6 metres.
Minimum setback from side boundary where wall height less than 3 metres above natural ground level	(a) 0 metres providing that both of the following apply, the wall will not: (i) exceed 8 metres in length (ii) result in attributable walls or structures exceeding 50 per cent of the length of the boundary (b) 0.9 metre in all other circumstances.
Minimum setback from side boundary where wall height (including balconies/ screens) is between 3 and 6 metres above natural ground level	(a) 2.9 metres if adjacent southern boundary (b) 1.9 metres in all other circumstances.
Minimum setback from side boundary where wall height (including balconies/ screens) is greater than 6 metres above natural ground level	(a) if adjacent the southern boundary, 2.9 metres plus an additional setback equal to the increase in height above 6 metres (b) if not adjacent the southern boundary, 1.9 metres plus an additional setback equal to the increase in height above 6 metres.

Parameter	Value
Maximum site coverage	70 per cent where located within **Medium Density Policy Area 40**. 40 per cent where located within **Lonsdale Policy Area 69**. No maximum parameter in all other circumstances.
Maximum wall and building height above natural ground level	3 storeys or 10.5 metre maximum building height within: (a) **Precinct 36 Targeted Infill** of the **Medium Density Policy Area 40** (b) on land adjoining The Esplanade within **Medium Density Policy Area 40** (c) on land that abuts the rear boundary of land adjoining The Esplanade and has direct frontage to a street parallel to The Esplanade within **Medium Density Policy Area 40** (d) on land abutting public open space within **Medium Density Policy Area 40** (e) on master planned sites envisaged within **Medium Density Policy Area 40** 2 storeys or 9 metre maximum building height within **Lonsdale Policy Area 69**. 2 storeys or 6 metre wall height (whichever is lesser) in **all other circumstances.**

8 The side set back parameters may be reduced to 0 metres (excluding any external boundaries adjacent existing development) where a comprehensive development scheme is proposed over a master planned development area and building envelopes, indicate that the requirements for private open space, access to sunlight and other requirements associated with residential amenity can be achieved for new dwellings within the site.

9 Garages and carports facing the street (other than an access lane way) should be designed with a maximum width of 6 metres or 50 per cent of the allotment or building site frontage width, whichever is the lesser distance.

10 Driveways should provide access to single or double garages or carports via a driveway crossover (the area between the property boundary and the kerb) not exceeding 4 metres in width.

11 Vehicle access to residential flat buildings and group dwellings from roads should be in accordance with either (a) or (b):

(a) from a rear access lane

(b) via a minimum number of common driveways.

12 Common driveways and driveways in a battle-axe configuration (or similar) where access is onto a local road should achieve both (a) and (b):

(a) a minimum width of 3 metres and a maximum width of 4 metres plus:

(i) a minimum 1 metre landscaping strip along the entire length of the driveway to the street boundary and fencing to soften the appearance of the driveway and allow for mature vegetation

(ii) passing bays to allow for simultaneous two way vehicle movements on sites with three or more dwellings, with the bay located away from the front property boundary to maximise landscaping and minimise the extent of hard surfacing visible from the street

(b) be positioned to maximise on street parking opportunities between driveways.

13 Common driveways and driveways in a battle-axe configuration (or similar) servicing more than three dwellings on allotments should be 6 metres or greater in width for the first 6 metres of the allotment where fronting arterial, distributor and collector roads.

14 Adequate access should be provided to the rear of any site for servicing purposes.

15 Domestic outbuildings, including garages and carports, should avoid the use of bright and highly reflective external materials and finishes.

16 A dwelling should have a minimum site area (and in the case of residential flat buildings and group dwellings, an average site area per dwelling) and a frontage to a public road not less than that shown in the following table unless otherwise stated in the policy area:

Dwelling type	Site area (excluding a battleaxe configuration) (square metres)	Minimum frontage (metres)
Detached	325 minimum	9
Semi-detached	325 minimum	9
Group dwelling	270 average	18
Residential flat building	270 average	18
Row dwelling	230 minimum	7

17 On steeper land an increased site area and frontage should be provided to:

(a) minimise the extent of cut and fill

(b) allow for the provision of accessible and useable private open space

(c) allow for safe and convenient site access

(d) enable the retention of existing vegetation

(e) reduce the apparent bulk and scale of buildings

(f) provide an attractive outlook from living or habitable rooms (i.e. avoiding views of extensive retaining walling).

18 Unless otherwise stated in a policy area, dwellings should not be developed on sites with a battleaxe configuration unless served by a driveway with a minimum width of 3 metres and a maximum width of 4 metres onto a local road plus a 1 metre landscaping strip along the entire length of the driveway to the street boundary and satisfying (a) or (b):

(a) the site fronts an area of public open space or a road not used for vehicle access (with access provided to the rear)

(b) the site provides a minimum of 400 square metres (excluding the driveway handle).

19 Where allotments are adjacent to public open space all of the following apply:

(a) dwellings should be designed and oriented to ensure placement of doors, windows and balconies face onto public open space in order to create visual interest and maximise opportunity for passive surveillance

(b) landscaping, fences and walls should be visually permeable to the public area

(c) carports and garages should be located to avoid obscuring views to the public area

(d) direct pedestrian connections onto public open space should be provided.

20 Residential buildings on corner allotments or with dual frontages to roads or reserve areas should be designed to address all street frontages through the use of wrap around verandas and balconies, windows, materials and detailing that complement the front elevation.

21 Development should provide for conveniently located pedestrian/cycle creek crossings to connect residential areas south and north of Hackham Creek and designed to connect into a broader pedestrian/cycle network.

22 Development within Aldinga, Aldinga Beach and Port Willunga should be undertaken in accordance with *Concept Plan Map Onka/8 - Aldinga*.

23 Buffers located adjacent to the Aldinga Scrub Conservation Park as shown on *Concept Plan Map Onka/8 - Aldinga* should be designed to achieve the following:

(a) the convenient movement of vehicles, cyclists and pedestrians around the outer edge of the buffer

(b) clear paths of access to the Aldinga Scrub Conservation Park, but only in a manner which best attracts low-impact bushwalking

(c) the re-establishment or preservation of a solid belt of vegetation that consists of the same native vegetation communities found in the Aldinga Scrub

(d) groundwater recharge that best suits the ecology of the Aldinga Scrub.

24 Small-scale consulting rooms and child care centres should be developed along collector roads to minimise the impact of associated traffic upon surrounding residential development.

Affordable Housing

25 Development should include a minimum 15 per cent of residential dwellings for affordable housing.

26 Affordable housing should be distributed throughout the zone to avoid over-concentration of similar types of housing in a particular area.

Land Division

27 Land division should create allotments with an area of 325 square metres or greater and a frontage of 9 metres or greater unless otherwise stated in a policy area.

28 Unless otherwise stated in a policy area, site areas should be increased:

(a) by a minimum of the following to respond to site topography:

(i) 10 per cent where the site gradient (at any point) is greater than 1-in-10 but less than 1-in-5

(ii) 20 per cent where the site gradient (at any point) is greater than 1-in-5.

(b) where vegetation or heritage preservation is envisaged.

29 The land division of broad acre sites should be designed to achieve a minimum net density of 22 dwellings per hectare (density calculations will not consider the potential for mews dwellings above garages).

30 Land division should not result in the creation of sites with a battleaxe configuration unless served by a driveway with a minimum width of 3 metres and a maximum width of 4 metres plus a 1 metre landscaping strip along the entire length of the driveway to the street boundary and satisfying (a) or (b):

(a) the site fronts an area of public open space or a road not used for vehicle access (with access provided to the rear)

(b) the site provides a minimum of 400 square metres (excluding the driveway handle).

31 Slow points, traffic calming devices and warning signs should be constructed on roads where pedestrian and cycle paths cross roadways, including where roads intersect with the Coast to Vines Rail Trail.

32 Land division east of the Southern Expressway should include a connector road between Yeltana and Brodie Roads of sufficient width and alignment to accommodate bus movements.

PROCEDURAL MATTERS

Complying Development

Complying developments are prescribed in Schedule 4 of the *Development Regulations 2008*.

Non-complying Development

Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying:

Form of Development	Exceptions
Amusement machine centre	
Consulting room	Except where it achieves both (a) and (b): (a) the total floor area is less than 100 square metres (b) the site does not front an arterial road.
Crematorium	
Dairy	
Dwelling which: (a) is in **Coordinated Development Policy Area 67**; and (b) would result in more than one dwelling on an allotment	Except where either (a) or (b) are satisfied: (a) all owners of the allotment upon which the dwelling(s) is to be developed have entered into a legally binding infrastructure contribution agreement with the council for the **Coordinated Development Policy Area 67** and: (i) the agreement(s) are operative; and (ii) no owner is in breach of the agreement(s) (b) the land upon which the dwelling(s) is to be developed was previously the subject of one or more legally binding infrastructure contribution agreement(s) executed in 2014 or later between the council for the **Coordinated Development Policy Area 67** and all owners of that land and such agreement(s) have been terminated because: (i) all contributions payable under the agreement have been paid; or (ii) the sunset date of the agreement has been reached.
Farming	
Fuel depot	
Horse keeping	
Horticulture	
Hospital	
Hotel	
Industry	
Intensive animal keeping	

Form of Development	Exceptions
Land division which results in one or more allotments wholly or partly in **Coordinated Development Policy Area 67**	Except where either (a) or (b) are satisfied: (a) all owners of the land proposed to be divided have entered into a legally binding infrastructure contribution agreement with the council for the **Coordinated Development Policy Area 67** and: (i) the agreement(s) are operative; and (ii) no owner is in breach of the agreement(s) (b) all land proposed to be divided was previously the subject of one or more legally binding infrastructure contribution agreement(s) executed in 2014 or later between the council for the **Coordinated Development Policy Area 67** and all owners of that land and such agreement(s) have been terminated because: (i) all contributions payable under the agreement have been paid; or (ii) the sunset date of the agreement has been reached.
Motor repair station	
Office	Except where it achieves both (a) and (b): (a) the total floor area is less than 100 square metres (b) the site does not front an arterial road.
Petrol filling station	
Public service depot	
Restaurant	
Road transport terminal	
Service trade premises	
Shop or group of shops	Except where it achieves both (a) and (b): (a) the gross leasable area is less than 80 square metres (b) the site does not front an arterial road.
Stock sales yard	
Stock slaughter works	
Store	
Warehouse	
Waste reception, storage, treatment or disposal	
Wrecking yard	

Public Notification

Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008.* Further, the following forms of development (except where the development is non-complying) are designated:

Category 1	Category 2
Where located within the **Medium Density Policy Area 40**: (a) detached dwelling(s) (b) row dwelling(s) of two storeys or less (c) semi-detached dwelling(s) of two-storeys or less (d) single storey building(s) comprising dwelling(s) Within the **Precinct 36 Targeted Infill**: (e) two-storey building(s) comprising dwelling(s) or a combination of (a), (b), (c), (d), (e).	Where located within the **Medium Density Policy Area 40:** (a) three-storey row dwelling(s) (b) three-storey semi-detached dwelling(s) (c) two-storey building(s) comprising dwelling(s) except where identified as a Category 1 form of development Within the **Precinct 36 Targeted Infill**: (d) three-storey building(s) comprising dwelling(s) except where identified as a Category 1 form of development or a combination of (a), (b), (c) or (d).
Where located within the **Seaford Heights Policy Area 43**: (a) a building of two storeys comprising dwellings located within 400 metres of the **Seaford Heights Policy Area 24** (of the **Neighbourhood Centre Zone**) (b) land division including earthworks (c) retaining walls less than 2 metres in height.	Land division where located within the **Co-ordinated Development Policy Area 67**. Where located within the **Seaford Heights Policy Area 43**, a three storey dwelling located within 400 metres of the **Seaford Heights Policy Area 24** (of the **Neighbourhood Centre Zone**) that is adjoining either (a) or (b): (a) an area of public open space (b) a road reserve which is greater than 10 metres wide.

ATTACHMENT B

(New) Lonsdale Policy Area 69

Lonsdale Policy Area 69

Refer to the *Map Reference Tables* for a list of the maps that relate to this policy area.

OBJECTIVES

1 A policy area primarily comprising low scale, low density housing.

2 Development which is sensitive to the particular topography of the locality

3 Development that reflects good residential design principles.

4 Development that contributes to the desired character of the policy area.

DESIRED CHARACTER

This policy area encompasses land at Lonsdale that formerly provided a landscape buffer between the operations of the (now closed) Port Stanvac Oil Refinery in the Onkaparinga Council area to existing residential areas in Hallett Cove.

This Policy Area will develop as an attractive residential community that includes a mix of housing types and densities, contiguous with the established residential area to the north at Hallett Cove. Development will comprise a mix of predominantly low density, single and two storey formats exhibiting a variety of architectural styles with large, open front gardens and access to public open spaces and the coast. Higher density dwellings are encouraged adjacent areas of public open space, considering the gradient of the land.

Development will be designed to integrate with the topography of the area and protect natural features, including the coast, with limited cut and fill and associated retaining walls. Footing design will consider any impacts from the batter slope which extends down to the existing coastal pathway in the coastal reserve to the west of the policy area.

The built form, siting, architectural and landscape design of individual sites will make a positive contribution to the streetscape and character of the locality. Building design will be of a high architectural standard and incorporate features that reduce the bulk of the development and add visual interest, such as variations in height, roof form, colour and materials, the provision of balconies and porticos and facade articulation. Buildings on sloping land will be considerate of the protection of privacy and amenity of neighbouring properties and the avoidance of construction problems involving retaining walls and fences on boundaries.

Undercroft car parking will be avoided on flat sites and sites that slope down from the street level.

Public open space will be designed and developed to support the needs of future residents, highlight natural features and link to the adjacent coastal reserve.

Water Sensitive Urban Design systems, including the harvest, treatment, storage and reuse of storm water, will be integrated throughout the policy area where practical. Harvested storm water will improve the aesthetic and functional value of open spaces, including public access ways linking to the adjacent coastal reserve.

Potential noise and other impacts from activities within the wider Lonsdale area will be mitigated through development of a suitable acoustic barrier along the full extent of Sigma Road to a minimum height of 4 metres above natural ground level. The barrier will be constructed of solid material comprising earth mounding, masonry or sheet steel fencing, or a combination of these materials. Landscaping and plantings will be provided to improve amenity of this feature and contribute to noise mitigation. Upper storey windows of residences, except those facing north, will also incorporate measures to attenuate potential noise from adjacent industrial and employment activities. Upper storey windows within 75 metres of the Sigma Road

boundary, except those facing north, will also incorporate measures to attenuate potential noise from adjacent industrial and employment activities.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

1 The following forms of development are envisaged in the policy area:

- affordable housing
- domestic outbuilding in association with a dwelling
- domestic structure
- detached dwelling
- dwelling addition
- group dwelling
- row dwelling
- semi-detached dwelling
- small scale non-residential use that serves the local community, for example:
- child care facility
- health and welfare service
- office
- open space
- primary and secondary school
- recreation area
- shop
- supported accommodation
- residential flat building.

Form and Character

2 Development should not be undertaken unless it is consistent with the desired character for the policy area.

3 Where a distinctive and attractive streetscape character exists, development should complement the scale, bulk, siting and positive elements of existing dwellings.

4 Development should be designed and sited to relate to the slope of the land, so that the amount of cutting and filling of the natural ground profile is minimised.

5 Where a proposed development would interfere with any view, vista or prospect presently available from land in private ownership, such interference will be reasonable and anticipated if the proposed development complies with the relevant guidelines and desires of this Development Plan, including height, setbacks, building envelopes, building form and massing.

6 Development that would be prominently visible should:

(a) achieve a profile that blends with the topography of the land

(b) avoid the use of bright and highly reflective external materials and finishes

(c) incorporate existing vegetation wherever possible and additional landscaping to assist in reducing the apparent bulk and scale of the building and any site works.

7 The visual dominance of garages and carports on the streetscape should be minimised.

8 Development of more than one storey in height should take account of the height and bulk of the proposed building relative to dwellings on adjoining land by:

(a) incorporating stepping in the design in accordance with the slope of the land

(b) where appropriate, setting back upper storeys a greater distance from all boundaries than the lower storey.

9 Residential development in a battle-axe configuration should not be developed unless all of the following can be satisfied:

(a) a "handle" of at least 4.6 metres width is provided that gives access to the rear of the site, comprising a driveway of 3.0 metres minimum width and landscaping strips of 0.8 metres minimum width along both sides of the driveway

(b) all dwellings are sited to ensure that they are at least partially visible from the street frontage

(c) fencing along the battle-axe driveway between the primary road frontage and the main face of the dwelling closest to the street is avoided or minimised in height and constructed of a suitable material to maintain an open landscaped character

(d) dwellings are set back an appropriate distance from the battle-axe driveway.

10 A dwelling should have a minimum site area (and in the case of residential flat buildings and group dwellings, an average site area per dwelling) and a frontage to a public road and site depth not less than that shown in the following table:

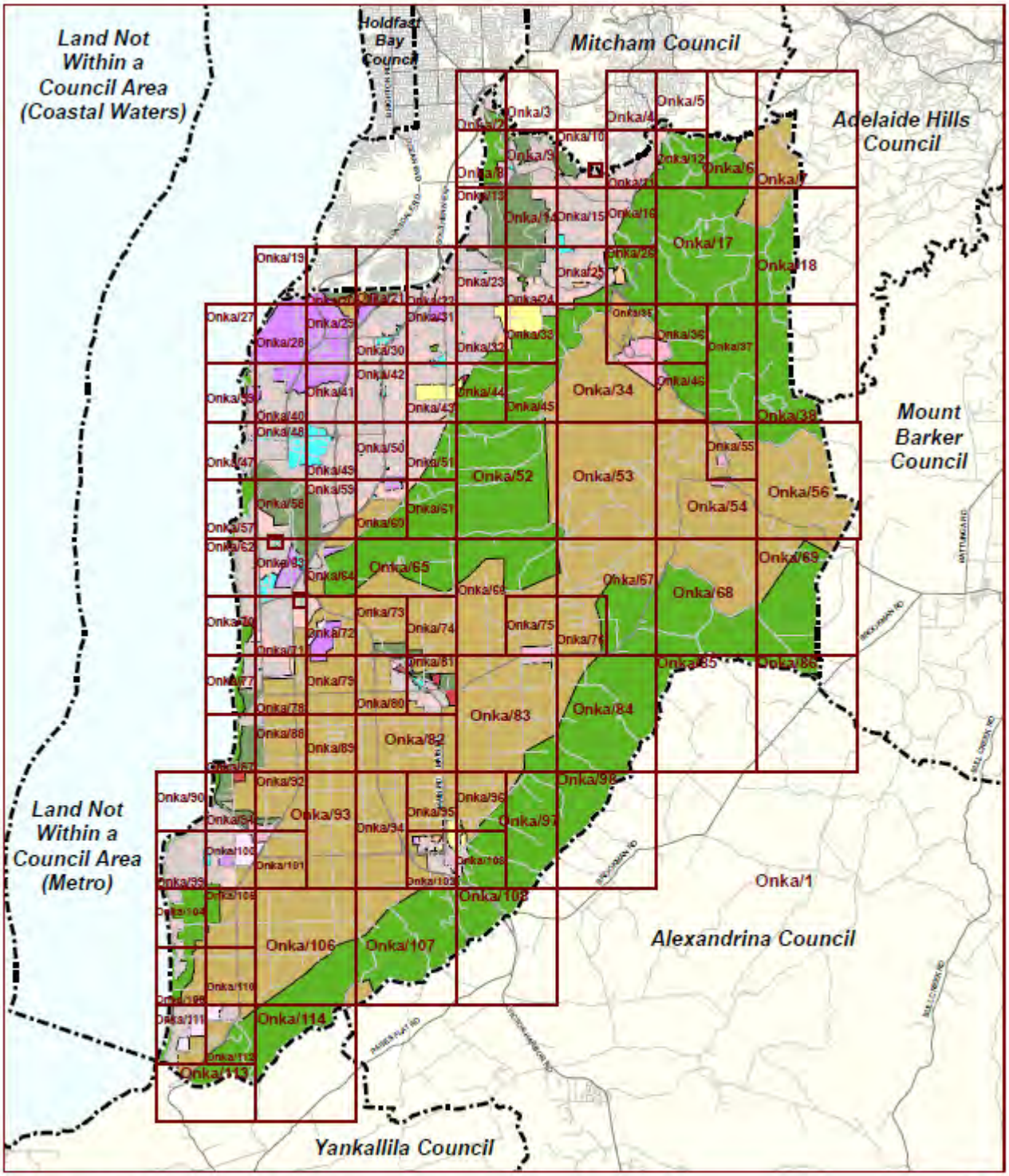
Dwelling Type	Average Site Gradient	Minimum Site Area (square metres)	Minimum Frontage Width		Minimum Site Depth (metres)
			Other Road (metres)	Arterial Road (metres)	
Detached Semi-detached	Less than 1-in-8	350	10	12	20
	More than 1-in-8	400	12	12	20
Row	Less than 1-in-8	300	9	12	20
	More than 1-in-8	350	10	12	20
Group Residential flat building	Less than 1-in-8	300	20	20	45
	More than 1-in-8	400	20	20	45

11 Dwellings should be designed to have a maximum site coverage of 40 per cent of the allotment area and a maximum floor area ratio of 0.6.

ATTACHMENT C

(Replacement) Spatial Extent Maps

- **Council Index Map**
- **Location Map Onka/19**
- **Overlay Map Onka/19 – Transport**
- **Zone Map Onka/19**
- **Policy Area Map Onka/19**
- **Bushfire Protection Area BPA Map Onka/6 – Bushfire Risk**



For the purposes of the Development Plan unless otherwise clearly indicated, the zone/policy area/precinct boundaries depicted on or intended to be fixed by Maps Onka/1 to Map Onka/117 inclusive shall be read as conforming in all respects (as the case may require) to the land division boundaries, to the centre line of roads or drain reserves or to the title boundaries, or to imaginary straight lines joining the positions defined by survey or by the measurements shown on the said maps against which the said zone/policy area/precinct boundaries are shown or otherwise indicated.

N

0 15 km

Council Index Map

ONKAPARINGA COUNCIL

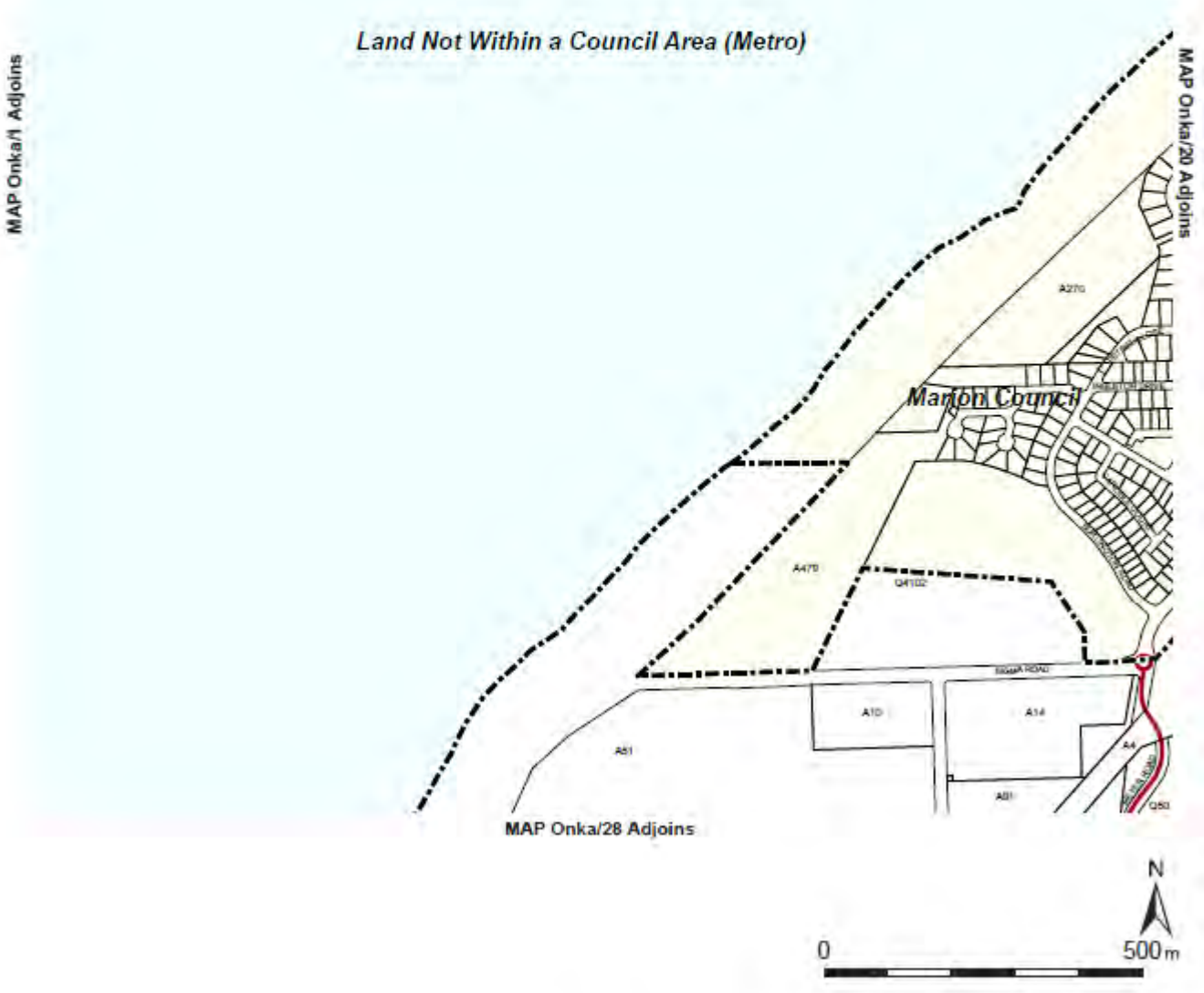
MAP Onka/1 Adjoins

Location Map Onka/19

Railways
Local Reserves
Development Plan Boundary

ONKAPARINGA COUNCIL

MAP Onka/1 Adjoins



Overlay Map Onka/19

TRANSPORT

Collector Roads

Development Plan Boundary

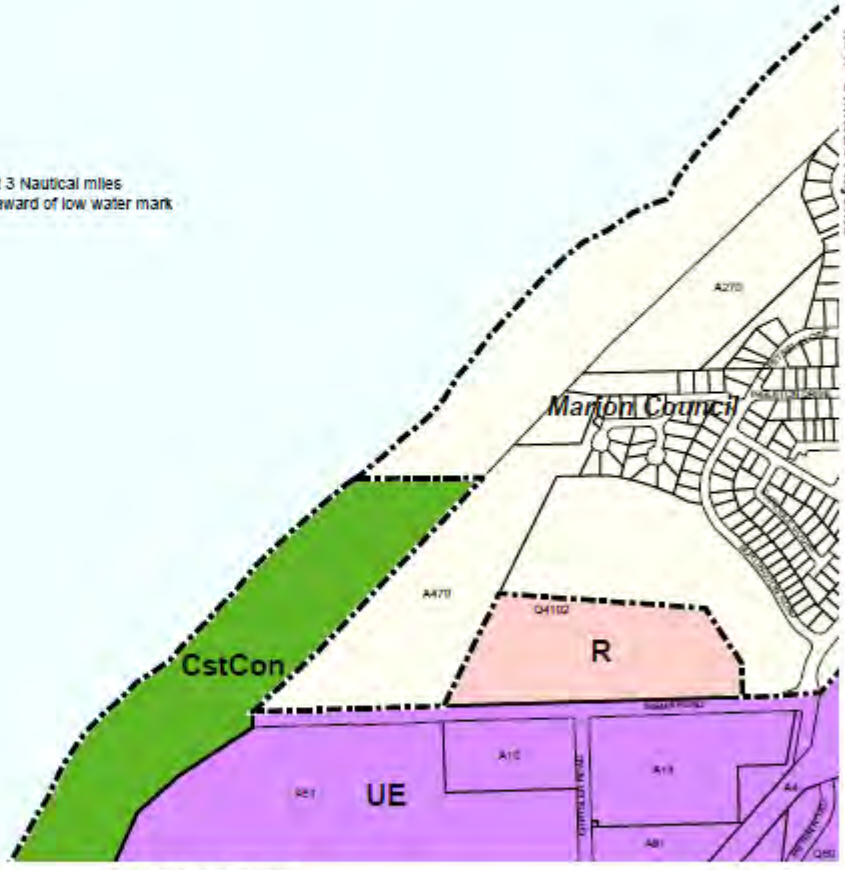
ONKAPARINGA COUNCIL

MAP Onka/1 Adjoins

Land Not Within a Council Area (Metro)

MAP Onka/1 Adjoins

Cst 3 Nautical miles seaward of low water mark



MAP Onka/28 Adjoins

Lambert Conformal Conic Projection, GDA94

N

0 500m

Zones

- CstCon — Coastal Conservation
- R — Residential
- UE — Urban Employment
- Zone Boundary
- Development Plan Boundary

Zone Map Onka/19

ONKAPARINGA COUNCIL

MAP Onka/1 Adjoins

Land Not Within a Council Area (Metro)

MAP Onka/1 Adjoins

MAP Onka/20 Adjoins

Cst 3 Nautical miles seaward of low water mark

MAP Onka/28 Adjoins

Lamberts Conformal Conic Projection, GDA94

Policy Area
13 Infrastructure Policy Area
69 Lonsdale Policy Area

N

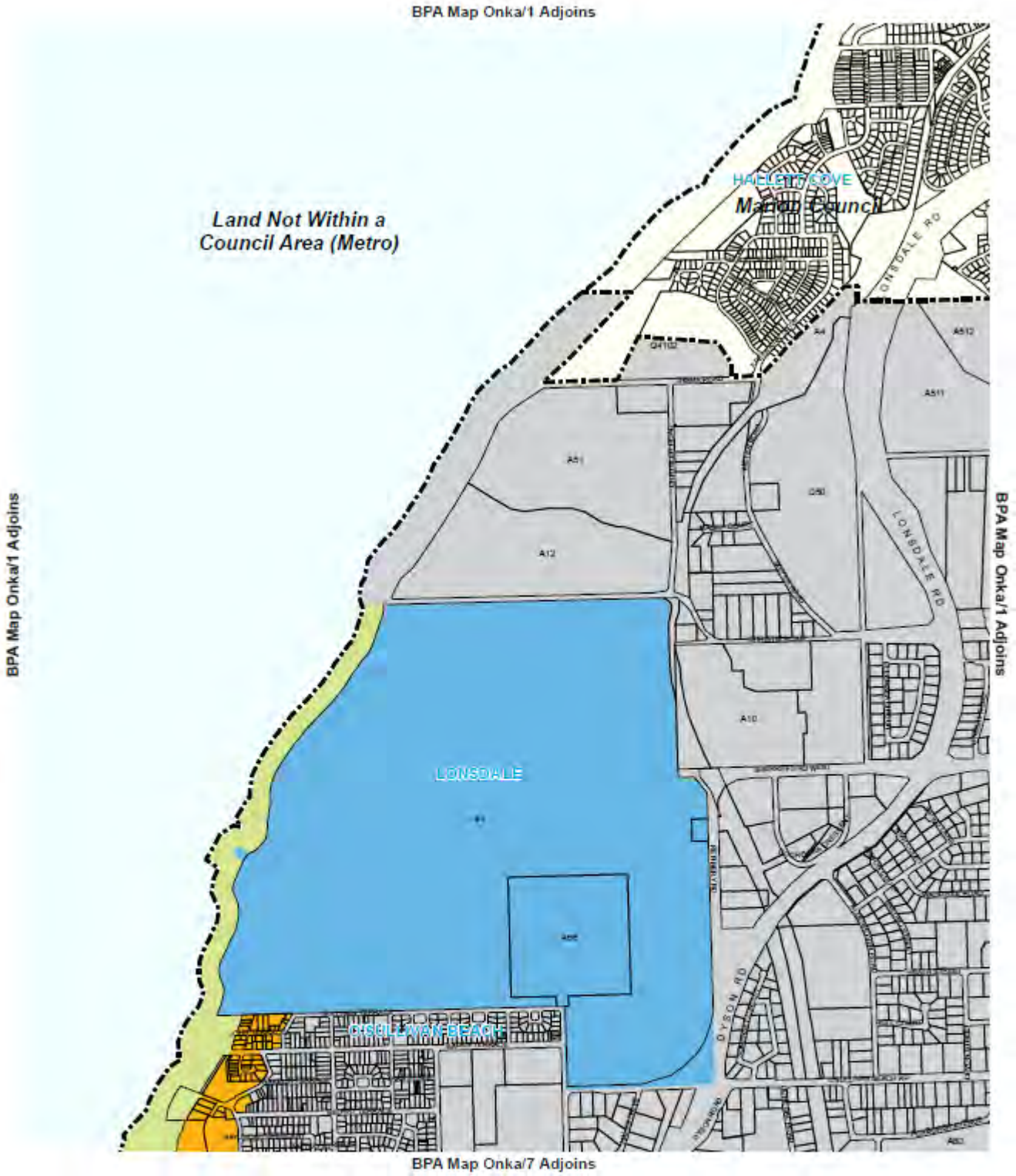
0 500 m

Policy Area Map Onka/19

Policy Area Boundary

Development Plan Boundary

ONKAPARINGA COUNCIL



N

0 1,000 m

Bushfire Protection Area
BPA Map Onka/6
BUSHFIRE RISK

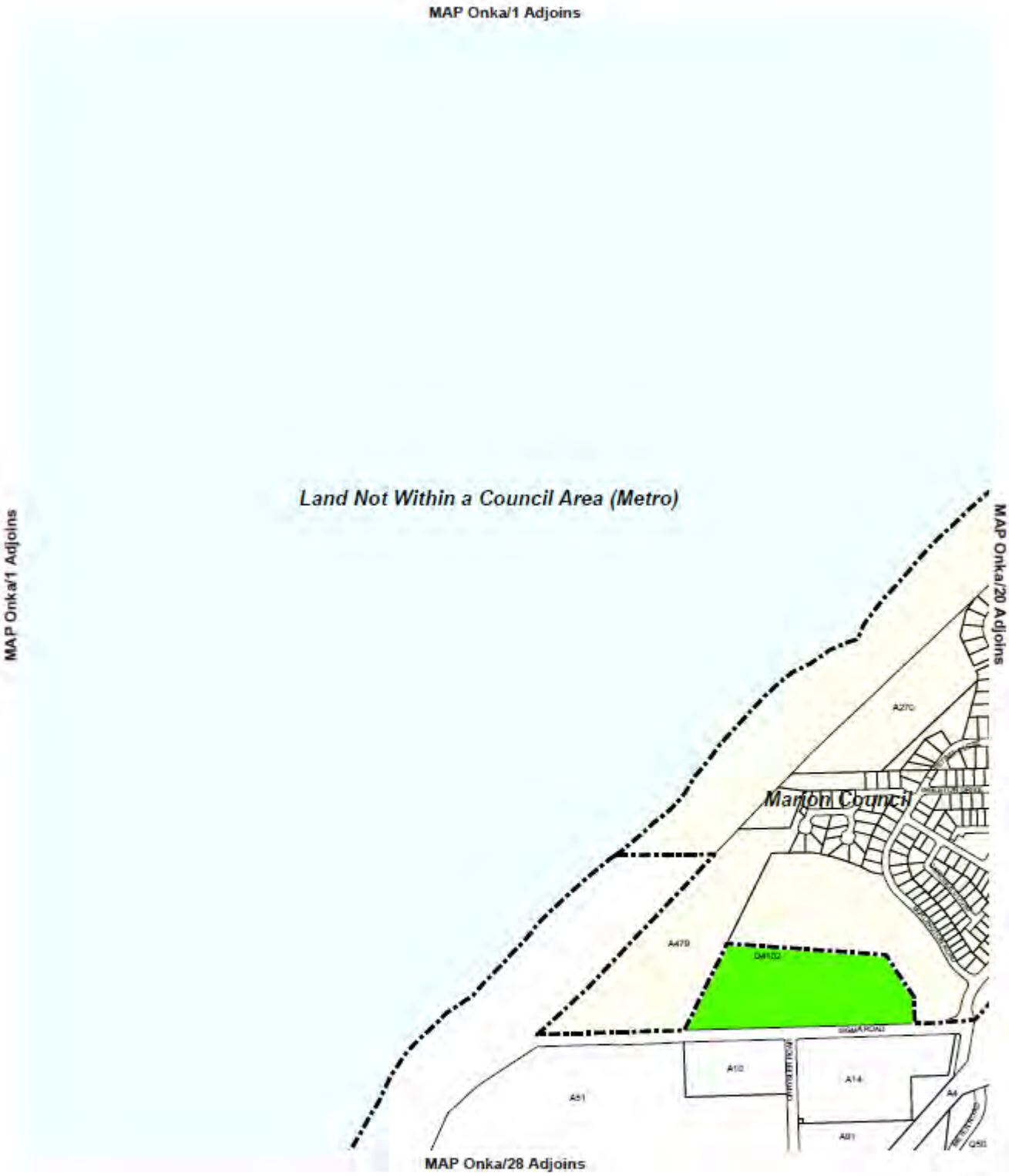
ONKAPARINGA COUNCIL

- High Bushfire Risk
- Medium Bushfire Risk
- General Bushfire Risk
- Excluded area from Bushfire Protection Planning Provisions
- Development Plan Boundary

ATTACHMENT D

(New) Overlay Maps:

- **Onka/19 Noise and Air Emissions**
- **Onka/19 Affordable Housing**



Overlay Map Onka/19

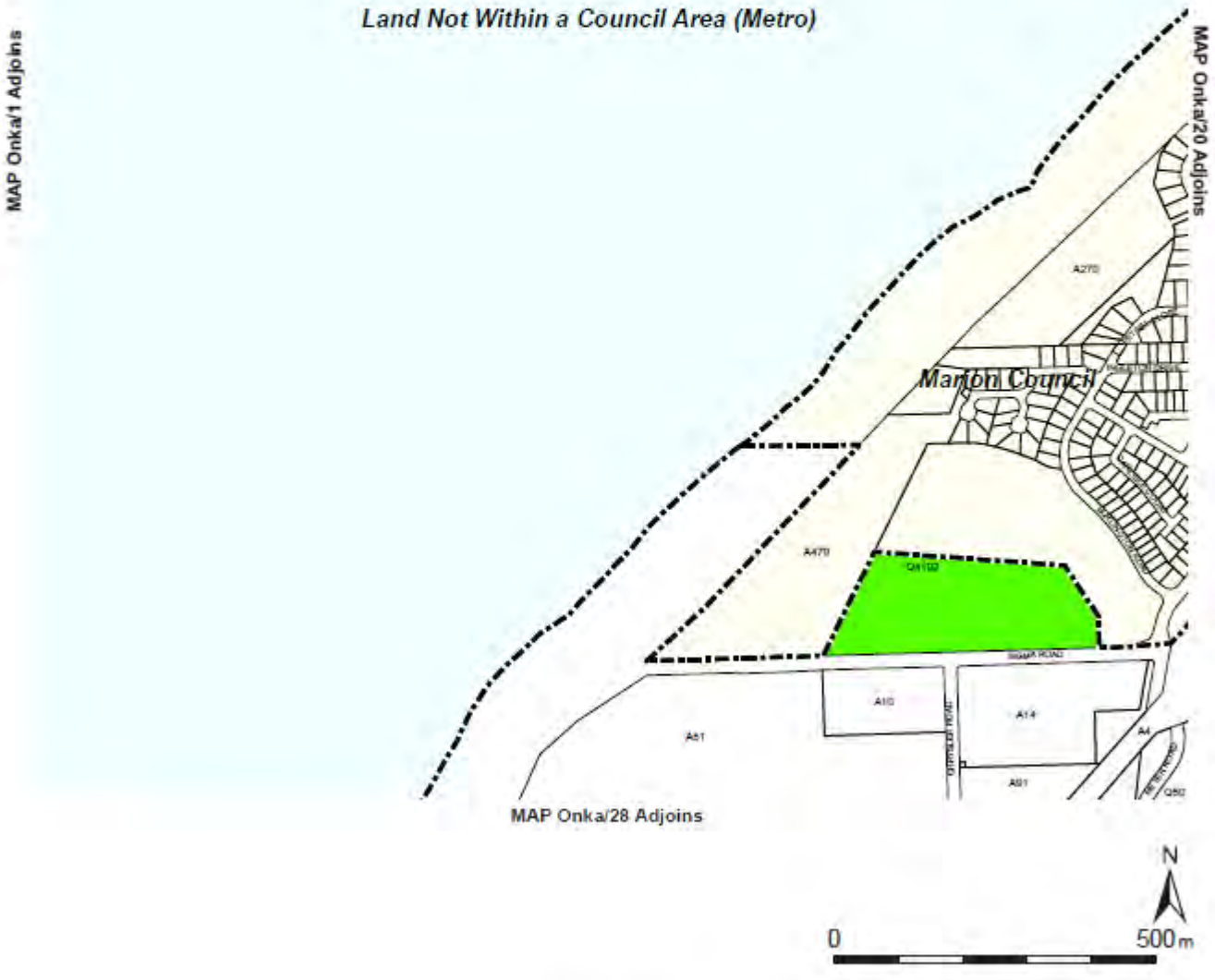
NOISE AND AIR EMISSIONS

ONKAPARINGA COUNCIL

Noise and Air Emissions Designated Area

Development Plan Boundary

MAP Onka/1 Adjoins



Overlay Map Onka/19

AFFORDABLE HOUSING

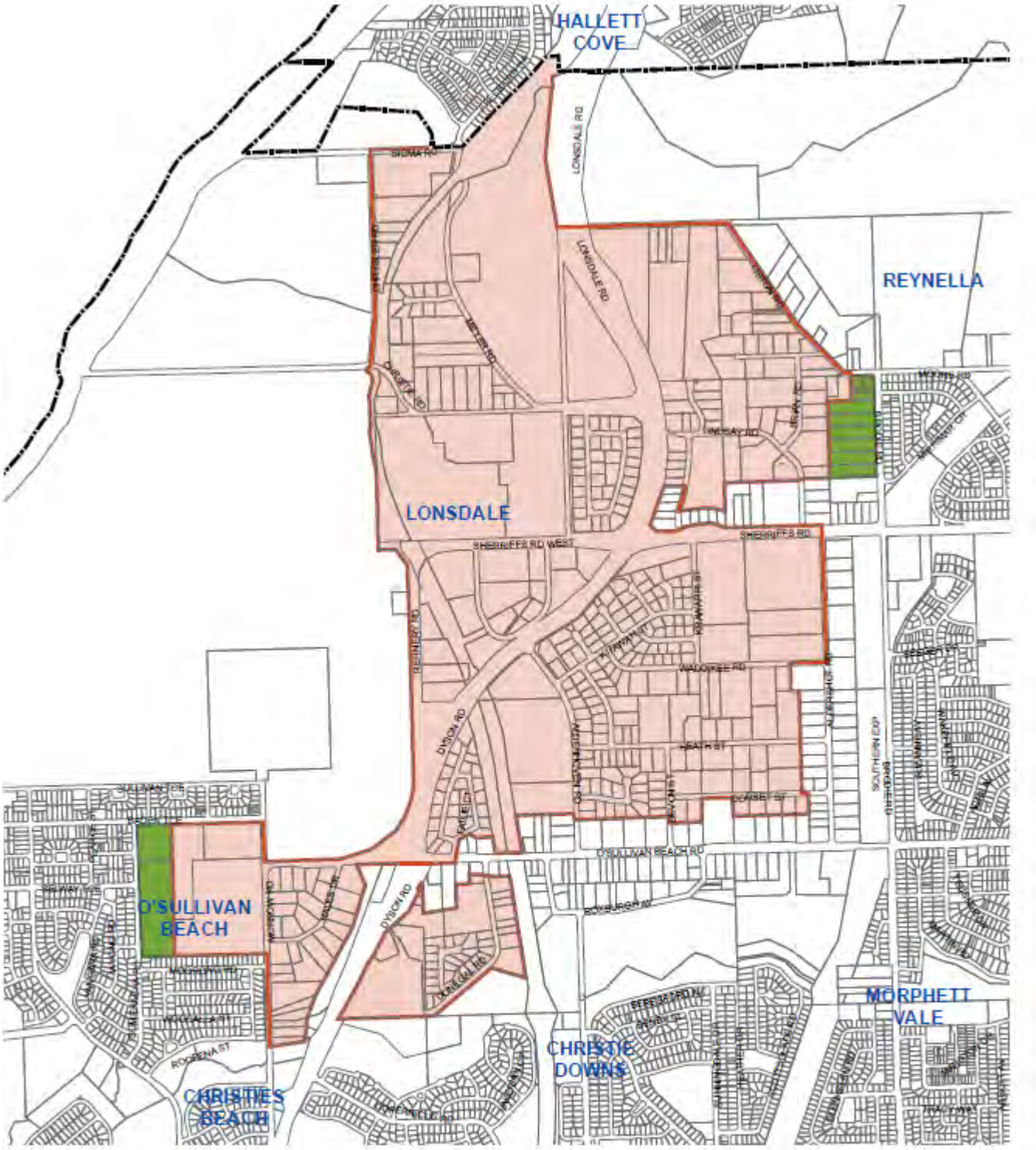
ONKAPARINGA COUNCIL

Affordable Housing Designated Area

Development Plan Boundary

ATTACHMENT E

(Replacement) Concept Plan Map Onka/29



Interface Area

Core Industry Area

Local Government Area Boundary

Concept Plan Map Onka/29

CORE INDUSTRY AND INTERFACE AREA

ONKAPARINGA COUNCIL

11 November 2019

The Presiding Member,
State Planning Commission
Lonsdale Residential DPA
C/- Department of Planning, Transport and Infrastructure
GPO Box 1815
Adelaide SA 5001

Dear Sir

Lonsdale Residential DPA

Thank you for providing the City of Marion with the opportunity to comment on the proposed Lonsdale residential DPA, released for consultation on 24 October 2019.

Council considered the DPA at its meeting on 10 December 2019. Consequently, Council advises that it is supportive of the intentions of the DPA, however seeks the following amendments to the DPA:

- Zone Map Mar/15
  The area to the north of the Coastal Conservation Zone, to be introduced in the DPA, is shown as Residential Zone. The recently approved Housing Diversity DPA (Part1) amended this land to Coastal Conservation Zone. Council wishes to ensure that necessary amendments are made to the mapping.

- Policy Area Map Mar/15
  The residential policy areas to the north of the affected area and west of Lonsdale Road, are shown as Hills Policy Area 11 and Southern Policy Area 18. The recently approved Housing Diversity DPA (Part1) amended this land to Foothills and Seaside Policy Area 23. Council wishes to ensure that necessary amendments are made to the mapping.

If you would like to discuss the above matters further, please do not hesitate to contact David Melhuish, Senior Policy Planner on 8375 6721 or david.melhuish@marion.sa.gov.au.

Thank you again for the opportunity to comment on the Lonsdale Residential DPA.

Yours sincerely

Kris Hanna
Mayor
City of Marion

Lonsdale Residential Development Plan Amendment

Proposed planning changes for public consultation

community information

The Minister for Planning is proposing to rezone a vacant site, at Lonsdale, to allow for residential development.

The vacant 12 hectare site adjacent residential development in Hallett Cove has historically acted a buffer between the residential development in Hallett Cove and the Lonsdale industrial precinct. With the closure of the oil refinery in 2009 and the subsequent development of the SA Water desalination plant, lowering the impacts on the surrounding environment, the land is now able to be considered for residential purposes by rezoning through a Development Plan Amendment process (DPA). The owners of the land, Adelaide Development Company, have funded the preparation of the DPA.

October-December 2019

Government of South Australia
Department of Planning, Transport and Infrastructure

In determining whether this land is suitable for residential purposes, the DPA process will consider any air quality and noise issues from nearby sources. The Environment Protection Authority will provide advice during the DPA process.

In recognition of the significance of the Hallett Headland Coastal Reserve and ensuring its ongoing conservation for future generations, the land owned by the City of Marion will be rezoned from Open Space to Coastal Conservation.

Council Boundary realignment

As the City of Marion and Onkaparinga boundaries bisect the subject land, the landowner has advised the *SA Local Government Boundaries Commission* of its intention to lodge an application (if and when the rezoning is approved) to realign the Council boundaries so that the entire site is within the City of Marion. This will enable a consistent approach to managing the development and into the future.

This process, which is separate to the DPA process, is undertaken via the *Local Government Act 1999* and the *SA Local Government Boundaries Commission* and will be required to undergo a separate public consultation process before completion. Nonetheless, the public is invited to consider the matter as part of this DPA process.

THE DRAFT PLANNING & DESIGN CODE

A new planning system is currently being introduced into South Australia. The new Planning, Development and Infrastructure Act 2016 is being introduced in stages. The Planning and Design Code is the cornerstone of the new planning system, and will consolidate the planning rules contained in South Australia's 72 Development Plans into one rulebook. In this regard the Marion and Onkaparinga Councils' Development Plans will be superseded by the new Planning and Design Code in the middle of 2020.

Existing zones in current development plans will be transitioned to the equivalent zone in the Planning and Design Code. In regard to the policy changes proposed in this DPA, all changes will seek to utilise existing zones with the current Marion and Onkaparinga Council Development Plans. These changes will be transitioned within the new zones and subzones that may be applied to the affected area.

For more information refer to SAplanningportal@sa.gov.au

What is a Development Plan Amendment?

Development plans contain the planning controls that guide what can and cannot be developed in council areas. Planning authorities use these planning controls to assess new development proposals.

A DPA process is required to change the policy framework to enable these changes in development directions. In the case of the privately owned land north of the desalination plant - to provide for residential development; and in the case of the Open Space area owned by Council to the west – to provide increased protection as a coastal conservation area.

As this DPA is being prepared by the Minister for Planning it is known as a Ministerial DPA.

Proposed Amendments

The DPA will describe the proposed changes to the Marion Council and Onkaparinga Council Development Plans.

This DPA proposes to rezone the primary site to Residential Zone – Medium Density Policy Area. This policy framework will encourage a diversity of housing formats, such as terrace housing or apartments, up to a maximum of three storeys, to support our growing population. It will ensure that residential

development is developed in a manner to mitigate impacts from nearby industrial and other potentially conflicting activities.

Have your say

Consultation on Ministerial DPAs is managed by the South Australian State Planning Commission (the Commission), an independent statutory body which provides advice to the Minister about planning and development issues.

As part of the consultation process, you may:

- provide comment on the DPA by making a written submission to the Commission
- attend a public meeting if you wish to be heard by the Commission or raise any matter not previously raised in your written submission.
- provide comment on the intended Council boundary realignment. These comments will be forwarded to the Office of Local Government for consideration should application be made to amend the affected council boundary.

Making written submissions

You can make a written submission on the DPA any time before **5.00 pm on Wednesday, 18 December 2019**.

- on the SA Planning Portal: www.saplanningportal.sa.gov.au/en/consultation
- or by post: GPO Box 1815, Adelaide SA 5001

Submissions should be marked *Lonsdale Residential DPA* and sent to *The Chair, State Planning Commission, c/- Department of Planning, Transport and Infrastructure.*

Please clearly indicate on your written submission if you wish to be heard at the public meeting.

Viewing submissions

All submissions received from the public are public documents and will be made available for viewing from the closing date until the conclusion of the public meeting at:

- www.saplanningportal.sa.gov.au/en/consultation
- the offices of the Department of Planning, Transport and Infrastructure, Level 5, 50 Flinders Street, Adelaide, during office hours
- the offices of the City of Marion, 245 Sturt Rod, Sturt, during office hours
- the offices of the City of Onkaparinga, Ramsay Place, Noarlunga Centre, during office hours

Please note: Posting of submissions on sa.gov.au may be undertaken progressively over a day or more if a large number of submissions are received.

Public meeting

The State Planning Commission has scheduled the following public meeting:

When: 7.30pm, Thursday 16 January 2020
Where: Cove Civic Centre, 1 Ragamuffin Drive, Hallett Cove

The meeting will provide an opportunity for anyone to be heard by the Commission or to raise any matter not previously discussed in their written submission.

Please note: the public meeting may not be held if no one requests to be heard. Please check the status of meetings before the scheduled meeting date on www.saplanningportal.sa.gov.au/en/consultation.

Timeline

- **Submission Period**
  Submissions are invited on the DPA between Thursday 24 October 2019 and Wednesday 18 December 2019.

  Public Information / 'drop in' session from 11.00am to 2.30pm, Saturday 23 November 2019 at the Cove Civic Centre, 1 Ragamuffin Drive, Hallett Cove

- **Submissions are made publicly available** on Thursday 19 December 2019 until 16 January 2020.
- **Public Meeting will be** held from 7.30pm, Thursday 16 January 2020 at the Cove Civic Centre, 1 Ragamuffin Drive, Hallett Cove
- **Consideration of Submissions**
  State Planning Commission provides its advice to the Minister for Planning.
- **Decision** is made by notice in Government Gazette.
- The DPA is referred to the **Environment Resources & Development Committee of Parliament**.

30 YEAR PLAN FOR GREATER ADELAIDE
IMPLEMENTATION OF TARGETS

By 2045:

- 85% of all new housing in metropolitan Adelaide will be built in established urban areas
- 60% of all new housing in metropolitan Adelaide will be built within close proximity to quality public transport
- Increase the share of work trips made by active transport modes by 30%
- Increase the percentage of residents living in walkable neighbourhoods by 25%
- Increase housing choice by 25% to meet changing household needs

For more information refer to livingadelaide.sa.gov.au

Area affected by the proposed DPA

Further information:

Contact: Andrea Jorgensen on 7109 7004
Email: andrea.jorgensen@sa.gov.au
Visit: www.saplanningportal.sa.gov.au/en/consultation

Government of South Australia
Department of Planning, Transport and Infrastructure

Planning Reform Update and Resource Review

Originating Officer	Manager Development and Regulatory Services - Warwick Deller-Coombs
Corporate Manager	N/A
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC191210R12

REPORT OBJECTIVE

The objective of this report is to update Council on the progress of our review of the Draft Planning and Design Code and transition to the new planning system.

EXECUTIVE SUMMARY

Following the recent Elected Member Forum where the Planning Team presented our approach to the Planning Reforms, we have now completed the following:

1. Draft Letter to Chair of the State Planning Commission, Michael Lennon to highlight Council's early concerns with the Draft Planning and Design Code - in particular the lack of consideration given to the Housing Diversity DPA.
2. Review of Suburban Activity and Commercial Zones (attachment 1)
3. Draft Character Area Statements provided to DPTI (attachment 2)

Further to this we are assessing resource implications to ensure business continuity throughout the transition to the new Planning and Design Code.

RECOMMENDATION

That Council:

1. **Note this report.**

DISCUSSION

As highlighted at the Elected Member Forum on 19 November 2019, the State Planning Reforms process is complex and staff are progressing a delivery strategy that will ensure over the next 18 months that assessment, transition, implementation and review of the new reforms and associated processes and their impacts to business and service delivery are managed.

Staff have developed a process to communicate and track comments on the Draft Planning and Design Code as well as seeking formal Council input on zoning changes and other matters such as those attached to this paper.

Draft Letter to State Planning Commission (SPC)

- The draft letter to the Chair of the SPC aims to capture the views of Council regarding the Draft Planning and Design Code as it relates to the lack of acknowledgement given to Council's Housing Diversity DPA process.

- One ambition of the letter is to open dialogue with the SPC to ensure CoM can negotiate better community outcomes with the roll-out of the new Planning and Design Code.

Development Zone Review Progress - Attachment 1

- While the detailed comparison between our existing development plan and new draft Planning and Design Code is ongoing, a summary of the key changes is provided in attachment 1.

- Below are a few key issues with each zone that have been identified:

Suburban Activity Node Zone (old) – Urban Renewal Neighbourhood (new)

Key Matters

- Reduction in on-site and on street car parking.
- Inclusion of reduced building height maximums and inclusion of greater boundary setbacks requirements will potentially limit the extent and density of future residential development.

Suburban Activity Node Zone (old) – Urban Neighbourhood (new)

Key Matters

- Reduction in on-site and on street car parking.
- Inclusion of reduced building height maximums and increase in minimum net residential density.
- Increase in maximum floor area permitted for a shop in a single building.

Commercial Zone and Policy Area (old) to Suburban Employment Zone (new)

Key Matters

- Removal of 'floor area caps' for offices, shops and consulting rooms throughout the new Zone.
- Removal of references to existing Concept Maps or current Precincts.
- Inclusion of greater boundary setbacks requirements will potentially limit the extent and density of future development.
- Provision of greater landscaping dimensions should promote a higher quality design outcome.

Character Area Statements - Attachment 2

- Residential Character Policy Areas are to be transitioned to a new Character Area Overlay as part of the new P&D Code.

- The SPC received feedback from planning practitioners and heritage experts that the proposed policy was too generic and a mechanism was required to better identify elements of local historic/character importance.

- In response, Historic Area Statements and Character Area Statements will be introduced (only) within the Historic/Character Area Overlays to help identify key characteristic of particular locations.
- DPTI recently gave Councils a short window of opportunity (29 November 2019) to draft and submit Historic/Character Area Statements for consideration.
- Council staff prepared Statements for the current Character Policy Areas and submitted them to DPTI (attachment 2).
- The SPC will being releasing the draft Statements for public and Council consultation in December 2019.

- Council will have until the 28 February 2019 (as per the draft Code), to provide further feedback on the draft Statements.

Forward Plan

The programme of works on the Planning Reforms over the next few weeks includes:

- Engagement with DPTI on key characteristics, particularly those relating to recently approved DPAs being retained;
- Review and comments on the Draft (Building) Inspections Policy Practice Direction;
- Zone reviews: Industry / Employment, Centres, Mixed Use;
- Meeting with Council on 18 January 2020 for further updates and input to the Planning Reforms.

Workforce management

While the full impact of the Planing Reforms is not known at this time, appropriate action is being taken to protect Councils reputation and business operations.

The workload required to ensure we can adequately review the Planning and Design Code, respond to other matters in the Planning Reforms as well as keep up current development service levels, cannot met within existing staff levels.

The Manager of Development and Regulatory Services is working with the Executive Leadership Team to determine what resources can be reallocated internally with any balance to be presented back to Council in a report for consideration.

The General Manager City Development will work with the Manager Development and Regulatory Services to closely monitor the staffing and work loads during this transition phase.

Attachment

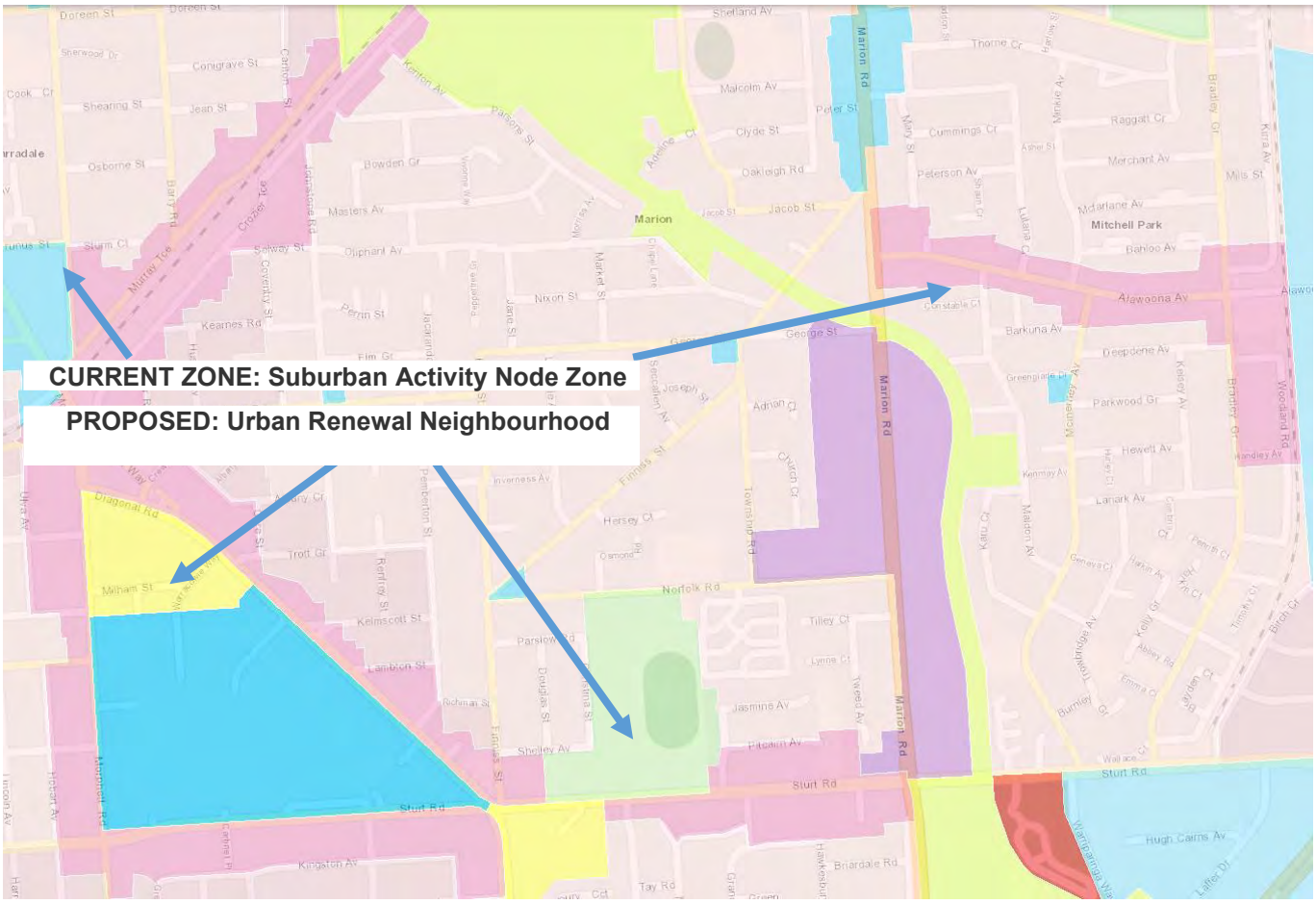
#	Attachment	Type
1	Appendix 1 - Summary of Key Changes Requiring Consideration and Indicative Maps	PDF File
2	Attachment 2 - Draft Character Areas Statements as submitted	PDF File

City of Marion

Summary of Key Changes for Consideration

Suburban Activity Node Zone – Urban Renewal Neighbourhood

Current zoning – Areas surrounding the Marion Regional Centre, along Sturt Road (from Morphett Road to Marion Road) and along Alawoona Avenue.



- Both zones seeks a similar form, density and style of development – low to medium density development (in terms of density and built form outcome).
- Types of anticipated development have reduced/refined but remain largely similar in terms of built form and design. Similar forms of residential type development is maintained.
- Non-residential uses of a small scale are anticipated and encouraged by the policy language. Existing language regarding the type of non-residential development and potential impacts associated with it being located within residential development have been removed.
- Private open space requirements for residential development (including multi-storey development) have been reduced and are now based on minimum allotment size and, in the case of multi-storey development, on the number of bedrooms proposed.
- On-site parking previsions reduced by 1 for majority of development types.

City of Marion

Summary of Key Changes for Consideration

- Provision of on-street parking required for each new allotment has been reduced from 1 per 2 allotments, to 1 per 3 allotments constructed.

- Minimum distances between driveway crossovers has been increased, combined with a limit on the number of cross-overs permitted in comparison with frontage width. This should enable the provision of more space on the street to allow parking spaces.

- Current zone assigns a majority of anticipated development as Category 1. New zone is likely to result in additional notification of development adjacent zone boundary, exceeding building height and not a 'listed use' within the anticipated forms of development.

- Current Zone seeks a minimum net residential density of 50 dwellings per hectare, whilst new zone seeks a net density of up to 70 dwellings per hectare for a majority of sites and over 70 for sites exceeding site area and frontage requirements.

- New zone, in most instances, decreases the overall building height and number of storeys permitted.

- New zone establishes side (including limitations on boundary walls), front and rear setbacks requirements – current zone has no setback requirements.

- Removal of interface built form provisions (in lieu of the inclusion of standard setbacks).

<u>Key Matters</u>

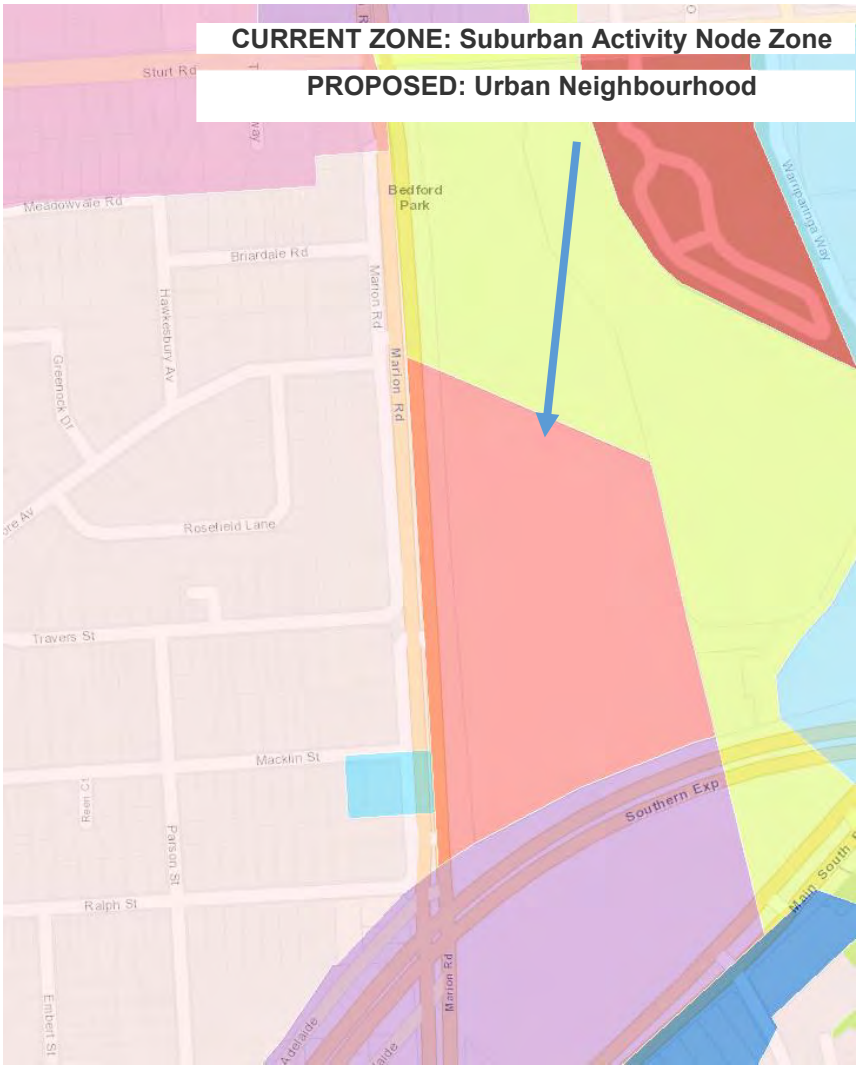
- Reduction in on-site and on street car parking.
- Inclusion of reduced building height maximums and inclusion of greater boundary setbacks requirements will potentially limit the extent and density of future residential development.

City of Marion

Summary of Key Changes for Consideration

Suburban Activity Node Zone – Urban Neighbourhood

Current zoning – Laffers Triangle



- Low to medium high rise and mixed use development continues to be anticipated.
- Additional non-residential uses have been specifically listed in the anticipated forms of development table.
- Current zone permits an office and consulting room use to achieve a floor area of approximately 500m^2. Whilst a shop or group of shops can achieve a floor area of **200m^2** (consisting of 1500 square metres for a supermarket and 500 square metres for specialty shops).

  New zone permits similar size building footprints, but does permit a maximum gross leasable floor area of a shop of 5,500m^2 in a single building.
- On-site parking previsions reduced by 1 for majority of development types.

City of Marion

Summary of Key Changes for Consideration

- Provision of on-street parking required for each new allotment has been reduced from 1 per 2 allotments, to 1 per 3 allotments constructed.

- Minimum distances between driveway crossovers has been increased, combined with a limit on the number of cross-overs permitted in comparison with frontage width. This should enable the provision of more space on the street to allow parking spaces.

- Current zone assigns a majority of anticipated development as Category 1. New zone is likely to result in additional notification of development adjacent zone boundary, exceeding building height and not a 'listed use' within the anticipated forms of development.

- A minimum net residential density (dwellings per hectare) of **50** is sought. The new zone seeks residential development (other than residential development in a mixed use building) to achieve a net residential density of at least 150 dwellings per hectare, except where varied by a *Concept Plan Technical and Numeric Variation Overlay*.

- Current zone permits 4 storey development (of up to 16.5m) and 3 storeys (of up to 12.5 metres) where the area adjacent a lower density residential zone boundary. The new zone seeks that the proposed building height be no greater than any maximum, or less than any minimum, specified in the *Technical and Numeric Variation Overlay (3 storeys and/or 12.5 metres).*

- Current zone does not prescribe setback provisions unless the allotment boundary abuts a residential allotment within a residential zone where a 4 metre rear setback is required. New Zone prescribes no minimum setback where adjoining allotments are vacant, the average of the setback of the existing building on each adjoining site fronting the same street (side, front and secondary street) and no rear setback unless the allotment boundary abuts a residential allotment within a residential zone where a 4 metre rear setback is required.

<u>Key Matters</u>

- Reduction in on-site and on street car parking.
- Inclusion of reduced building height maximums and increase in minimum net residential density.
- Increase in maximum floor area permitted for a shop in a single building.

City of Marion

Summary of Key Changes for Consideration

Existing Commercial Zone and Policy Area to Suburban Employment Zone Comparison

All exiting Commercial Zones and Policy Areas have been transferred into the Suburban Employment Zone.

- Similar mixture of land uses anticipated - light industry now listed as an anticipated use.

- New zone seeks the removal of current maximum 'floor area caps' assigned to uses such as offices, shops, consulting rooms, service trade premises and are specific to each policy area (i.e. different floor areas for these uses along Marion Road and South Road have been assigned).

  No floor area restrictions on any use aside from a shop have been prescribed. A shop should comprise a gross leasable floor area up to 500m2; or be in the form of a bulk goods outlet; or be ancillary to and located on the same allotment as a light industry.

- Current Zone assigns shops, offices and consulting rooms that exceed particular 'floor area caps' as non-complying development. New Zone removes reference to this and only a shop where the gross leasable floor area is more than 1000m^2, is not a bulky goods outlet or is ancillary to a light industry on the same allotment is a 'restricted' development.

- New Zone removes reference to *Concept Plan Map Mar/1 - Clovelly Park Centre and Commercial* and specific requirements of Precinct 1 Edwardstown Activity Centre Fringe.

- Greater design and appearance requirements incorporated into current zone (in addition to design in urban areas module).

- New zone establishes side (including limitations on boundary walls), front and rear setbacks requirements – current zone has limited setback requirements.

- Existing storey and building height limits currently assigned to each zone removed, with no specific height requirement listed within the new zone.

- Minimum landscape requirements increased from 1 metre to 1.5 metres.

<u>Key Matters</u>

- Removal of 'floor area caps' for offices, shops and consulting rooms throughout the new Zone.
- Removal of references to existing Concept Maps or current Precincts.
- Inclusion of greater boundary setbacks requirements will potentially limit the extent and density of future development.
- Provision of greater landscaping dimensions should promote a higher quality design outcome.

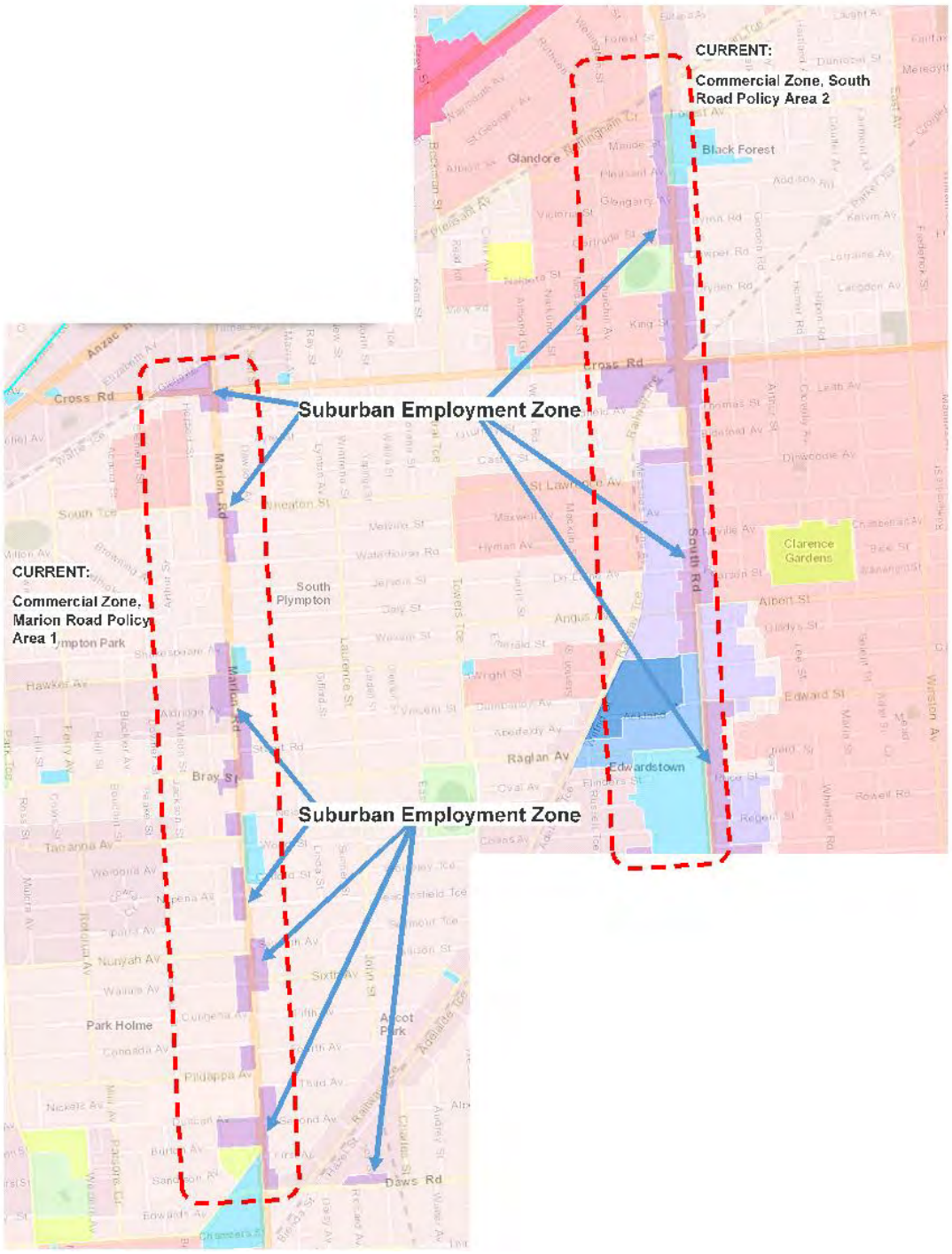
City of Marion

Summary of Key Changes for Consideration

Commercial Zone and Policy Areas - Suburban Employment Zone

All exiting Commercial Zones and Policy Areas have been transferred into the Suburban Employment Zone.

- Marion Road (North of Daws/Oaklands Road)
- South Road (north of Raglan Avenue)



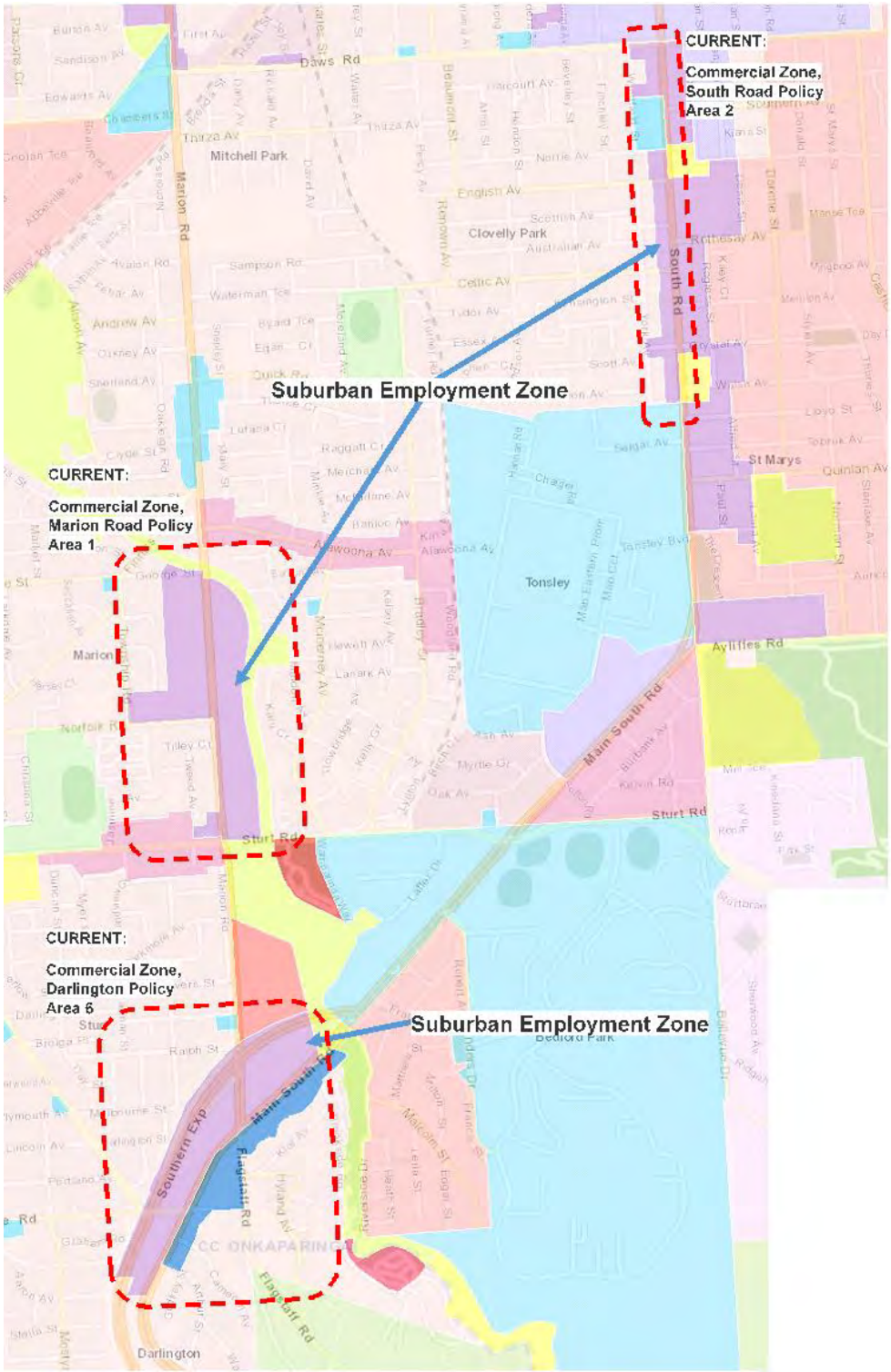
City of Marion

Summary of Key Changes for Consideration

Commercial Zone and Policy Areas - Suburban Employment Zone

All exiting Commercial Zones and Policy Areas have been transferred into the Suburban Employment Zone.

- Marion Road (South of Daws/Oaklands Road)
- South Road (South of Daws Road)



<u>Character Area Statement</u> – Edwardstown, Glandore, Glengowrie and Plympton Park

Character Area Overlays identify areas that comprise variable, but cohesive high-quality streetscape. They are characterised by a generally consistent rhythm of building setting and spacing, allotment patterns, landscape features and the scale, proportion and form of the buildings and their key elements. Development within the Overlay will preserve these attributes.

Existing building stock that contributes to these attributes should be redeveloped in a manner as to retain their contribution to the prevailing streetscape.

New development will remain consistent or enhance these streetscape attributes through maintaining a compatible siting, form, rhythm and/or visual consistency to the prevailing streetscape.

Characteristics	**Prevailing Characteristics**
Era of Development	– 1920s to 1950
Subdivision Pattern	– Conventional grid type pattern of streets – Large allotments (greater than 600m²) (420m² in Dev Plan) – Predominantly detached dwellings – Some examples of semi-detached dwellings in Glandore and Glengowrie
Architectural Buildings	– Single storey detached dwellings – Occasional single storey semi-detached dwellings – Mixture of Bungalow, Art Deco, Spanish Mission, Tudor – Articulated roof forms (gable, dutch gable, hips) – Chimneys, projecting front verandahs, porches, porticos – Garages and carports located behind main face of dwelling
Materials	– Timber frame windows – External walls constructed of mixture of red brick, painted brick, stone and rendered masonry – Roofing - Galvanised Iron/(replaced with colorbond), terracotta tiles
Setting and Public Realm	– Tree lined streets – Well maintained traditional gardens – Mature vegetation in private properties – Low scale dwellings – Housing well setback from street
Fencing	– Low height – rendered masonry, timber picket, post and wire, tubular
Height	– Single storey – 2nd Storey in Roofline

Desired Character (current) - Edwardstown, Glandore, Glengowrie and Plympton Park

New development in those parts of the policy area located in the suburbs of Edwardstown, Glandore, Glengowrie and Plympton Park will reinforce the attractive established character of predominantly single-storey, detached houses. New development will largely comprise the replacement of less attractive or unsound dwellings with new detached dwellings, and in more limited situations, new semi-detached dwellings. In the suburbs of Glengowrie and Glandore, new semi-detached dwellings are appropriate where they reflect examples of original maisonette dwellings.

Replacement dwellings will be appropriately designed contemporary interpretations of the pre-1950s buildings remaining in the area in the locality of the development site. Buildings will be sited so as to complement the siting of adjoining buildings and in such a way that the landscape character is retained and enhanced. Dwellings will incorporate elements typical of homes in the area, including articulated roof forms comprising combinations of gable, Dutch-gable and hips, chimneys, projecting front verandas / porches / porticos, timber-framed windows and external walls constructed of a mixture of brick, painted brick, stone, and rendered masonry. Garages and carports will be discreetly located well behind the main face of the associated dwelling or to the rear of the dwelling, with design and materials to complement the dwelling.

Where semi-detached dwellings are envisaged, such dwellings should present to the street as a single building under one roof form, and incorporate character features to complement other pre-1950s dwellings in the locality (i.e. hip/gable roof form with eaves overhang, large front verandahs, discreet garages located to the outer sides / rear of dwellings, traditional materials).

Alterations and additions to dwellings will occur without significantly altering the dwelling's appearance from the street unless it involves the removal of unsympathetic additions/alterations to the front facade or will improve the appearance of a building as viewed from a street frontage. Alterations and additions will reinforce and complement the existing scale, elevation treatments, and use of materials of the associated dwelling, particularly with respect to the design of roof form, the use of front verandas and porticos, building materials, colours, proportions of windows, the use of window shading devices and elevation detailing.

Alterations and additions in the form of adding a second storey will only occur where the addition is within the roof space of the dwelling and the external appearance of the dwelling as viewed from surrounding streets takes the form of a single storey plus attic form. Similarly, new two storey dwellings will take the form of a single storey plus attic in order to reinforce the attractive, low-scale character of the policy area.

Fences on or near the street frontage will be low and of a construction and style that complements those existing in the locality.

The density of development and siting of all buildings will not erode the landscape character of the site or locality, which is derived from mature vegetation in front and rear yards, alongside boundaries or within the public road reserve.

Some of the above detail and intents for development within the Residential Character Area are not covered/included by proposed policy under the Code. Council is concerned that this may result in a different outcome for these areas.

Character Area Statement – Marion

Character Area Overlays identify areas that comprise variable, but cohesive high-quality streetscape. They are characterised by a generally consistent rhythm of building setting and spacing, allotment patterns, landscape features and the scale, proportion and form of the buildings and their key elements. Development within the Overlay will preserve these attributes.

Existing building stock that contributes to these attributes should be redeveloped in a manner as to retain their contribution to the prevailing streetscape.

New development will remain consistent or enhance these streetscape attributes through maintaining a compatible siting, form, rhythm and/or visual consistency to the prevailing streetscape.

Characteristics	**Prevailing Characteristics**
Era of Development	– Original housing stock = predominantly 1950s to 1970s – More recent infill scattered throughout
Subdivision Pattern	– Grid type pattern of streets, partly angular due to diagonal alignment of railway resulting in some irregular shaped allotments – Large allotments (greater than 600m²) (420m² in Dev Plan) – Detached dwellings
Architectural Buildings	– Predominantly single storey detached dwellings – Small number of 2 storey dwellings – Original housing stock - mixture of austerity, conventional 1950s – Roof forms (gable, hips)
Materials	– External walls predominantly a mixture of brick (variety of colours) and rendered masonry – Roofing – original housing = terracotta tiles /more recent replacement housing = colorbond
Setting and Public Realm	– Tree lined streets – Well maintained leafy garden character – Mature vegetation in private properties – Low scale dwellings – Housing well setback from street – Visual separation between houses
Fencing	– No dominant fencing style or material – Mixed with open front yards
Height	– Original housing stock is generally single storey – Recent dwellings are predominantly single storey however there are more examples of 2 storey

Desired Character (current) – Marion

In that part of the policy area located in the suburb of Marion, the established character is primarily low density detached dwellings on large allotments. This form of development will continue through the replacement of detached dwellings with the same. In this area the maintenance and enhancement of the generous and vegetated garden character is most important.

Buildings should be well setback from all property boundaries, and existing vegetation should be protected and enhanced wherever possible. Front and side garden landscaping is particularly important and should complement and reinforce street tree planting to help enhance the leafy, garden suburb character and the visual separation between houses.

Buildings of up to two storeys in height are appropriate, provided that landscaping is available or proposed to soften the visual impact of the second storey.

Fences forward of the building line will be low and constructed of stone, masonry or timber and in a style that complements those in the locality.

The above is for comparison purposes only

Historic Area Statement – Worthing Mine

Historic Area Overlays identify areas that comprise unified, consistent streetscape characteristics of an identifiable historic, economic or social theme associated with an earlier era of development. They comprise built form characteristics, and at times natural features and sub-division patterns that provide a legible connection to the historic development of the local area. Development within the Overlay will preserve these attributes.

The redevelopment of existing places, through refurbishment or adaptive reuse, will maintain, and where possible enhance or reinforce, this unified, consistent historic streetscape character.

New development will be generally limited to the replacement of places that either do not contribute towards this unified, consistent historic streetscape character, or towards the rear of sites that do, so as to not adversely impact the legibility and interpretation of the prevailing historic, economic or social themes as viewed from the public realm.

- **MOSS Zone - Precinct 5 Worthing Mine Heritage**

Heritage Characteristics	**Prevailing Characteristics**
Era and/or style of development	– 1850/51 – Structures and workings associated with Worthing Mine site.
Subdivision Pattern	– Sited in the steep valley of the Field River
Architectural Buildings	– Mine, Chimney and Pumphouse/Enginehouse associated with copper mining. (oldest surviving Cornish enginehouse in Australia)
Materials	– Random rubble with timber lintels
Setting and Public Realm	– Sited in the steep valley of the Field River amongst undulating grassland – Recent housing development is located to the north, west and east of the site (200m plus in distance) – Views to the Worthing Mine are available from parts of the adjacent residential areas

Request for Review of Decision - Closure of Diagonal Way

Originating Officer	Manager Corporate Governance - Kate McKenzie
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R13

REPORT OBJECTIVE

To advise Council that a request for an internal review of decision has been received regarding the decision to Close Diagonal Way. As the decision was a decision of Council, pursuant to the Complaints and Grievance Policy, Council must determine how to proceed with the internal review.

EXECUTIVE SUMMARY

Section 3 of the Policy states that “Any complaint or grievance relating to a decision made by the Chief Executive Officer or the Council at a Council or Committee Meeting, will be referred to the next General Council Meeting to determine how the matter will be reviewed, either by an internal Review Panel or outsourced to an independent investigator. Complaints of this nature must be made in writing to the Manager Corporate Governance and outline the specific nature of the complaint and the dis-satisfaction with any internal review completed so far.”

A copy of the request is attached in **Appendix 1**.

RECOMMENDATION

That Council

1. **Appoints an independent investigator to complete a Review of Decision regarding the decision of Council to close Diagonal Way.**

   or

Endorses an internal review panel to complete a Review of Decision regarding the decision of Council to close Diagonal Way.

2. **Management advise the Cove Cobras Football Club of the appointment of an independent investigator to complete the review.**

Legal / Legislative / Policy:	The Review will be completed in accordance with the City of Marion's Complaints a Grievance Policy (Appendix 2)
Timeline	The Policy state that section 270 Reviews can take 6 -8 weeks depending on the complexity.
Current Budget Allocation	This review will be absorbed within current budget.

Attachment

#	Attachment	Type
1	request for review of decision - Appendix 1	MS Word File

Appendix 1 – Request for Section 270

From: <[redacted]>
Date: 27 November 2019 at 5:32:23 pm ACDT
To: <adrian.skull@marion.sa.gov.au>
Subject: Section 270 review

Dear Mr Skull

I respectfully request that council undertake a Section 270 review regarding the following:

- Report Ref: GC190625R20: Oaklands Community Connections Consultation (proposed Diagonal Way Closure and Dwyer Rd Reserve)

- Report Ref:GC191126P01: Diagonal Way Oaklands Park road closure Petition

I contend that the councils consultation process, results and outcomes are conflicting with the results of the aforementioned Petition. The council consultation process approached and contacted a large survey base, to its end the process only achieved support of 43 people for the overall concept plan and 32 people for the closure of Diagonal Way. All of these supporters were gained from online surveys with no clarification of how many people supported both proposals. Only 18.75% of residents in Diagonal Way supported the road closure, this result is included in council summary of local mapping responses

Such that comment recorded by the Originating Officer in the report regarding the petition are contradictory to the outcomes of councils own consultation process and may have unduly influenced the members opinion of the petitions legitimacy and level of support.

- “We note of the 237 signatures 73 are outside of the Oaklands Park / Marion area and that no residents of Diagonal Way have signed the petition”

Considering the area of council consultation, a large area outside of the aforementioned area including commuters, the number of supporters, without personal reference such as the petition contains, and the limited support from residents of Diagonal Way I suggest this Section 270 Review will identify anomalies in these processes.

Regards

Steve Robertson

ANNUAL REVIEW OF CONFIDENTIAL ORDERS

Review of Confidential Items Overview - 2019

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services -Vincent Mifsud
Report Reference	GC191210R14

REPORT OBJECTIVE

This report provides an overview of the confidential orders for review.

EXECUTIVE SUMMARY

Section 90 of the Local Government Act 1999 (the Act) prescribes matters which Council may consider in confidence where it considers it necessary and appropriate to do so.

Section 91 of the Act enables a Council to order that documents or part of a document relating to matters considered in confidence be kept confidential. Where Council makes such an order it 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.

Any order that operates for a period exceeding 12 months must be reviewed at least once a year to determine whether or not the confidentiality of the document needs to be retained.

This report provides an overview of all confidential orders to be reviewed, and has been written to enable Council to:

- review the confidentiality orders pertaining to identified documents as required by Section 91 of the Act; and

- consider whether it is appropriate for the confidentiality orders to be retained; and if so:

  - determine the appropriate period of time for the maintenance of confidential orders to ensure Council continues to adhere to both the confidentiality provisions within the Act and the principles of open government.

  - to consider whether new orders are required on documents where the orders are due to expire.

Of the one hundred and fifty six (156) confidential orders identified for review, sixteen (16) reports have been recommended for release, eleven (11) to be released with redactions, and one hundred and twenty nine (129) orders are to be retained for further review in December 2020.

RECOMMENDATION

1. That Council notes the report, 'Review of Confidential Orders - Overview - 2019'.

BACKGROUND

In accordance with Section 90 of the Local Government Act 1999 (the Act) Council has, from time to time, made orders restricting public access to information. Council has also made orders pursuant to Section 91 of the Act to retain the confidentiality of certain documents and information.

Under Council's Management of Confidential Items Framework all confidentiality orders made by Council or a Council Committee are referred to the December meeting of Council each year for review. Orders that have lapsed or been revoked prior to the December meeting each year do not require review.

Appendix 1 details all confidential orders requiring review and recommendations either to release or retain the order.

GENERAL ANALYSIS

Current Review

One hundred and fifty six (156) confidential orders have been identified for review. Reports relating to each of these orders are included in the agenda (attached as Reports GC191210R14 - (1) to GC191210R14 - (156)).

The reports are listed in the attached Schedule of Confidential Items 2004 – 2019 (Appendix 1) by recommendation, that is, release, release with redactions or retain. The subject and date, a brief description of the item and the grounds for confidentiality are also included in the table. Of the one hundred and fifty six (156) confidential orders identified for review, sixteen (16) reports have been recommended for release, eleven (11) to be released with redactions, and one hundred and twenty nine (129) orders are to be retained for further review in December 2020.

Given the number of items for consideration, Council may wish to consider items "en bloc" where appropriate.

In determining whether or not a document should continue to remain confidential Council must consider whether the ground/s (in s90(3) of the Act) on which the original order was made, are still applicable. For example:

- Does Council still have a duty of confidence, or other legal obligation or duty?
- Does the document contain commercial information that the disclosure of which would on balance be contrary to the public interest?
- Does the document relate to a tender for goods or services?
- Does the document relate to matters affecting the security of the council, members or employees, or council property, or safety of any person?
- Does the document relate to litigation, or possible litigation, involving the council or a council employee?
- *Does the document relate to a proposed amendment in a Development Plan that has not yet been released for public consultation under the Development Act 1993?*
- Does the document contain legal advice that is still necessary and appropriate to be kept confidential?
- *Does the information concern the personal affairs of an individual (living or dead), the disclosure of which would still be unreasonable? Council might like to also take into account the views of the person to whom the matter relates. Where the person has no objection to the matter being released to the public, it may be consistent with the principles of open government, as well as the Freedom of Information Act 1991 to release the information.*

Should the confidentiality orders be retained or new orders created, then the orders will be referred to the December 2018 meeting of Council for review, unless an alternative date or event has been resolved by Council, or Council delegates the power to review or revoke the order to the Chief Executive Officer.

Any confidential orders that are revoked will be released and made available to the public immediately upon revocation.

If Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Sections 90(2) and (3) of the Local Government Act 1999 given the current confidentiality orders are still in force.

Analysis of Confidentiality Orders

During the preparation of this Report, an analysis of the types of confidential matters considered by Council was undertaken and the results are detailed below:

Currently, there are 156 reports with confidentiality orders. The table below summarises the grounds on which the 156 reports have been considered in confidence in accordance with the Local Government Act 1999.

Number *	Grounds for Confidentiality	LG Act Section
52	Personal Information	90(3)(a)
97	Commercial information / duty of confidence	90(3)(b), (d), (g) and/or (j)
5	Security of Council	90(3)(e)
19	Legal Advice / Litigation / Maintenance of Law	90(3)(f), (h) and/ or (i)
5	Tenders for Supply	90(3)(k)

* Note that one item may have more than one ground for confidentiality.

A number of the major projects Council is involved in are longer term projects which necessitate the retention of confidentiality orders until the matters associated with the projects are no longer commercial in nature.

CONCLUSION

In order to ensure the principles of open, accessible and accountable governance and compliance with the provisions of the Act, Council must undertake an annual review of its confidentiality orders and resolve to maintain, release or release in part, reports that have been considered in confidence.

Attachment

#	Attachment	Type
1	Review of Confidential items - Appendix 1	PDF File

Appendix 1

SCHEDULE OF CONFIDENTIAL ITEMS 2004 – 2019
RELEASE, RELEASE WITH REDACTION, RETAIN

Number	Internal reference #	Subject & Date	Description	Grounds for Confidential Order	FOR RELEASE
1.	270	Organisational Service Reviews Qtr 1 2016/17 Reference No: FAC151216F01 Appendix – Marion Outdoor Pool	Report contains commercial information regarding the operation of the Marion Outdoor Pool. Management structure has been implemented so recommend release.	Commercial information of a confidential nature – public interest	**YES**
2.	273	Marion Outdoor Swimming Pool – Service Review Reference No: GC240117F02	Report contains commercial information regarding the operation of the Marion Outdoor Pool. Management structure has been implemented so recommend release.	Commercial information of a confidential nature – public interest	**YES**
3.	302	Marion Sports and Community Club Lease Report Reference: GC220817R07	Report relates to the Marion Sports and Community Club Lease. Recommend release as public consultation on lease in finalised.	Commercial advantage /contrary to public interest	**YES**
4.	327	Expression of Interest for Potential Land Acquisition Opportunity at Morphettville Report Reference: GC281117F07	Relates to an opportunity to submit an expression of interest for land in Morphettville. Recommend release.	Commercial advantage /contrary to public interest	**YES**

Number	Internal reference #	Subject & Date	Description	Grounds for Confidential Order	FOR RELEASE
5.	333	Finance and Audit Committee Confidential Minutes Report Reference: GC300118F01	Appendix contains confidential minutes relating to the Service Review – Report – Open Space Transformation Phase 1 Report and BMX Project – Update Report. Recommend Release now the implementation of the Open Space Transformation review is completed and BMX Project Information	Commercial information, Personal affair and Legal advice	**YES**
6.	337a	Verbal Update from CEO Report Reference: FAC270218	Minutes contain a verbal update to the FAC on two confidential matters. Recommend Release as AWU agreement has been finalised and an audit undertaken of development Services.	Duty of confidence	**YES**
7.	382.	Mitchell Park Sports and Community Club Redevelopment – Redevelopment Options Report Reference: GC190212F01	This report outlines multiple options for the redevelopment of the Mitchell Park Sports and Community Club. Recommend release as information is not in the public arena	Commercial information – public interest	**YES**
8.	393.	Seaview High School Sports Facilities Partnership – Confidential Appendix Report Reference: GC260319F04	As the project is no longer progressing it is recommended that the item be released.	Commercial information – public interest	**YES**
9.	408.	Code of Conduct Report Reference: GC190625F01	Relates to an Elected Member Code of Conduct matter that was substantiated. Consulted with relevant parties and they agreed to release.	Personal affairs	**YES**
10.	412.	Independent Member – Finance and Audit Committee and SRWRA Audit Committee Report Reference: RSC190806R02	The report considered the Independent Member of the Finance and Audit Committee and SRWRA Audit Committee. The Minutes were retained in confidence. As the appointments to the committee are now public it is recommended that the minutes also be released.	Personal affairs	**YES**

Number	Internal reference #	Subject & Date	Description	Grounds for Confidential Order	FOR RELEASE
11.	415.	Confidential Minutes of the Review and Selection Committee Meeting held on Tuesday 6 August 2019 Report Reference: GC190813F01	Report, appendix and minutes can be released, the information is now public	Personal affairs	**YES**
12.	416.	Independent Member – Finance and Audit Committee and SWARA Audit Committee Report Reference: GC190813F02	Report, appendix and minutes can be released as all info is public	Personal affairs	**YES**
13.	418.	Political Signage Report Reference: GC190813F04	Report relates to a request for ex-gratia payment for potential losses incurred from the removal of political signage. As the matter has concluded it is recommended that it be released.	Potential Litigation	**YES**
14.	420.	Confidential Adjourned Item – Political Signage Report Reference: SGC190902F01	Report relates to a request for ex-gratia payment for potential losses incurred from the removal of political signage. As the matter has concluded it is recommended that it be released.	Potential Litigation	**YES**
15.	423.	Tony Kernahan – President of Cove Football Club (Confidential) Report Reference: GC190924D01	President of Cove Football Club gave a deputation. Details contained in the deputation were included in the Section 270 report. A redacted version of the Section 270 report was released at the 26 November 2019 General Council meeting. It is recommended that this item now be released.	Personal affairs	**YES**

Number	Internal reference #	Subject & Date	Description	Grounds for Confidential Order	FOR RELEASE
16.	425.	Cove Investigation – Response to Findings of Fact Report Reference: GC190924F02	Report contains the response from Cove Cobras Football Club (CCFC) to respond to Council in relation to the tentative Findings of Fact from the independent investigation. Details contained in the item were included in the Section 270 report. A redacted version of the Section 270 report was released at the 26 November 2019 General Council meeting. It is recommended that this item now be released.	Personal affairs	**YES**

RELEASE WITH REDACTION					
Number	**Internal reference #**	**Subject & Date**	**Description**	**Grounds for Confidential Order**	**FOR RELEASE**
17.	351	Commercial Development Proposal Report Reference: GC080518F01	Contains commercial information relating to a proposed commercial facility development. Recommend release with business names redacted.	Commercial information – public interest	**Yes** **Release with name redacted**
18.	354	Commercial Development within Regional Centre Zone Report Reference: GC120618F02	Contains commercial information relating to a proposed commercial facility development at 287 Diagonal Road, Oaklands Park Recommend release with business names redacted.	Commercial information – public interest	**Yes** **Release with name redacted**

19.	358	Code of Conduct Report Reference: GC180724F02	Relates to an Elected Member Code of Conduct. Recommend release with any staff or public names redacted.	Personal Affairs	**Yes** **Release with names redacted**
20.	364	Code of Conduct Report Reference: GC180814F04	Relates to an Elected Member Code of Conduct. Recommend release with any staff or public names redacted.	Personal affairs	**Yes** **Release with names redacted**
21.	372	Code of Conduct - Preliminary Report - matter 1 Reference: GC180911F07	Relates to an Elected Member Code of Conduct. Recommend release with any staff or public names redacted.	Personal affairs	**Yes** **Release with name redacted**
22.	373	Code of Conduct - Preliminary Report - matter 2 Reference: GC180911F08	Relates to an Elected Member Code of Conduct. Recommend release with any staff or public names redacted.	Personal affairs	**Yes** **Release with name redacted**
23.	378.	Confirmation of the Finance and Audit Committee Confidential Minutes from the Meeting on 11 December 2018 Report Reference: GC190129F01	The Expression of Interest – 262 Sturt Road, Marion – Outcome of Business Case Process was considered in confidence at the 11 December 2018 Finance and Audit Committee. It is recommended that the item be released with any business names redacted.	Commercial information – public interest	**Yes** **Release with name redacted**
24.	399.	Appointment to Council Assessment Panel Report Reference: RSC190528F01	Report relates to the Appointment of Independent Council Assessment Panel (CAP) Members. Release with unsuccessful candidate name redacted.	Personal Affairs	**Yes** **Release with name redacted**
25.	402.	Confirmation of Confidential Minutes of the Review and Selection Committee Meeting – 28 May 2019 Report Reference: GC190611F02	Report relates to the Appointment of Independent Council Assessment Panel (CAP) Members. Release with unsuccessful candidate name redacted.	Personal Affairs	**Yes** **Release with name redacted**

26.	404.	Review and Selection Committee – Appointment of Independent Council Assessment Panel (CAP) Members Report Reference: GC190611F04	Report relates to the Appointment of Independent Council Assessment Panel (CAP) Members. Release with unsuccessful candidate name redacted.	Personal Affairs	**Yes** **Release with name redacted**
27.	426	Confirmation of the minutes of the Review and Selection Committee Meeting held on 24 September 2019 Report Reference: GC191008F01	The Review and Selection Committee considered the Appointment of Independent Council Assessment Panel (CAP) Members at the 24 September 2019 meeting. Recommend releasing the report and minutes with unsuccessful Names redacted.	Personal affairs	**Yes** **Release with name redacted**

NOT TO BE RELEASED					
Number	**Internal reference #**	**Subject & Date**	**Description**	**Grounds for Confidential Order**	**FOR RELEASE**
28.	31.	Living Kaurna Cultural Centre GC250105F02	This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons. The minutes have been released as they do not contain information relating to personal affairs. Review in December 2020 as part of Annual Review of Confidential Orders as it potentially affects the security of Council and safety of members, employees of the Council and other persons.	Personal information Security of Council	**NO**

29.	34.	Living Kaurna Cultural Centre GC220305F01	This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons. The minutes have been released as they do not contain information relating to personal affairs. Review in December 2020 as part of Annual Review of Confidential Orders as it potentially affects the security of Council and safety of members, employees of the Council and other persons.	Personal information Security of Council	**NO**
30.	44.	Kerbside Waste & Recycling Collection Contract 2005 SGC210605F01	The report outlined details of a proposed kerbside waste and recycling contract and was considered confidential on the basis that Council was undertaking a tender process for the provision of services. The current contract which is due to expire April 2022. Therefore, it is recommended that information be kept in confidence until the expiration of the contract - to be reviewed in December 2020.	Tender processes / confidential commercial information	**NO**
31.	72.	Provision of Advertising on Bus Shelters to City of Marion GC270207F01	Commercial arrangements associated with advertising on City of Marion bus shelters. The current contract is due to expire June 2020. Therefore, it is recommended that information be kept in confidence until the expiration of the contract - to be reviewed in December 2020.	Commercial information	**NO**
32.	86	Oaklands Regeneration Project, State Aquatic SGC300608F01	Appendix 1 contains information over which Council still has a duty of confidence Currently consulting seeking to release – recommend delegating to the CEO to release subject to consultation response. Review in December 2020 as part of Annual Review of Confidential Orders unless revoked prior	Confidential Commercial information / duty of confidence	**NO** **(delegate to CEO to release)**

33.	136a	CEO Performance Review – Appointment of External Consultant CRC291111F01	Report seeks CRC's endorsement to engage external consultant to facilitate CEO performance and remuneration review for 2010/11, 2011/2 2012/2013 and 2013/14. Mr Mark Searle was consulted and agreed to the release of the report in 2016. External parties were consulted about appendix 1 and did not agree to release. Release report and minutes released. Retain Appendices – to be reviewed in December 2020.	Tender processes / confidential commercial information	**NO** **(delegate to CEO to release)**
34.	141.	Commercial Arrangements GC240112F01	Information related to the recommendation of a lease for Signatures Café however the lease did not progress. Review in December 2020 as part of Annual Review of Confidential Orders.	Commercial Information	**NO**
35.	158.	Commercial Arrangements GC240712F01	Information related to the recommendation of a lease for Signatures Café however the lease did not progress. Review in December 2020 as part of Annual Review of Confidential Orders.	Commercial Information	**NO**
36.	179.	Commercial Arrangements GC260313F02	Information related to the recommendation of a lease for Signatures Café. Two external parties consulted and did NOT agree to the release if documents on basis they contained confidential commercial information.	Commercial Information	**NO**
37.	217	Chief Executive Officer's Employment Contract SGC190215F02	Deed relating to this report is confidential as it contains information relating to the personal affairs of a person (living or dead) and Council has duty of confidence / legal obligations in relation to documents.	Personal Affairs Duty of Confidence	**NO**
38.	218.	Cove Civic Centre – Cost and programmee management GC240215F01	Report relates to cost and time issues associated with the construction of the Cove Civic Centre. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial advantage contrary to public interest	**NO**

39.	221.	Surplus Land associated with City Services Development GC240315F02	Report relates to options for dealing with surplus land associated with the City Services Development Recommend remain in confidence until the future of the site has been finalised, to be reviewed at the December 2020 meeting of Council.	Commercial information of a confidential nature / commercial advantage	**NO**
40.	222.	Signatures Café GC240315F03	Report provides options regarding the future operations of Signatures Café. Recommend that this information continue to be kept confidential to be reviewed December 2020.	Commercial information of a confidential nature	**NO**
41.	232.	Internal Audit and Service Reviews Tender Assessment AC180815F8.2	Report relates to the tender assessment for internal reviews and internal audit services. Recommend that this information continue to be kept confidential to be reviewed December 2020.	Commercial information of a confidential nature / commercial advantage	**NO**
42.	237	Internal Audit and Service Review Tender GC250815F04	The report provides Council with the recommendations from the Audit Committee in relation to the tender process for Internal Audit and Service Review program. Report and minutes have been released. Appendix A to the report contains commercial in confidence information regarding tenderers for the provision of service reviews and internal audit services. Recommend that this information continue to be kept confidential to be reviewed December 2020.	Commercial information of a confidential nature / commercial advantage	**NO**
43.	238.	Investigation GC250815F05	Report contains information into an investigation regarding a Council community facility. Redacted copies have been released, confidentiality remains over un-redacted versions. Council has a duty to keep confidential therefore recommended to remain in confidence till December 2020.	Duty of confidence Personal Affairs	**NO**
44.	240	Signatures Café GC080915F01	Report provides an update on the operations of Signature Café, recommend to be reviewed December 2020.	Commercial information of a confidential nature	**NO**

45.	242.	Investigation GC080915F03	Report contains information into an investigation regarding a Council community facility. Redacted copies have been released, confidentiality remains over un-redacted versions. Council has a duty to keep confidential therefore recommended to remain in confidence till December 2020.	Duty of confidence Personal Affairs	**NO**
46.	245	Telecommunication Facilities Morphettville GC131015R01	Appendix 3 contains legal advice therefore recommended to remain in confidence to be reviewed December 2020.	Legal Advice	**NO**
47.	253	Signatures Cafe Report Reference: GC260416F01	Report provides an update on the operations of Signature Café. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information of a confidential nature – public interest	**NO**
48.	258	CEO Interim Performance Review Report Reference: GC240516F03	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
49.	260	Glenthorne Farm Report Reference: GC280616F01	Report relates to considering an approach to achieving community and environmental outcomes at Glenthorne. Consider release once project finalised. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information of a confidential nature – public interest	**NO**
50.	261	Signatures Café Report Ref: GC260716F01	The report provides a progress report regarding Signatures Café. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information of a confidential nature – public interest	**NO**
51.	263	Local Government Association Membership SGC010816F01 (Adjourned from SGC260716F01)	Report relates to the City of Marion's membership with the LGA. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information of a confidential nature – public interest Legal Advice	**NO**

52.	264	Internal Audit Program Report Reference: FAC160816R7.8	The Confidential appendix relates to a cash handling report and should remain confidential to protect the security of Council. Review in December 2020 as part of Annual Review of Confidential Orders	Security of Council	**NO**
53.	265	Finance and Audit Committee Confidential Minutes Reference No: GC230816F01	The report contains the confidential minutes relating to the cash handling report and internal audit program. It should remain confidential to protect the security of Council. Review in December 2020 as part of Annual Review of Confidential Orders	Security of Council	**NO**
54.	269	CEO Annual Performance Review 2015/16 Report Reference: GC240516F03	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
55.	271	Internal Audit Contract Reference No: FAC151216F02	Appendix 1 contains commercial information relating to the Internal Audit Contract. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information	**NO**
56.	272	Finance and Audit Committee Confidential Minutes Reference No: GC240117F01	Appendix to the report contains commercial information relating to the Internal Audit Contract and the Marion Outdoor Pool Service Review. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information	**NO**
57.	275	CEO Key Performance Indicators for Quarter 2 - 2016/2017 RSC070217R8.1	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
58.	277	LGA Insurance Schemes Review Report Reference: FAC280217R7.1	Report relates to City of Marion's Insurance arrangements. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial advantage /contrary to public interest	**NO**

59.	278	LGA Membership Report Reference: FAC280217R7.2	Report relates to the City of Marion's membership with the LGA. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information of a confidential nature – public interest Legal Advice	**NO**
60.	281	External Audit Tender Report Reference: FAC280217R7.5	Report contains commercial information relating to the External Audit Contract. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information	**NO**
61.	282	Signatures Café Reference No: GC280217F01	The report contains commercial information. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information	**NO**
62.	284	Finance and Audit Committee Confidential Minutes Reference No: GC140317F01	Appendix to the report contains commercial information relating to the External Audit Contract. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information	**NO**
63.	285	Local Government Association Membership Reference No: GC140317F02	Report relates to the City of Marion's membership with the LGA. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information of a confidential nature – public interest Legal Advice	**NO**
64.	286	Local Government Association Insurance Schemes Review Reference No: GC140317F03	Report relates to City of Marion's Insurance arrangements. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial advantage /contrary to public interest	**NO**
65.	287	External Audit Tender Reference No: GC140317F04	Report contains commercial information relating to the External Audit Contract. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information	**NO**

66.	290	Signatures Café Report Reference: GC110417F01	The report contains commercial information. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information	**NO**
67.	294	CEO Key Performance Indicators for Quarter 3 2016/17 Report Reference: RSC020517R8.1	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Retain until the CEO ceases gainful employment. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
68.	295	Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held 2 May 2017 Report Reference: GC090517F01	Appendix contains the confidential minutes from the review and Selection Committee meeting. Retain until the CEO ceases gainful employment. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
69.	296	CEO Key Performance Indicators for Quarter 3 2016/17 Report Reference: GC090517F02	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Retain until the CEO ceases gainful employment. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
70.	300	Commercial proposal for a recreational facility development Report Reference: GC080817F01	Contains commercial information regards a proposed recreational facility development. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information	**NO**
71.	301	Edwardstown Oval Redevelopment – Financial and Management Model Report Reference: GC080817F02	Report contains commercial information relating to the Edwardstown Oval Redevelopment. Recommend retain confidentiality until the conclusion of the defects liability period. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial advantage /contrary to public interest	**NO** (Delegate to CEO to release)

72.	303	Edwardstown Oval – Pre-tender estimate and approval to call the stage 2 construction tender Report Reference: SGC120917F01	Report contains commercial information relating to the Edwardstown Oval Redevelopment. Recommend retain confidentiality until the conclusion of the defects liability period. Review in December 2020 as part of Annual Review of Confidential Orders	Tender	**NO** (Delegate to CEO to release)
73.	304	Selection of candidates for interview/appointment for Council Assessment Panel Report Reference: RSC190917R8.1	Report relates to the Selection of Candidates for interview/appointment for Council Assessment Panel. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
74.	307	Section 48 Prudential Report – BMX FAC101017R8.14	Report contains commercial information relating to the BMX Project. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
75.	308	73 Cove Road Marino FAC101017R8.15	Report relates to the development at 73 Cove Road Marino. Review in December 2020 as part of Annual Review of Confidential Orders	Personal Affairs Legal Matter	**NO**
76.	311	Signatures Café Lease Report Reference: GC101017F03	The report contains commercial information. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information	**NO**
77.	312	Confirmation of Confidential Minutes of the Finance and Audit Committee Meeting held 10 October 2017 Report Reference: GC241017F01	Appendix contains confidential minutes relating to the Section 48 Prudential Report – BMX and 73 Cove Road Marino. Review in December 2020 as part of Annual Review of Confidential Orders	Personal Affairs, Commercial Information and Legal advice	**NO**
78.	313	Signatures Café Update Report Reference: GC241017F02	The report contains commercial information. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information	**NO**

79.	316	CEO Annual Performance Review 2016/17 and Employment Agreement Report Reference: RSC071117F01	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
80.	317	CEO KPI's Annual Confidential Report 2016/17 Report Reference: RSC071117F02	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
81.	318	CEO KPI Report Quarter one 2017/18 Report Reference: RSC071117F03	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
82.	319	CEO & Corporate KPI's 2017/18 Qtr 1 Report Reference: SGC271117F01	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
83.	321	Confirmation of the confidential minutes of the Review and Selection Committee Meeting held 7 November 2017 Report Reference: GC281117F01	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
84.	322	CEO Annual Performance Review 2016/17 and Employment Agreement Report Reference: GC281117F02	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**

85.	323	CEO KPI's Annual Confidential Report 16/17 Report Reference: GC281117F03	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
86.	325	Edwardstown Oval – Approval to Award Construction Tender Report Reference: GC281117F05	Report relates to the Edwardstown Oval – Pre-tender estimate and approval to call the stage 2 construction tender. Recommend retain confidentiality until the conclusion of the defects liability period. Review in December 2020 as part of Annual Review of Confidential Orders	Tender	**NO** **(delegate to CEO to release)**
87.	326	Morphettville Park Sports and Community Club Redevelopment Report Reference: GC281117F06	Contains information regarding the redevelopment of Morphettville Park Sports and Community Club. Release of the report could prejudice the commercial position of the Council. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial advantage /contrary to public interest	**NO**
88.	330	Interim Management for Edwardstown Soldiers Memorial Recreation Grounds Report Reference: GC121217F01	Report contain information on the proposed interim management arrangements for the Edwardstown Soldiers Memorial Recreation Grounds, including legal advice in relation to the topic. Recommend retain confidentiality as the process has not been completed. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial advantage / legal advice	**NO**
89.	332	BMX Project – Update Report Reference No: FAC121217F02	Report contains commercial information relating to the BMX Project. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
90.	334	BMX Project – Update Report Report Reference: GC300118F02	Report contains commercial information relating to the BMX Project. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**

91.	335	Review of Confidentiality Orders: Investigation, GC250815F05 and Investigation, GC080915F03 Report Reference: GC300118F03	Report contains information into an investigation regarding a Council community facility. Council has a duty to keep confidential therefore recommended to remain in confidence till December 2020.	Duty of confidence	**NO**
92.	336	Selection of candidates for interview/appointment for the Finance and Audit Committee Report Reference: RSC300118F01	The report contains information relating to the selection of candidates for interview/appointment for the finance and Audit Committee. Appendix 2 to remain confidential as it contains names and skills of applicants. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
93.	337	Insurance Market Testing Report Reference: FAC270218F01	Report relates to City of Marion's Insurance arrangements. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
94.	338	Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held 30 January 2018. Reference No: GC130218F01	The appendix contains information relating to the selection of candidates for interview/appointment for the finance and Audit Committee. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
95.	341	Urban Activation Project Report Reference: GC270218F02	The report related to shortlisted Urban Activation Projects. The program is not yet fully implemented so recommend confidentiality is retained. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
96.	343	Kaurna Native Title Claim Report Reference: GC130318F01	The report contains legal advice relating to Kaurna Native Title Claim. Review in December 2020 as part of Annual Review of Confidential Orders	Legal Advice	**NO**

97.	344	Finance and Audit Committee Confidential Minutes Report Reference: GC130318F02	The Appendix contains the confidential minutes from the Finance and Audit Committee where the Insurance Marketing testing item was considered. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information of a confidential nature – public interest Duty of Confidence	**NO**
98.	345	Insurance Market Testing Report Reference: GC130318F03	Report relates to City of Marion's Insurance arrangements. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
99.	346	Management Model for Regional Facilities Report Reference: GC130318F04	The report related to a proposed Management Model for Regional Facilities. Recommend confidentiality is retained until finalised. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs Commercial information – public interest	**NO**
100.	347	BMX Project – Progress Report Report Reference: ISC060318F01	Report contains commercial information relating to the BMX Project. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
101.	347a	Confirmation of Confidential Minutes of the Infrastructure and Strategy Committee Meeting held 6 March 2018 Report Reference: GC270318F01	Appendix contains confidential minutes relating to the BMX Project – Progress Report Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
102.	352	BMX Project Report Reference: ISC010518F01	Report contains commercial information relating to the BMX Project. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**

103.	352a	Confirmation of Confidential Minutes of the Infrastructure and Strategy Committee Meeting held 1 May 2017 Report Reference: GC220518F01	Appendix contains confidential minutes relating to the BMX Project Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
104.	357	Confirmation of the Confidential Minutes for the Infrastructure and Strategy Committee Meeting held on 3 July 2018 Report Reference: GC180724F01	Appendix contains the confidential minutes of the Infrastructure and Strategy Committee containing commercial information relating to the BMX Project. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
105.	359	CONFIDENTIAL - Tonsley Water Agreement Report Reference: GC180724F03	Report contains commercial information relating to the Tonsley Water Agreement. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
106.	360	BMX - Progress Report on Darlington Site Option Report Reference: ISC180703F01	Report contains commercial information relating to the BMX Project. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
107.	361	Expressions of Interest – 262 Sturt Road – Progress Report and Next Stage Report Reference: GC180828F01	Contains commercial information relating to expressions of interest for 262 Sturt Road. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
108.	363	Proposed Class Action Report Reference: GC180814F03	Relates to a letter received relating to an offer to register with a class action. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
109.	364a	CEO Annual Performance Review 2017/18 Report Reference: RSC180828F01	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**

110.	366	Proposed Class Action Report Reference: GC180911F01	Relates to a letter received relating to an offer to register with a class action. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
111.	367	Outcome of Expression of Interest for Hotel at 287 Diagonal Road, Oaklands Park Report Reference: GC180911F02	Contains commercial information relating to a proposed commercial facility development at 287 Diagonal Road, Oaklands Park Review in December 2020 as part of Annual Review of Confidential Orders (Minutes have been released))	Commercial information – public interest	**NO**
112.	368	Expression of Interest - Community Wireless Internet Services Report Reference: GC180911F03	Report contains the outcome of the Expression of Interest (EOI) for the undertaking of Wireless Community Internet Services. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
113.	369	Coastal Walkway - Confidential Appendix Reference: GC180911F04	Contains confidential information regarding the proposal to construct a walkway along the coast between Heron Way to south of Field River. Review in December 2020 as part of Annual Review of Confidential Orders	Legal Advice	**NO**
114.	370	Review and Selection Committee Confidential Minutes from the Meeting 28 August 2018 Report Reference: GC180911F05	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
115.	371	CEO Annual Performance Review 2017/18 Report Reference: GC180911F06	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
116.	374	Code of Conduct Complaint Report Reference: GC181127F01	Relates to a Code of Conduct complaint. Retain as complaint not upheld. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
117.	377.	Cove Sports and Community Club Licence Report Reference SGC190122F01	The report relates to the termination of the head lease agreement between the Cove Sports & Community Club (CSCC) and the City of Marion. Minutes have been released, Report and Appendices remain confidential.	Personal Affairs Legal Advice Security of Council / Safety	**NO**

118.	379.	BMX Project – Outcome of Darlington Investigations Report Reference: GC190129F02	Report contains commercial information relating to the BMX Project. (including Kaurna Information - duty of confidence) Review in December 2020 as part of Annual Review of Confidential Orders	Duty of confidence Legal advice	**NO**
119.	380.	BMX Project – Financial Summary of Costs Report Reference: GC190129F03	Report contains commercial information relating to the BMX Project. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
120.	381.	Oaklands Park Urban Renewal Proposal Report Reference: GC190129F04	Report contains shortlisted Urban Activation Project(s) and includes commercial information relating to the projects. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
121.	383.	S48 Prudential Management Review – Waste Services Report Reference: FAC190226F01	Report contains the S48 Prudential Management Review – Waste Services. The tender has now concluded and contracts being awarded. Review in December 2020 as part of Annual Review of Confidential Orders unless revoked prior	Commercial information – public interest	**NO**
122.	384.	Marion Outdoor Pool Report Reference: GC190226F01	The report contains confidential commercial information relating to the Marion Outdoor Pool. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
123.	385.	Marion Golf Club Report Reference: ISC190305F01)	Report relates to renewal works at the Marion Golf Club. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
124.	386.	Confirmation of the Confidential Minutes of the Finance and Audit Committee Meeting held on 26 February 2019 Report Reference: GC190312F01	FAC Minutes contains the S48 Prudential Management Review – Waste Services. The tender has now concluded and contracts being awarded. Review in December 2020 as part of Annual Review of Confidential Orders unless revoked prior	Commercial information – public interest	**NO**

125.	387.	S48 Prudential Management Review – Waste Services Report Reference: GC190312F02	Report contains the S48 Prudential Management Review – Waste Services. The tender has now concluded and contracts being awarded. Review in December 2020 as part of Annual Review of Confidential Orders unless revoked prior	Commercial information – public interest	**NO**
126.	388.	Outcome of Business Case – 262 Sturt Road, Marion Report Reference: GC190312F03	Contains commercial information relating to a proposed commercial facility development at 262 Sturt Road, Marion. Review in December 2020 as part of Annual Review of Confidential Orders (Minutes have been released))	Commercial information – public interest	**NO**
127.	389.	Morphettville Park Sports Club Redevelopment – Approval to call Tenders for Construction Report Reference: GC190312F04	Report relates to the Morphettville Park Sports Club Redevelopment. It includes cost estimate for delivery of the facility including associated site and construction costs. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
128.	390.	Confirmation of the confidential minutes of the Information and Strategy Committee meeting held on 5 March 2019 Report Reference: GC190326F01	Minutes relate to renewal works at the Marion Golf Club. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
129.	391.	Cove Sports Settlement of licence Report Reference: GC190326F02	The report relates to the transition of management from the Cove Sports & Community Club to the City of Marion and settlement with the committee. Minutes (excluding dollar figure) have been released, Report and Appendices remain confidential.	Commercial information – public interest	**NO**
130.	392.	Coastal Walkway Progress Report – Confidential Appendix Report Reference: GC190326F03	The report provides supporting confidential information regarding the proposal to construct a walkway along the coast between Heron Way to south of Field River. Review in December 2020 as part of Annual Review of Confidential Orders	Legal Advice	**NO**

131.	394.	Progress Report on the Southern Football Facility, Major Road Report Reference: GC 190423F01	Report is an update on the progress of the Southern Football (soccer) Facility to be delivered at Majors Road Report and Appendix remain confidential. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
132.	395.	Council Owned Vineyards Report Reference: GC190423F03	Includes commercial details of current contract Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
133.	396.	Selection of Candidates for interview /appointment to Council Assessment Panel Report Reference: RSC190507F01	The appendix contains information relating to the selection of candidates for interview/appointment for the Council Assessment Panel. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
134.	397.	Westminster Reserve Report Reference: GC190514F01 (item deferred to June Meeting)	Remain confidential as negotiations have not been finalised Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
135.	398.	Internal Audit Tender Evaluation Report Reference: FAC190528F01	Contains commercially sensitive information. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
136.	400.	Confirmation of the Confidential Minutes of the Review and Selection Committee Meeting held on 7 May 2019	The appendix contains information relating to the selection of candidates for interview/appointment for the Council Assessment Panel. Review in December 2020 as part of Annual Review of Confidential Orders	Personal Affairs	**NO**
137.	401.	Westminster Reserve – Adjourned Report Report Reference: GC190611F01	Remain confidential as negotiations have not been finalised	Commercial information – public interest	**NO**

138.	403.	Confirmation of the Confidential Minutes of the Finance and Audit Committee Meeting – 28 May 2019 Report Reference: GC190611F03	Retain confidential order. Contains commercially sensitive information. Review again in December 2020	Commercial information – public interest	**NO**
139.	405.	Internal Audit Tender Outcomes Report Reference: GC190611F05	Report and Appendices to remain confidential as it contains commercial information. Minutes can be released. Review again in December 2020	Tender Commercial information – public interest	**NO**
140.	407.	Potential Land Acquisition Report Reference: GC190611F07	Remain confidential as it identifies future strategies and potential land acquisition) Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
141.	410.	Marion Outdoor Pool Upgrade – Stage 3 Works Report Reference: GC190723F01	Remain Confidential - as contains budget information and tender still to be finalised Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
142.	413.	Service Review – Corporate Information and Communication Technology – Report Report Reference: FAC190820F01	Retain confidential order. Contains information relating to ICT Service review with personal information. Review again in December 2020	Personal affairs Commercial affairs – public interest	**NO**
143.	414.	FAC Independent Member Report Reference: RSC190924F01	Report and minutes can be released but the Appendix is required to remain confidential as it contains the candidates names that were unsuccessful. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
144.	417.	Council Solutions Kerbside Waste Tender Outcomes Report Reference: GC190813F03	Contains commercially sensitive information regarding the waste tender Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**

145.	419.	Cat Curfew By-law Update Report Reference: GC190827F01	Contains legal advice regarding the Cat (Confinement) Variation By-law 2019. Review in December 2020 as part of Annual Review of Confidential Orders	Legal affairs	**NO**
146.	421.	Cove Sports and Community Committee Investigation Report Reference: SGC190902F02	Report details the outcomes of the investigation undertaken into the allegations of inappropriate behaviour occurring at Cove Sports and Community Centre (CSCC) Review in December 2020 as part of Annual Review of Confidential Orders	Maintenance of law	**NO**
147.	422.	Cove Sports & Community Club Management Report Reference: SGC190902F03	Reports provides an update on the Cove Sports & Community Club (CSCC) operations since taking over the management of the facility. Agreements are still being negotiated with clubs at the facility. Review in December 2020 as part of Annual Review of Confidential Orders	Maintenance of law	**NO**
148.	424.	Confirmation of Confidential Minutes of the Finance and Audit Committee Meeting – 20 August 2019 Report Reference: GC190924F01	Retain confidential order. Contains information relating to ICT Service review with personal information. Review again in December 2020	Personal affairs Commercial information – public interest	**NO**
149.	429.	Marion Outdoor Pool Stage 3 - Progress Update Report Reference: GC191022F01	Remain Confidential - as contains budget information. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
150.	432.	CEO Annual Performance Review 2018/19 Report Reference: RSC191105F01	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
151.	433.	Outcome of Capella Investigations and Director for Southern Soccer Report Reference: SGC191125F01	Report provides a detailed update on the Southern Soccer project. As the project is not completed retain the Report and appendices in confidence. The minutes were released Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**

152.	434.	Future Land Strategy: City Services Surplus Land Report Reference: SGC191125F02	The report relates to the City Services Surplus land. It is recommended that report and appendices to remain confidential until the future of the site has been finalised. Review in December 2020 as part of Annual Review of Confidential Orders	Commercial information – public interest	**NO**
153.	435.	Cat Curfew By-Law Update Report Reference: SGC191125F03	Contains legal advice regarding the Cat (Confinement) Variation By-law 2019. Review in December 2020 as part of Annual Review of Confidential Orders	Legal Advice	**NO**
154.	436.	Section 270 Report Cove Football Club Report Reference: SGC191125F04	The report provides the Section 270 Internal Review of Decision relating to the termination of the licence for the Cove Cobra Football Club. Only unredacted appendix 1 remains confidential. Review in December 2020 as part of Annual Review of Confidential Orders	Maintenance of Law	**NO**
155.	437.	Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held on 5 November 2019 Report Reference: GC191126F01	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**
156.	438.	CEO Annual Performance Review 2018/19 Report Reference: GC191126F01	Report relates to the conduct of the annual CEO Performance and Remuneration Review. Review in December 2020 as part of Annual Review of Confidential Orders	Personal affairs	**NO**

CITY OF MARION

ANNUAL REVIEW OF CONFIDENTIAL ORDERS

1. Review of Confidential Item - Organisational Service Reviews Qtr 1 2016/17, FAC151216F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (1)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Organisational Service Reviews Qtr 1 2016/17, FAC151216F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act be revoked.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the report 'Organisational Service Reviews Quarter 1 2016/17, FAC151216F01', and appendices be revoked***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 15 December 2016, the Finance and Audit Committee ordered that the Report and appendices relating to Organisational Service Reviews Quarter 1 2016/17, FAC151216F01 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2017. This order was made on the on the grounds that the report contains commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

The last review of the confidentiality order was at the 12 December 2017 General Council meeting where it was resolved that:

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

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the management structure proposed in the services review has been implemented it is recommended that the item be released.

2. Review of Confidential Item - Marion Outdoor Swimming Pool - Service Review, GC240117F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (2)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Marion Outdoor Swimming Pool - Service Review, GC240117F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act be revoked.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the report 'Marion Outdoor Swimming Pool - Service Review, GC240117F02', and appendices be revoked.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 January 2017, the Council ordered that the Report Marion Outdoor Swimming Pool - Service Review, GC240117F02 (the Report) and Appendices be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2017. This order was made on the basis that the Appendix to the Report contains information relating to commercial information of a commercial nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.

The last review of the confidentiality order was at the 11 December 2018 General Council meeting where it was resolved that:

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

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the management structure proposed in the services review has been implemented it is recommended that the item be released.

3. Review of Confidential Item - Marion Sports and Community Club Lease, GC220817R07

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (3)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Marion Sports and Community Club Lease, GC220817R07 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act be revoked.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the report Marion Sports and Community Club Lease, GC220817R07, Appendix 5 be revoked.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 22 August 2017, Council considered the Report Commercial Proposal for a Recreational Facility Development, GC080817F01, and resolved that this report and the minutes arising from this report having been considered in confidence under Section 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 order was made on the on the grounds that the report contains commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, Council orders that this report Marion Sports and Community Club Lease, GC220817R07, Appendix 5 to this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the lease has now been finalised, following a public consultation process it is recommended that the confidentiality order be revoked.

4. Review of Confidential Item - Expression of Interest for Potential Land Acquisition Opportunity at Morphettville, GC281117F07

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (4)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Expression of Interest for Potential Land Acquisition Opportunity at Morphettville, GC281117F07 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act remain in force.

RECOMMENDATION

That:

1. ***the confidentiality order pertaining to the report 'Expression of Interest for Potential Land Acquisition Opportunity at Morphettville, GC281117F07' and Appendix 1 be revoked.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 November 2017, Council considered the Report Expression of Interest for Potential Land Acquisition Opportunity at Morphettville, GC281117F07, and resolved that:

In accordance with Section 90(3) of the Local Government Act 1999 the Council orders that this report, Expression of Interest for Potential Property Acquisition Opportunity at Morphettville, associated documents and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) of the Act, except where 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 order was made on the on the grounds that the report contains commercial information of a confidential nature, disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.

The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report and Appendix 1 (Expression of Interest for Potential Land Acquisition Opportunity at Morphettville, GC281117F07) to this report, having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the upon the basis that disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the future of the proposal has been determined, it is recommended that the confidentiality order be revoked.

5. Review of Confidential Item - Finance and Audit Committee Minutes, GC300118F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (5)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Finance and Audit Committee Minutes, GC300118F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) and (b) of the Act be revoked.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the report 'Finance and Audit Committee Confidential Minutes, GC300118F01' be revoked.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 30 January 2018, the Council considered the Report Finance and Audit Committee Minutes, GC300118F01, and resolved that this report and the appendix having been considered in confidence under Section 90(2) and (3)(a), (b), (d) and (h) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains

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

This confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that appendix to the report, Finance and Audit Committee Confidential Minutes, GC300118F01, having been considered in confidence under Section 90(2) and (3)(a) and (b) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to personnel matters and disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a), (b), (d) and (h) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The Appendix contains confidential minutes relating to the Service Review Report- Open Space Transformation Phase 1 Report (FAC121217F01) and the BMX Project - Update Report (FAC121217F02).

The appendix contain personnel information with respect to the Open Space services. As the Open Space Transformation has been implemented it is recommended that the minutes be revoked.

Although the BMX project is still to be completed, it is recommended that the confidentiality order be revoked as the information is publicly known.

6. Review of Confidential Item - Verbal Update from Chief Executive Officer, FAC270218

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (6)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Verbal Update from Chief Executive Officer, FAC270218 it is recommended that the order of confidentiality pursuant to Section 90(3)(g) of the Act be revoked.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the minutes for the item 'Verbal Update from Chief Executive Officer, FAC270218 ' be revoked.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 27 February 2018 Finance and Audit Committee considered the item Verbal Update from Chief Executive Officer, FAC270218, and resolved that the minutes having been considered in confidence under s 90(2) and (3)(g) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the appendix contains matter which relates to commercial information and to ensure that the council does not breach any law, order or direction or a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

The last review of the confidentiality order was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that the minutes Verbal Update from Chief Executive Officer, FAC270218 be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order is made to ensure that the council does not breach any law, order or direction or a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty (Section 90(3)(g) of the Local Government Act 1999). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(g) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The verbal updates relate to the AWU agreement and development services matters. As the AWU agreement has now been finalised and an audit has been undertaken of development services it is recommended that the item could be released.

7. Review of Confidential Item - Mitchell Park Sports and Community Club Redevelopment - Redevelopment Options, GC190212F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (7)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Mitchell Park Sports and Community Club Redevelopment - Redevelopment Options, GC190212F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act be revoked.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the Report "Mitchell Park Sports and Community Club Redevelopment - Redevelopment Options, GC190212F01" appendices and minutes be revoked.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 12 February 2019, the Council considered the Report Mitchell Park Sports and Community Club Redevelopment - Redevelopment Options, GC190212F01, and resolved that this report, appendices and minutes be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a confidential nature, disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the Mitchell Park Sports and Community Centre revised Section 48 was considered in public by the Finance and Audit committee in October 2019 (Report Reference: FAC191008R08) it is recommended that the item be released.

8. Review of Confidential Item - Seaview High School Sports Facilities Partnership – Confidential Appendix, GC260319F04

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (8)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Seaview High School Sports Facilities Partnership – Confidential Appendix, GC260319F04 it is recommended that the order of confidentiality pursuant to Section 90 (3)(b) of the Act be revoked.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the Report "Seaview High School Sports Facilities Partnership – Confidential Appendix, GC260319F04" appendices be revoked.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 19 March 2019, the Council considered the Report Seaview High School Sports Facilities Partnership – Confidential Appendix, GC260319F04, and resolved that this report and appendices be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a confidential nature, disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the project is no longer progressing it is recommended that the item be released.

9. Review of Confidential Item - Code of Conduct, GC190625F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (9)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Code of Conduct, GC190625F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act be revoked and the item be released.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the report Code of Conduct, GC190625F01, appendices and minutes arising from this report be revoked and the item be released.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 25 June 2019, Council ordered that the Report, appendices and minutes relating to Code of Conduct, GC190625F01 be kept confidential and not available for public inspection for the current term of the Council, to be reviewed at the General Council meeting in December 2019. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The elected member concerned was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked and the item be released.

10. Review of Confidential Item - Independent Member – Finance and Audit Committee and SRWRA Audit Committee, RSC190806R02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (10)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Independent Member – Finance and Audit Committee and SRWRA Audit Committee, RSC190806R02 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act be revoked.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the Report "Independent Member – Finance and Audit Committee and SRWRA Audit Committee, RSC190806R02" appendices and minutes be revoked.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 6 August 2019, the Review and Selection Committee considered the Report Independent Member – Finance and Audit Committee and SRWRA Audit Committee, RSC190806R02, and resolved that the minutes be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report considered the Independent Member of the Finance and Audit Committee and SRWRA Audit Committee. The Minutes were retained in confidence.

As the appointments to the Committee are now public it is recommended that the minutes also be released.

11. Review of Confidential Item - Confidential Minutes of the Review and Selection Committee Meeting held on Tuesday 6 August 2019, GC190813F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (11)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Confidential Minutes of the Review and Selection Committee Meeting held on Tuesday 6 August 2019, GC190813F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act be revoked.

RECOMMENDATION

That:

1. **The confidentiality order pertaining to the Report "Confidential Minutes of the Review and Selection Committee Meeting held on Tuesday 6 August 2019, GC190813F01" and appendices be revoked.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 13 August 2019, the Council considered the Report Confidential Minutes of the Review and Selection Committee Meeting held on Tuesday 6 August 2019, GC190813F01, and resolved that the report and appendices be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report considered the Review and Selection Committee minutes where Independent Member of the Finance and Audit Committee and SRWRA Audit Committee was discussed. The report and appendices were retained in confidence.

As the appointments to the Committee are now public it is recommended that the report and appendices also be released.

12. Review of Confidential Item - Independent Member – Finance and Audit Committee and SWARA Audit Committee, GC190813F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (12)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Independent Member – Finance and Audit Committee and SWARA Audit Committee, GC190813F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act be revoked.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the Report "Independent Member – Finance and Audit Committee and SWARA Audit Committee, GC190813F02" appendices and minutes be revoked.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 13 August 2019, the Council considered the Report Independent Member – Finance and Audit Committee and SWARA Audit Committee, GC190813F02, and resolved that the report, appendices and minutes be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report considered the Independent Member of the Finance and Audit Committee and SRWRA Audit Committee and the report, appendices and minutes were retained in confidence.

As the appointments to the Committee are now public it is recommended that the report, appendices and minutes be released.

13. Review of Confidential Item - Political Signage, GC190813F04

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (13)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Political Signage, GC190813F04 it is recommended that the order of confidentiality pursuant to Section 90(3)(i) of the Act be revoked.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the Report "Political Signage, GC190813F04 " and appendices be revoked.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 13 August 2019, the Council considered the Report Political Signage, GC190813F04, and resolved that this report and appendices be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

Report relates to a request for ex-gratia payment for potential losses incurred from the removal of political signage. The matter was adjourned in order to obtain more information.

The confidentiality order was made on the on the grounds that the report contains information relating to potential litigation.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(i) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the matter has concluded it is recommended that it be released.

14. Review of Confidential Item - Confidential Adjourned Item – Political Signage Report, SGC190902F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (14)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Confidential Adjourned Item – Political Signage Report, SGC190902F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(i) of the Act be revoked.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the Report "Confidential Adjourned Item – Political Signage Report, SGC190902F01" and appendices be revoked.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 2 September 2019, the Council considered the Report Confidential Adjourned Item – Political Signage Report, SGC190902F01, and resolved that this report and appendices be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

The report related to a request for ex-gratia payment for potential losses incurred from the removal of political signage.

The confidentiality order was made on the on the grounds that the report contains information relating to potential litigation.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(i) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the matter has concluded it is recommended that it be released.

15. Review of Confidential Item - Tony Kernahan – President of Cove Football Club (Confidential), GC190924D01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (15)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Tony Kernahan – President of Cove Football Club (Confidential), GC190924D01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act be revoked.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the Deputation "Tony Kernahan – President of Cove Football Club (Confidential), GC190924D01 " be revoked.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 September 2019, the Council considered the DeputationTony Kernahan – President of Cove Football Club (Confidential), GC190924D01, and resolved that this item be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the deputation contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Details contained in the deputation were included in the Section 270 report. A redacted version of the Section 270 report was released at the 26 November 2019 General Council meeting.

It is recommended that this item now be released.

16. Review of Confidential Item - Cove Investigation – Response to Findings of Fact, GC190924F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (16)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Cove Investigation – Response to Findings of Fact, GC190924F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act be revoked.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the report "Cove Investigation – Response to Findings of Fact, GC190924F02", appendices and minutes be revoked.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 September 2019, the Council considered the report Cove Investigation – Response to Findings of Fact, GC190924F02, and resolved that this item be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the deputation contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Details contained in the item were included in the Section 270 report. A redacted version of the Section 270 report was released at the 26 November 2019 General Council meeting.

It is recommended that this item now be released.

17. Review of Confidential Item - Commercial Development Proposal, GC080518F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (17)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Commercial Development Proposal, GC080518F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act be revoked and the item be released with business names redacted.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the Report "Commercial Development Proposal, GC080518F01," and minutes be revoked and the item be released with the business names redacted.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 8 May 2018, the Council considered the Report Commercial Development Proposal, GC080518F01, and resolved that this report and appendices having been considered in confidence under Section 90(2) and (3)(d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a commercial nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.

This confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, Council orders that this report, Commercial Development Proposal, GC080518F01, and minutes having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Upon review, it is recommended that report could now be released with the names of business redacted from the report.

18. Review of Confidential Item - Commercial Development Within Regional Centre Zone, GC120618F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (18)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Commercial Development Within Regional Centre Zone, GC120618F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act be revoked and the item be released with the business names redacted.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the Report "Commercial Development Within Regional Centre Zone, GC120618F02" and appendices be revoked and the item be released with the business names redacted.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 12 June 2018, the Council considered the Report Commercial Development Within Regional Centre Zone, GC120618F02 and resolved that this report and appendices having been considered in confidence under Section 90(2) and (3)(d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a commercial nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.

The above confidentiality was last reviewed on 11 December 2018 where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Commercial Development Within Regional Centre Zone, GC120618F02, and appendices having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Upon review, it is recommended that the confidentiality order be revoked and the item be released with the business names redacted.

19. Review of Confidential Item - Code of Conduct, GC180724F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (19)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Code of Conduct, GC180724F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act be revoked and the item be released with any names of staff or the public redacted.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the report Code of Conduct, GC180724F02, appendices and minutes arising from this report be revoked and the item be released with the names and identifying information of any staff or members of the public redacted.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 July 2018, Council ordered that the Report, appendices and minutes relating to Code of Conduct, GC180724F02 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2018. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

The above confidentiality order was last reviewed on 11 December 2018 where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Code of Conduct, GC180724F02, appendices and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the Local Government Act 1999); This order is to remain in force for the current term of Council.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The code of conduct matter was upheld by Council and the details were publicly reported (Report Reference:GC181009R06). Accordingly, it is recommended that the confidentiality order be revoked and the item be released with the names of any staff or members of the public redacted.

20. Review of Confidential Item - Code of Conduct, GC180814F04

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (20)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Code of Conduct, GC180814F04 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act be revoked and the item be released with any names of staff or the public redacted.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the report Code of Conduct, GC180814F04, appendices and minutes arising from this report be revoked and the item be released with the names and identifying information of any staff or members of the public redacted.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 14 August 2018, Council ordered that the Report, appendices and minutes relating to Code of Conduct, GC180814F04 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2018. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

The above confidentiality order was last reviewed on 11 December 2018 where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Code of Conduct, GC180814F04, appendices and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the Local Government Act 1999); This order is to remain in force for the current term of Council.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The elected member concerned was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked and the item be released with the names of any staff or members of the public redacted.

21. Review of Confidential Item - Code of Conduct Preliminary Report - Matter 1, GC180911F07

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (21)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Code of Conduct Preliminary Report - Matter 1, GC180911F07 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act be revoked and the item be released with any names of staff or the public redacted.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the report Code of Conduct Preliminary Report - Matter 1, GC180911F07, appendices and minutes arising from this report be revoked and the item be released with the names and identifying information of any staff or members of the public redacted.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 11 September 2018, Council ordered that the Report, appendices and minutes relating to Code of Conduct Preliminary Report - Matter 1, GC180911F07 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2018. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

The above confidentiality order was last reviewed on 11 December 2018 where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Code of Conduct Preliminary Report - Matter 1, GC180911F07, appendices and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the Local Government Act 1999); This order is to remain in force for the current term of Council.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The elected member concerned was consulted and has consented to the release of the report, all annexure and minutes. Accordingly, it is recommended that the confidentiality order be revoked and the item be released with the names of any staff or members of the public redacted.

22. Review of Confidential Item - Code of Conduct Preliminary Report - Matter 2, GC180911F08

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (22)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Code of Conduct Preliminary Report - Matter 2, GC180911F08 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act be revoked and the item be released with any names of staff or the public redacted.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the report Code of Conduct Preliminary Report - Matter 2, GC180911F08, appendices and minutes arising from this report be revoked and the item be released with the names and any identifying information of any staff or members of the public redacted.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 11 September 2018, Council ordered that the Report, appendices and minutes relating to Code of Conduct Preliminary Report - Matter 2, GC180911F08 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2018. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

The above confidentiality order was last reviewed on 11 December 2018 where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Code of Conduct Preliminary Report - Matter 2, GC180911F08, appendices and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the Local Government Act 1999); This order is to remain in force for the current term of Council.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The code of conduct matter was upheld by Council and the details were publicly reported (Report Reference:GC181009R06). Accordingly, it is recommended that the confidentiality order be revoked and the item be released with the names of any staff or members of the public redacted.

23. Review of Confidential Item - Confirmation of the Finance and Audit Committee Confidential Minutes from the Meeting on 11 December 2018, GC190129F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (23)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Confirmation of the Finance and Audit Committee Confidential Minutes from the Meeting on 11 December 2018, GC190129F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act be revoked and the item be released with the business names redacted.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the Report "Confirmation of the Finance and Audit Committee Confidential Minutes from the Meeting on 11 December 2018, GC190129F01" and appendices be revoked and the item be released with the business names redacted.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 29 January 2019, the Council considered the Report Confirmation of the Finance and Audit Committee Confidential Minutes from the Meeting on 11 December 2018, GC190129F01 and resolved that this report and appendices having been considered in confidence under Section 90(2) and (3)(d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a commercial nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Upon review, it is recommended that the confidentiality order be revoked and the item be released with the business names redacted.

24. Review of Confidential Item - Appointment to Council Assessment Panel, RSC190528F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14- (24)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Appointment to Council Assessment Panel, RSC190528F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act be revoked and the items be released with the names of the unsuccessful candidates redacted.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the Report "Appointment to Council Assessment Panel, RSC190528F01" and minutes be revoked and the items be released with the names of the unsuccessful candidates redacted.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 May 2019, the Review and Selection Committee considered the Report Appointment to Council Assessment Panel, RSC190528F01 and resolved that the report and minutes be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report considered the Appointment of Independent Council Assessment Panel (CAP) Members.

As the appointments to the Committee are now public it is recommended that the report, appendices and minutes be released with the unsuccessful candidates names redacted.

25. Review of Confidential Item - Confirmation of Confidential Minutes of the Review and Selection Committee Meeting – 28 May 2019, GC190611F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (25)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Confirmation of Confidential Minutes of the Review and Selection Committee Meeting – 28 May 2019, GC190611F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act be revoked and the items be released with the names of the unsuccessful candidates redacted.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the Report "Confirmation of Confidential Minutes of the Review and Selection Committee Meeting – 28 May 2019, GC190611F02" and appendices be revoked and the items be released with the names of the unsuccessful candidates redacted.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 11 June 2019, the Council considered the Report Confirmation of Confidential Minutes of the Review and Selection Committee Meeting – 28 May 2019, GC190611F02 and resolved that the report and appendices be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report considered the Appointment of Independent Council Assessment Panel (CAP) Members.

As the appointments to the Committee are now public it is recommended that the report, appendices and minutes be released with the unsuccessful candidates names redacted.

26. Review of Confidential Item - Review and Selection Committee – Appointment of Independent Council Assessment Panel (CAP) Members, GC190611F04

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (26)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Review and Selection Committee – Appointment of Independent Council Assessment Panel (CAP) Members, GC190611F04 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act be revoked.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the Report "Review and Selection Committee – Appointment of Independent Council Assessment Panel (CAP) Members, GC190611F04" appendices and minutes be revoked and the items be released with the names of the unsuccessful candidates redacted.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 11 June 2019, the Council considered the Report Review and Selection Committee – Appointment of Independent Council Assessment Panel (CAP) Members, GC190611F04, and resolved that the report, appendices and part of the minutes be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report considered the Appointment of Independent Council Assessment Panel (CAP) Members.

As the appointments to the Committee are now public it is recommended that the report, appendices and minutes be released with the unsuccessful candidates names redacted.

27. Review of Confidential Item - Confirmation of the minutes of the Review and Selection Committee Meeting held on 24 September 2019, GC191008F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (27)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Confirmation of the minutes of the Review and Selection Committee Meeting held on 24 September 2019, GC191008F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act be revoked.

RECOMMENDATION

That:

1. ***The confidentiality order pertaining to the Report "Confirmation of the minutes of the Review and Selection Committee Meeting held on 24 September 2019, GC191008F01" appendices and minutes be revoked and the items be released with the names of the unsuccessful candidates redacted.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 8 October 2019, the Council considered the Report Confirmation of the minutes of the Review and Selection Committee Meeting held on 24 September 2019, GC191008F01, and resolved that the report, appendices and part of the minutes be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report considered the Appointment of Independent Council Assessment Panel (CAP) Members.

As the appointments to the Committee are now public it is recommended that the report, appendices and minutes be released with the unsuccessful candidates names redacted.

28. Review of Confidential Item - Living Kaurna Cultural Centre, GC250105F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services -Vincent Mifsud
Report Reference	GC191210R14 - (28)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Living Kaurna Cultural Centre, GC250105F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

'**That:**

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Living Kaurna Cultural Centre, GC250105F02 'be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90 (3)(a) of the Local Government Act 1999) and may affect the security of Council and safety of members, employees of the Council, and other persons (Section 90(3)(e)), of the Local Government Act 1999. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 25 January 2005, Council ordered that the Report and minutes relating to Living Kaurna Cultural Centre, GC250105F02 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2005. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2005. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Living Kaurna Cultural Centre, GC250105F02 'be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the Local Government Act 1999) and may affect the security of Council and safety of members, employees of the Council, and other persons (Section 90(3)(e)), of the Local Government Act 1999. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) and (e) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

On review of the original Report, it has been noted that the category of 'personal affairs' remains relevant to the content of the Report and as such, it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

As the information contained in the reports relates to persons who are still actively employed both within and outside of Council, it is further recommended that the information be kept confidential pursuant to Section 90(3)(e) of the Act, as it potentially affects the security of Council and safety of members, employees of the Council and other persons.

The minutes were released in December 2017 as they do not contain information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) and would not affect the security of Council and safety of members, employees of the Council, and other persons.

29. Review of Confidential Item - Living Kaurna Cultural Centre, GC220305F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services -Vincent Mifsud
Report Reference	GC191210R14 - (29)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Living Kaurna Cultural Centre, GC220305F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Living Kaurna Cultural Centre, GC220305F01'be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90 (3)(a) of the Local Government Act 1999) and may affect the security of Council and safety of members, employees of the Council, and other persons (Section 90(3)(e)), of the Local Government Act 1999. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 22 March 2005, Council ordered that the Report and minutes relating to Living Kaurna Cultural Centre, GC220305F01 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2005. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2005. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Living Kaurna Cultural Centre, GC220305F01'be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the Local Government Act 1999) and may affect the security of Council and safety of members, employees of the Council, and other persons (Section 90(3)(e)), of the Local Government Act 1999. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) and (e) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

On review of the original Report, it has been noted that the category of 'personal affairs' remains relevant to the content of the Report and as such, it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

As the information contained in the reports relates to persons who are still actively employed both within and outside of Council, it is further recommended that the information be kept confidential pursuant to Section 90(3)(e) of the Act, as it potentially affects the security of Council and safety of members, employees of the Council and other persons.

The minutes were released in December 2017 as they do not contain information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) and would not affect the security of Council and safety of members, employees of the Council, and other persons.

30. Review of Confidential Item - Kerbside Waste & Recycling Collection Contract 2005, SGC210605F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (30)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Kerbside Waste & Recycling Collection Contract 2005, SGC210605F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(k) of the Act remain in force.

RECOMMENDATION

That:

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

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 21 June 2005, Council ordered that the report relating to the Kerbside Waste & Recycling Collection Contract 2005, SGC210605F01 (the Report) be kept confidential for a period of 12 months, to be reviewed in December 2005. The report outlined details of a proposed kerbside waste and recycling contract and was considered confidential on the basis that Council was undertaking a tender process for the provision of services – Section 90(3)(k) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2005. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

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

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(k) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The contract for services to which this report relates is still current having been extended until April 2022.

The Report contains confidential commercial information which if disclosed could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer an advantage on a third party and on balance the disclosure would be contrary to the public interest.

To ensure that integrity and probity is maintained with Council's tendering processes, and Council does not prematurely divulge confidential commercial information, it is recommended that the confidentiality order be retained until the contract expires in 2022, to be reviewed in December 2020.

31. Review of Confidential Item - Provision of Advertising on Bus Shelters to City of Marion, GC270207F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (31)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Provision of Advertising on Bus Shelters to City of Marion, GC270207F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***Pursuant to Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report, annexure and minutes titled "Provision of Advertising Bus Shelters to the City of Marion, GC270207F01" be kept confidential on the basis that the matter relates to commercial information of a confidential nature (Section 90(3)(d) of the Local Government Act 1999). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 27 February 2007, Council ordered that the report and associated documents relating to the Provision of Advertising Bus Shelters to the City of Marion, GC270207F01 (the Report) be kept confidential for a period of 10 months, to be reviewed in December 2007.

As required by the Act this confidentiality order has been reviewed annually since December 2007. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *Pursuant to Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Report, annexure and minutes titled "Provision of Advertising Bus Shelters to the City of Marion, GC270207F01" be kept confidential on the basis that the matter relates to commercial information of a confidential nature (Section 90(3)(d) of the Local Government Act 1999). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The contract for services to which this report relates is still current and is due to expire June 2020.

The Report contains confidential commercial information which if disclosed could reasonably be expected to prejudice the commercial position of the person who supplied the information, or confer an advantage on a third party and on balance the disclosure would be contrary to the public interest.

To ensure that Council does not prematurely divulge confidential commercial information, it is recommended that the confidentiality order be retained to be reviewed when the contract expires in 2020.

32. Review of Confidential Item - Oaklands Regeneration Project, State Aquatic, SGC300608F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (32)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Oaklands Regeneration Project, State Aquatic, SGC300608F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) and (g) of the Act remain in force.

RECOMMENDATION

That:

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

2. **Delegate to the CEO the power to revoke the confidential order.**

3. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 30 June 2008, Council ordered that the Report Oaklands Regeneration Project, State Aquatic Centre, SGC300608F01, together with all annexure and the relevant minutes be kept confidential until 1 December 2008, after which time the order was to be reviewed

As required by the Act, this confidentiality order has been reviewed annually since December 2008. The Report, Appendix 2 and the Minutes were released following a review in March 2014. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

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

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) and (eg of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

On review it has been found that the appendix continues to contain commercial information over which the City of Marion has a duty of confidence.

Affected parties have been consulted with a view to releasing Appendix 1. Their response is still to be received, therefore it is recommended the item remain confidential. Power could be delegated to the Chief Executive Officer to revoke the confidential order, subject to the consultation response received.

33. Review of Confidential Item - CEO Performance Review - Appointment of External Consultant, CRC291111F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services -Vincent Mifsud
Report Reference	GC191210R14 - (33)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report CEO Performance Review - Appointment of External Consultant, CRC291111F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

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

2. ***Delegate to the CEO the power to revoke the confidential order.***

3. ***This confidential order be reviewed at the December 2020 meeting of Council.***

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 29th November 2011, Council ordered that the Report, Appendix, minutes arising from this report relating to Personnel Matter – CEO Performance Review – Appointment of External Consultant, CRC291111F01, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the report contains personal information associated with the remuneration review of the Chief Executive Officer – Section 90(2) and (3)(a) of the Act.

It was last reviewed at the General Council Meeting on 12 December 2017 where it was resolved that:

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

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As Mr Searle is no longer employed by the City of Marion, he was consulted and has consented to the release of the report and minutes in 2016. Accordingly, the report and minutes have been released.

On review the report also contains commercial information. The affected external parties were consulted. They did not agree with the release of the documents on the basis that the information is commercial in confidence and the disclosure of which could reasonably be expected to prejudice their commercial position, or confer a commercial advantage to a third party.

Power could be delegated to the Chief Executive Officer to revoke the confidential order on agreement from the affected parties.

Accordingly, it is recommended that the confidentiality order over the appendices be retained to be reviewed in December 2020.

34. Review of Confidential Item - Commercial Arrangements, GC240112F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (34)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Commercial Arrangements, GC240112F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

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

2. **This confidentiality order will be reviewed at the General Council meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 January 2012 Council ordered that the Report Commercial Arrangements GC240112F01 and minutes be kept confidential and not available for public inspection to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contained information relating to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party - Section 90(2) and (3)(d) of the Act.

The confidentiality order has been reviewed annually since 2012. The last review was at the General Council Meeting on 11 December 2018, where it was resolved that:

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

2. *This confidentiality order will be reviewed at the General Council meeting in December 2019.*

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the report contains commercial information of a confidential nature that could could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, it is recommended that the confidentiality order associated with this report remain in place.

35. Review of Confidential Item - Commercial Arrangements, GC240712F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (35)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Commercial Arrangements, GC240712F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

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

2. **This confidentiality order will be reviewed at the General Council meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 July 2012 Council ordered that the Report Commercial Arrangements GC240712F01 and minutes be kept confidential and not available for public inspection to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contained information relating to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party - Section 90(2) and (3)(d) of the Act.

The confidentiality order has been reviewed annually since 2012. The last review was at the General Council Meeting on 11 December 2018, where it was resolved that:

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

2. *This confidentiality order will be reviewed at the General Council meeting in December 2019.*

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the report contains commercial information of a confidential nature that could could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, it is recommended that the confidentiality order associated with this report remain in place.

36. Review of Confidential Item - Commercial Arrangements, GC260313F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (36)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Commercial Arrangements, GC260313F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Commercial Arrangements, GC260313F02, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidentiality order will be reviewed at the General Council meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 March 2013 Council ordered that the Report Commercial Arrangements, GC260313F02 and minutes be kept confidential and not available for public inspection to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contained information relating to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party - Section 90(2) and (3)(d) of the Act.

The confidentiality order has been reviewed annually since 2013. The last review was at the General Council Meeting on 11 December 2018, where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Commercial Arrangements, GC260313F02, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *This confidentiality order will be reviewed at the General Council meeting in December 2019.*

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the report contains commercial information of a confidential nature that could could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, it is recommended that the confidentiality order associated with this report remain in place.

37. Review of Confidential Item - Chief Executive Officer's Employment Contract, SGC190215F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (37)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Chief Executive Officer's Employment Contract, SGC190215F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) and (g) of the Act remain in force.

RECOMMENDATION

That:

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

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

The confidentiality order relating to the report Chief Executive Officer's Employment Contract SGC190215F02 was lasted reviewed at the 12 December 2018 meeting of Council. At this meeting it was resolved that:

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

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

This order was made on the basis that it deals with information the disclosure of which would be unreasonable as it concerns the personal affairs of the Chief Executive Officer – Section 90(2) and (3)(a) of the Act and to ensure Council does not breach any duty of confidence or other legal obligation or duty (Section 90(3)(g)).

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) and (g) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently not with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place to ensure that Council does not prematurely disclose personal information or breach any duty of confidence or other legal obligation or duty.

Accordingly, it is recommended that the confidentiality order over the appendices be retained to be reviewed in December 2020.

38. Review of Confidential Item - Cove Civic Centre - Cost and Programme Management, GC240215F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (38)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Cove Civic Centre - Cost and Programme Management, GC240215F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (g) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Cove Civic Centre – Cost and Programme Management, GC240215F01 'together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis thatthe report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (Section 90(3)(b) of the Local Government Act 1999) and would breach a duty of confidence (Section 90(3)(g)). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***
2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 February 2015, Council ordered that the Report Cove Civic Centre – Cost and Programme Management, GC240215F01, and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order willbe reviewed at the General Council Meeting in December 2015.

On 11 December 2018 this Confidentiality Order was reviewed and the following resolution was made:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Cove Civic Centre – Cost and Programme Management, GC240215F01 'together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis thatthe report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (Section 90(3)(b) of the Local Government Act 1999) and would breach a duty of confidence (Section 90(3)(g)). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*
2. *This confidential order be reviewed at the December 2019 meeting of Council.*

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (g) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report provides information to Council of cost and time issues associated with the construction of the Cove Civic Centre, and seeks Council's resolution to proceed to negotiations in order to achieve a timely and cost effective completion of the project.

The report contains confidential commercial information therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

39. Review of Confidential Item - Surplus Land Associated with City Services Development, GC240315F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
Report Reference	GC191210R14 - (39)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Surplus Land Associated with City Services Development, GC240315F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that report Surplus Land associated with City Services Redevelopment, GC240315F02 and appendices having been considered in confidence under Section 90 (2) and (3)(b) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate effectively for the benefit of the Council and the community. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidentiality order will be reviewed at the General Council meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 March 2015, Council ordered that the Report and minutes relating to Surplus Land associated with City Services Redevelopment, GC240315F02 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2005. This order was made on the basis that the Report contained commercial information.

As required by the Act this confidentiality order has been reviewed annually since December 2015. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that report Surplus Land associated with City Services Redevelopment, GC240315F02 and appendices having been considered in confidence under Section 90(2) and (3)(b) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and the disclosure of this information would, on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate effectively for the benefit of the Council and the community. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *This confidentiality order will be reviewed at the General Council meeting in December 2019.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report contains confidential information relating to options relating to the surplus land associated with the City Services redevelopment about which Council is yet to make a decision. It is noted that Council has determined to commence an Expression of Interest (EOI) over the land. The disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council, and would on balance, be contrary to the public interest as it could prejudice Council's ability to be able to negotiate effectively for the benefit of the Council and the community. Once the EOI is complete, Council may reconsider if this item is released.

Accordingly it is recommended that the confidentiality order associated with the report, appendices and remains in place.

40. Review of Confidential Item - Signatures Cafe, GC240315F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (40)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Signatures Cafe, GC240315F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Signatures Cafe, GC240315F03, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidentiality order will be reviewed at the General Council meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 March 2015 Council ordered that the Report Signatures Cafe, GC240315F03 and minutes be kept confidential and not available for public inspection to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contained information relating to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party - Section 90(2) and (3)(d) of the Act.

The confidentiality order has been reviewed annually since 2015. The last review was at the General Council Meeting on 11 December 2018, where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Signatures Cafe, GC240315F03, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *This confidentiality order will be reviewed at the General Council meeting in December 2019.*

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the report contains commercial information of a confidential nature that could could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, it is recommended that the confidentiality order associated with this report remain in place.

41. Review of Confidential Item - Internal Audit and Service Reviews Tender Assessment, AC180815F8.2

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (41)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Internal Audit and Service Reviews Tender Assessment, AC180815F8.2 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) and (g) of the Act remain in force.

RECOMMENDATION

That:

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

2. **This confidentiality order will be reviewed at the December 2020 Council meeting.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 18 August 2015 the Audit Committee ordered that in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Committee orders that this report, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(k) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

As required by the Act and Council's 'Management of Confidential Items Framework', the above confidentiality was last reviewed on 11 December 2018 where it was resolved that:

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

2. *This confidentiality order will be reviewed at the December 2019 Council meeting.*

In accordance with the above resolution, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) and (g) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the report contains commercial in confidence information regarding tenderers for the provision of service reviews and internal audit services, it is recommended that the confidentiality order associated with this report remain in place.

42. Review of Confidential Item - Internal Audit and Service Reviews Tender, GC250815F04

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (42)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Internal Audit and Service Reviews Tender, GC250815F04 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) and (g) of the Act remain in force.

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 25 August 2015 the Council ordered that in accordance with Section 91(7) and (9) of the Local Government Act 1999 this report, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(k) of the Act shall, 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.

As required by the Act and Council's 'Management of Confidential Items Framework', the above confidentiality was last reviewed on 11 December 2018 where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 Council orders that Appendix A to the report Internal Audit and Service Review Tender, GC250815F04 having been considered in confidence under Section 90(2) and (3)(d) and (3)(g) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting, on the basis that it contains information relating to a tender assessment for the provision of services that is commercial in confidence, and the release would, on balance, be contrary to the public interest, and to ensure Council does not breach any duty of confidence. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*
2. *This confidentiality order will be reviewed at the December 2019 Council meeting.*

In accordance with the above resolution, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) and (g) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report provides Council with the recommendations from the Audit Committee in relation to the tender process for Internal Audit and Service Review program. Appendix A to the report contains commercial in confidence information regarding tenderers for the provision of service reviews and internal audit services.

It is recommended that the confidentiality order with respect to Appendix A remain in place as it contains commercial in confidence information the disclosure of which would, on balance, be contrary to the public interest.

43. Review of Confidential Item - Investigation, GC250815F05

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (43)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Investigation, GC250815F05 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) and (g) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the unredacted versions of the report, 'Investigation, GC250815F05' and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a)) and contains information over which Council has a duty of confidence or other legal obligation (Section 90(3)(g)). This order is to remain in force until such time as the conditions of confidentiality no longer exist.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 25 August 2015, Council ordered that the Report and minutes relating to Investigation, GC250815F05 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2015. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act and contains information over which Council has a duty of confidence or other legal obligation (Section 90(3)(g))

As required by the Act this confidentiality order has been reviewed annually since December 2015. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the unredacted versions of the report, 'Investigation, GC250815F05' and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a)) and contains information over which Council has a duty of confidence or other legal obligation (Section 90(3)(g)). This order is to remain in force until such time as the conditions of confidentiality no longer exist.*

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) and (g) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report contains information relating to an investigation by a third party of which Council has a legal obligation to keep confidential.

Advice was sought from EMA Legal on Council's duty to retain the confidentiality of these reports and associated documents. Based on the legal advice provided the following was released previously:

Item	Release Recommendation	Confidentiality Clause
Report	Release redacted version Confidentiality retained on full document	Section 90(3)(g)
Minutes	Release redacted version Confidentiality retained on full document	Section 90(3)(g)

The duty of confidence remains over the unredacted report and minutes and therefore it is recommended that the confidentiality order is retained and reviewed again in December 2020.

44. Review of Confidential Item - Signatures Cafe, GC080915F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (44)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Signatures Cafe, GC080915F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Signatures Cafe, GC080915F01 the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidentiality order will be reviewed at the General Council meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 8 September 2015 Council ordered that the Report Signatures Cafe, GC080915F01 and minutes be kept confidential and not available for public inspection to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contained information relating to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party - Section 90(2) and (3)(d) of the Act.

The confidentiality order has been reviewed annually since 2015. The last review was at the General Council Meeting on 11 December 2018, where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Signatures Cafe, GC080915F01 the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *This confidentiality order will be reviewed at the General Council meeting in December 2019.*

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the report contains commercial information of a confidential nature that could could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, it is recommended that the confidentiality order associated with this report remain in place.

45. Review of Confidential Item - Investigation, GC080915F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (45)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Investigation, GC080915F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) and (g) of the Act remain in force.

RECOMMENDATION

That:

1. **In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the unredacted versions of the report, 'Investigation, GC080915F03',appendices 1 to 4 and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90 (3)(a)) and contains information over which Council has a duty of confidence or other legal obligation (Section 90(3)(g)). This order is to remain in force until such time as the Council no longer has a duty of confidence.**

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 8 September 2015, Council ordered that the Report and minutes relating to Investigation, GC080915F03 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2015. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act and contains information over which Council has a duty of confidence or other legal obligation (Section 90(3)(g))

As required by the Act this confidentiality order has been reviewed annually since December 2015. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the unredacted versions of the report, 'Investigation, GC080915F03',appendices 1 to 4 and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a)) and contains information over which Council has a duty of confidence or other legal obligation (Section 90(3)(g)). This order is to remain in force until such time as the Council no longer has a duty of confidence.*

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) and (g) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report contains information relating to an investigation by a third party of which Council has a legal obligation to keep confidential.

Advice was sought from EMA Legal on Council's duty to retain the confidentiality of these reports and associated documents. Based on the legal advice provided the following was released previously:

Item	Release Recommendation	Confidentiality Clause
Report	Release redacted version Confidentiality retained on full document	Section 90(3)(g)
Appendix 1	Release redacted version Confidentiality retained on full document	Section 90(3)(g)
Appendix 2	Release redacted version Confidentiality retained on full document	Section 90(3)(g)
Appendix 3	Release redacted version Confidentiality retained on full document	Section 90(3)(g)
Appendix 4	Retain confidentiality	Section 90(3)(a) and (g)
Minutes	Release redacted version Confidentiality retained on full document	Section 90(3)(g)

The duty of confidence remains over the unredacted report and minutes and therefore it is recommended that the confidentiality order is retained and reviewed again in December 2020.

46. Review of Confidential Item - Telecommunications Facilities Morphettville, GC131015R01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (46)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Telecommunications Facilities Morphettville, GC131015R01 it is recommended that the order of confidentiality pursuant to Section 90(3)(h) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that Appendix 3 to the report, 'Telecommunication Facilities Morphettville, GC131015R01' be kept confidential and not available for public inspection on the basis thatthe report contains legal advice (Section 90(3)(h)). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 13 October 2015, Council ordered that Appendix 3 to the Report Telecommunication Facilities Morphettville, GC131015R01, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order was last reviewed at the General Council Meeting on 11 December 2018 where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that Appendix 3 to the report, 'Telecommunication Facilities Morphettville, GC131015R01' be kept confidential and not available for public inspection on the basis thatthe report contains legal advice (Section 90(3)(h)). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(h) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Appendix 3 to the report Telecommunication Facilities Morphettville, GC131015R01 contains legal advice.

Although this particular matter has been finalised it is recommended that the confidentiality order be retained. The legal advice contained may be relevant to future similar matters.

47. Review of Confidential Item - Signatures Cafe, GC260416F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Signatures Cafe, GC260416F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Signatures Cafe, GC260416F01 the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidentiality order will be reviewed at the General Council meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 April 2016 Council ordered that the Report Signatures Cafe, GC260416F01 and minutes be kept confidential and not available for public inspection to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contained information relating to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party - Section 90(2) and (3)(d) of the Act.

The confidentiality order has been reviewed annually since 2016. The last review was at the General Council Meeting on 11 December 2018, where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Signatures Cafe, GC260416F01 the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *This confidentiality order will be reviewed at the General Council meeting in December 2019.*

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the report contains commercial information of a confidential nature that could could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, it is recommended that the confidentiality order associated with this report remain in place.

48. Review of Confidential Item - CEO Interim Performance Review, GC240516F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (48)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report CEO Interim Performance Review, GC240516F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

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

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 24 May 2016, Council ordered that the Report and minutes arising from this report relating to CEO Interim Performance Review, GC240516F03, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2016. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2016. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

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

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

49. Review of Confidential Item - Glenthorne Farm, GC280616F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (49)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Glenthorne Farm, GC280616F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Glenthorne Farm, GC280616F01, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates to commercial information of a commercial nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 June 2016 Council ordered that in accordance with Section 91(7) and (9) of the Local Government Act 1999 the Report Glenthorne Farm, GC280616F01, and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act shall be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

As required by the Act and Council's 'Management of Confidential Items Framework', the above confidentiality was last reviewed on 11 December 2018 where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Glenthorne Farm, GC280616F01, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting as the information relates to commercial information of a commercial nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

This order was made on the on the grounds that the report contains commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the future of the plans for the site are still to be implemented, it is recommended that the confidentiality order be retained, to be reviewed at the December 2020 meeting of Council.

50. Review of Confidential Item - Signatures Cafe, GC260716F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (50)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Signatures Cafe, GC260716F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Signatures Cafe, GC260716F01 the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidentiality order will be reviewed at the General Council meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 July 2016 Council ordered that the Report Signatures Cafe, GC260716F01 and minutes be kept confidential and not available for public inspection to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contained information relating to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party - Section 90(2) and (3)(d) of the Act.

The confidentiality order has been reviewed annually since 2016. The last review was at the General Council Meeting on 11 December 2018, where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Signatures Cafe, GC260716F01 the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *This confidentiality order will be reviewed at the General Council meeting in December 2019.*

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the report contains commercial information of a confidential nature that could could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, it is recommended that the confidentiality order associated with this report remain in place.

51. Review of Confidential Item - Local Government Association Membership, SGC010816F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (51)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Local Government Association Membership, SGC010816F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (h) of the Act remain in force.

RECOMMENDATION

That:

1. **In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report and Appendix 1 (Local Government Association Membership SGC010816F01) to this report, having been considered in confidence under s 90(2) and (3)(b) and (h) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.**

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 1 August 2016 Council considered the Report Local Government Association Membership, SGC010816F01, (adjourned from the 26 July 2016 meeting, Report Reference GC260716F02) and resolved that the report and Appendix 1 to this report, having been considered in confidence under s 90(2) and (3)(g) and (h) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting.

In accordance with the Act and Council's 'Management of Confidential Items Framework', the above confidentiality was last reviewed in December 2018 where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report and Appendix 1 (Local Government Association Membership SGC010816F01) to this report, having been considered in confidence under s 90(2) and (3)(b) and (h) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

This order was made on the on the grounds that the report contains legal advice and commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (h) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the LGA Membership is an annual subscription it is recommended that the confidentiality of the report and appendix be retained. The confidentiality order be reviewed again in December 2020.

52. Review of Confidential Item - Internal Audit Program, FAC160816R7.8

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (52)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Internal Audit Program, FAC160816R7.8 it is recommended that the order of confidentiality pursuant to Section 90(3)(e) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Appendix to the report, 'Internal Audit Program, FAC160816R7.8' and the minutes be kept confidential and not available for public inspection on the basis that the Appendix and minutes contains information the disclosure of which could reasonably be expected to affect the security of Council property(Section 90(3)(e) of the Local Government Act 1999). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council**.

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 16 August 2016, the Audit Committee ordered that the Appendix and minutes to the Report Internal Audit Program, FAC160816R7.8 (the Report) be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2017. This order was made on the basis that the Appendix to the Reportand the minutes deals with information the disclosure of which could reasonably be expected to affect the security of Council property(Section 90(3)(e) of the Act).

The above confidentiality was last reviewed on 11 December 2018 where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Appendix to the report, 'Internal Audit Program, FAC160816R7.8' and the minutes be kept confidential and not available for public inspection on the basis that the Appendix and minutes contains information the disclosure of which could reasonably be expected to affect the security of Council property(Section 90(3)(e) of the Local Government Act 1999). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(e) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The Appendix to the Report Internal Audit Program, FAC160816R7.8 is a copy of the Report prepared by KPMG regarding 'Cash Handling Internal Audit Report'.

On review of the original Report it is noted that the appendix and minutes continues to contain information affecting the security of Council property – Section 90(3)(e) of the Act, as such it is recommended that the confidentiality order relating to this matter remain in force for a further period of 12 months.

53. Review of Confidential Item - Finance and Audit Committee Minutes, GC230816F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (53)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Finance and Audit Committee Minutes, GC230816F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(e) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Appendix to the report, 'Finance and Audit Committee Confidential Minutes, GC230816F01'be kept confidential and not available for public inspection on the basis that the Appendix to the Report contains information the disclosure of which could reasonably be expected to affect the security of Council property(Section 90(3)(e) of the Local Government Act 1999). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 23 August 2016, the Council ordered that the Appendix to the Report Finance and Audit Committee Confidential Minutes, GC230816F01 (the Report) be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2016. This order was made on the basis that the Appendix to the Report deals with information the disclosure of which could reasonably be expected to affect the security of Council property(Section 90(3)(e) of the Act).

The above confidentiality was last reviewed on 11 December 2018 where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Appendix to the report, 'Finance and Audit Committee Confidential Minutes, GC230816F01'be kept confidential and not available for public inspection on the basis that the Appendix to the Report contains information the disclosure of which could reasonably be expected to affect the security of Council property(Section 90(3)(e) of the Local Government Act 1999). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *This confidential order be reviewed at the December 2019 meeting of Council*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(e) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The Appendix to the Report Finance and Audit Committee Confidential Minutes, GC230816F01 contains the Confidential minutes of the Finance and Audit Committee meeting held on 26 August 2016.

On review of the original Report it is noted that it continues to contain information affecting the security of Council property – Section 90(3)(e) of the Act, as such it is recommended that the confidentiality order relating to this matter remain in force for a further period of 12 months.

54. Review of Confidential Item - CEO Annual Performance Review 2015/16, GC240516F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (54)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report CEO Annual Performance Review 2015/16, GC240516F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report CEO Annual Performance Review 2015/16, GC240516F03 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90 (2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 24 May 2016, Council ordered that the Report and minutes arising from this report relating to CEO Annual Performance Review 2015/16, GC240516F03, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2016. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report CEO Annual Performance Review 2015/16, GC240516F03 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.*

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

55. Review of Confidential Item - Internal Audit Contract, FAC151216F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (54)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Internal Audit Contract, FAC151216F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

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

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 15 December 2016, the Finance and Audit Committee considered the Report Internal Audit Contract, FAC151216F02, and resolved that the report, the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90 (2) and (3) (k) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the December 2017 Council Meeting.

As required by the Act and Council's 'Management of Confidential Items Framework', the above confidentiality was last reviewed on 11 December 2018 where it was resolved that:

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

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

This order was made on the on the grounds that the appendix contains commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

In accordance with the above resolution, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

To ensure that integrity and probity is maintained with Council's tendering processes, and Council does not prematurely divulge confidential commercial information, it is recommended that the confidentiality order associated with this report remain in place, to be reviewed in December 2020.

56. Review of Confidential Item - Finance and Audit Committee Confidential Minutes, GC240117F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (56)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Finance and Audit Committee Confidential Minutes, GC240117F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

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

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 January 2017, the Council ordered that the Appendix to the Report Finance and Audit Committee Confidential Minutes, GC240117F01 (the Report) be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2017. This order was made on the basis that the Appendix to the Report contains information relating to commercial information of a commercial nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest.

The last review of the confidentiality order was at the 11 December 2018 General Council meeting where it was resolved that:

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

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The appendix contain confidential commercial information with respect to the operation of the Marion Outdoor Pool. Accordingly, it is recommended that the confidentiality order be retained to be reviewed at the December 2020 meeting of Council.

57. Review of Confidential Item - CEO Key Performance Indicators for Quarter 2 - 2016/17, RSC070217R8.1

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (57)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report CEO Key Performance Indicators for Quarter 2 - 2016/17, RSC070217R8.1 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report CEO Key Performance Indicators for Quarter 2 - 2016/17, RSC070217R8.1 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 7 February 2017, the Review and Selection Committee ordered that the Report and minutes arising from this report relating to CEO Key Performance Indicators for Quarter 2 - 2016/17, RSC070217R8.1, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

The above confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report CEO Key Performance Indicators for Quarter 2 - 2016/17, RSC070217R8.1 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.*

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

58. Review of Confidential Item - LGA Insurance Schemes Review, FAC280217R7.1

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (58)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report LGA Insurance Schemes Review, FAC280217R7.1 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act remain in force.

RECOMMENDATION

That:

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

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 February 2017 Finance and Audit Committee considered the Report LGA Insurance Schemes Review, FAC280217R7.1, and resolved that the report, Appendix and minutes having been considered in confidence under s 90(2) and (3)(b) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting.

In accordance with the Act and Council's 'Management of Confidential Items Framework', the above confidentiality was last reviewed in December 2018 where it was resolved that:

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

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

This order was made on the on the grounds that the report contains legal advice and commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Due to the commercially sensitive information contained in the item , it is recommended that the confidentiality of the report and appendix be retained.

The confidentiality order be reviewed again in December 2020.

59. Review of Confidential Item - LGA Membership, FAC280217R7.2

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (59)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report LGA Membership, FAC280217R7.2 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (h) of the Act remain in force.

RECOMMENDATION

That:

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

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 February 2017 Finance and Audit Committee considered the Report LGA Membership, FAC280217R7.2, and resolved that the report, Appendix 1 to this report and minutes having been considered in confidence under s 90(2) and (3)(b) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting.

In accordance with the Act and Council's 'Management of Confidential Items Framework', the above confidentiality was last reviewed in December 2018 where it was resolved that:

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

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

This order was made on the on the grounds that the report contains legal advice and commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (h) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the LGA Membership is an annual subscription it is recommended that the confidentiality of the report and appendix be retained. The confidentiality order be reviewed again in December 2020.

60. Review of Confidential Item - External Audit Tender, FAC280217R7.5

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (60)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report External Audit Tender, FAC280217R7.5 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

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

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 February 2017, the Finance and Audit Committee considered the Report External Audit Tender, FAC280217R7.5, and resolved to keep the report and appendices confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

The last review was at the 11 December 2018 General Council meeting where it was resolved that:

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

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

To ensure that integrity and probity is maintained with Council's tendering processes, and Council does not prematurely divulge confidential commercial information, it is recommended that the confidentiality order associated with this report remain in place until the expiration of the contract, to be reviewed in December 2020.

61. Review of Confidential Item - Signatures Cafe, GC280217F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (61)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Signatures Cafe, GC280217F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Signatures Cafe, GC280217F01 the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidentiality order will be reviewed at the General Council meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 February 2017 Council ordered that the Report Signatures Cafe, GC280217F01 and minutes be kept confidential and not available for public inspection to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contained information relating to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party - Section 90(2) and (3)(d) of the Act.

The confidentiality order was reviewed at the General Council Meeting on 11 December 2018, where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Signatures Cafe, GC280217F01 the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *This confidentiality order will be reviewed at the General Council meeting in December 2019.*

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the report contains commercial information of a confidential nature that could could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, it is recommended that the confidentiality order associated with this report remain in place.

62. Review of Confidential Item - Finance and Audit Committee Confidential Minutes, GC140317F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (62)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Finance and Audit Committee Confidential Minutes, GC140317F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a), (b), (d) and (h) of the Act remain in force.

RECOMMENDATION

That:

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

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 14 March 2017, the Council ordered that the Appendix to the Report Finance and Audit Committee Confidential Minutes, GC140317F01 (the Report) be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2017. This order was made on the basis the grounds that the report contains:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a));

- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and would, on balance, be contrary to the public interest (Section 90(3)(b))

- commercial information of a commercial nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest (Section 90(3)(d))

- information relating to legal advice. (Section 90(3)(h))

The last review was at the 11 December 2018 General Council meeting where it was resolved that:

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

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a), (b), (d) and (h) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The Appendix to the Report Finance and Audit Committee Confidential Minutes, GC140317F01 contains the Confidential minutes of the Finance and Audit Committee meeting held on 28 February 2017.

On review of the original Report appendix it is noted that it continues to contain confidential information and as such it is recommended that the confidentiality order relating to this matter remain in force for a further period of 12 months.

63. Review of Confidential Item - Local Government Association Membership, GC140317F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (63)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Local Government Association Membership, GC140317F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (h) of the Act remain in force.

RECOMMENDATION

That:

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

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 14 March 2017 Council considered the Report Local Government Association Membership, GC140317F02, and resolved that the report and Appendix 1 to this report, having been considered in confidence under s 90(2) and (3)(g) and (h) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting.

In accordance with the Act and Council's 'Management of Confidential Items Framework', the above confidentiality was last reviewed in December 2017 where it was resolved that:

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

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

This order was made on the on the grounds that the report contains legal advice and commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (h) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the LGA Membership is an annual subscription it is recommended that the confidentiality of the report and appendix be retained. The confidentiality order be reviewed again in December 2020.

64. Review of Confidential Item - Local Government Association Insurance Schemes Review, GC140317F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 -(64)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Local Government Association Insurance Schemes Review, GC140317F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act remain in force.

RECOMMENDATION

That:

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

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 14 March 2017 Council considered the Report Local Government Association Insurance Schemes Review, GC140317F03, and resolved that the report and Appendix having been considered in confidence under s 90(2) and (3)(b) and (d) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting.

In accordance with the Act and Council's 'Management of Confidential Items Framework', the above confidentiality was last reviewed in December 2018 where it was resolved that:

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

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

This order was made on the on the grounds that the report contains legal advice and commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Due to the commercially sensitive information contained in the item , it is recommended that the confidentiality of the report and appendix be retained.

The confidentiality order be reviewed again in December 2020.

65. Review of Confidential Item - External Audit Tender, GC140317F04

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (65)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report External Audit Tender, GC140317F04 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, Council orders that this report External Audit Tender, GC140317F04 and Appendix 1 to this report, having been considered in confidence under s 90(2) and (3)(d) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order was made on the on the grounds that the report contains commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 14 March 2017, the Council considered the Report External Audit Tender, FAC280217R7.5, and resolved to keep the report and appendices confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, Council orders that this report External Audit Tender, GC140317F04 and Appendix 1 to this report, having been considered in confidence under s 90(2) and (3)(d) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order was made on the on the grounds that the report contains commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

To ensure that integrity and probity is maintained with Council's tendering processes, and Council does not prematurely divulge confidential commercial information, it is recommended that the confidentiality order associated with this report remain in place until the expiration of the contract, to be reviewed in December 2020.

66. Review of Confidential Item - Signatures Cafe, GC110417F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (66)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Signatures Cafe, GC110417F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Signatures Cafe, GC110417F01 the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidentiality order will be reviewed at the General Council meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 11 April 2017 Council ordered that the Report Signatures Cafe, GC110417F01 and minutes be kept confidential and not available for public inspection to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contained information relating to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party - Section 90(2) and (3)(d) of the Act.

The confidentiality order has been reviewed annually since 2017 and was last reviewed at the General Council Meeting on 11 December 2018 where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Signatures Cafe, GC110417F01 the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *This confidentiality order will be reviewed at the General Council meeting in December 2019.*

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the report contains commercial information of a confidential nature that could could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, it is recommended that the confidentiality order associated with this report remain in place.

67. Review of Confidential Item - CEO Key Performance Indicators for Quarter 3 - 2016/17, RSC020517R8.1

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (67)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report CEO Key Performance Indicators for Quarter 3 - 2016/17, RSC020517R8.1 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

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

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 2 May 2017, the Review and Selection Committee ordered that the Report and minutes arising from this report relating to CEO Key Performance Indicators for Quarter 3 - 2016/17, RSC020517R8.1, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2017. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

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

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

68. Review of Confidential Item - Confirmation of Confidential Minutes of the Review and Selection Committee held 2 May 2017, GC090517F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (68)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Confirmation of Confidential Minutes of the Review and Selection Committee held 2 May 2017, GC090517F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Confirmation of Confidential Minutes of the Review and Selection Committee held 2 May 2017, GC090517F01 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 2 May 2017, the Council ordered that the Report and minutes arising from this report relating to Confirmation of Confidential Minutes of the Review and Selection Committee held 2 May 2017, GC090517F01, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2017. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Confirmation of Confidential Minutes of the Review and Selection Committee held 2 May 2017, GC090517F01 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.*

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

69. Review of Confidential Item - CEO Key Performance Indicators for Quarter 3 2016/17, GC090517F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (69)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report CEO Key Performance Indicators for Quarter 3 2016/17, GC090517F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

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

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 2 May 2017, the Council ordered that the Report and minutes arising from this report relating to CEO Key Performance Indicators for Quarter 3 2016/17, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2017. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

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

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

70. Review of Confidential Item - Commercial Proposal for a Recreational Facility Development, GC080817F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (70)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Commercial Proposal for a Recreational Facility Development, GC080817F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

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

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 8 August 2017, Council considered the Report Commercial Proposal for a Recreational Facility Development, GC080817F01, and resolved that this report and the minutes arising from this report having been considered in confidence under Section 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 order was made on the on the grounds that the report contains commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

The last review was at the 11 December 2018 General Council meeting where it was resolved that:

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

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report and appendix contain confidential commercial information with respect to a third party. Accordingly, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

71. Review of Confidential Item - Edwardstown Oval Redevelopment - Financial and Management Model, GC080817F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (71)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Edwardstown Oval Redevelopment - Financial and Management Model, GC080817F02 it is recommended that the order of confidentiality pursuant to Section 90(3) (b) and (d) of the Act remain in force.

RECOMMENDATION

That:

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

2. **Council delegates to the Chief Executive Officer the power to revoke the confidentiality order.**

3. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 8 August 2017, Council considered the Report Edwardstown Oval Redevelopment - Financial and Management Model, GC080817F02, and resolved that this report, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information the disclosure of which could prejudice the commercial position of Council and/or the person who supplied the information and would on balance be contrary to the public interest.

The last review was at the 11 December 2018 General Council meeting where it was resolved that:

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

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the project is still to be completed (currently in the defects liability period), it is recommended that the confidentiality order be retained.

Upon completion of the project it is proposed that the confidentiality order could be revoked.

It is recommended that the power to revoke the order be delegated to the Chief Executive Officer.

The order should be reviewed in December 2020 unless revoked prior.

72. Review of Confidential Item - Edwardstown Oval - Pre-tender estimate and approval to call the Stage 2 Construction Tender, SGC120917F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (72)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Edwardstown Oval - Pre-tender Estimate and Approval to Call the Stage 2 Construction Tender, SGC120917F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(k) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, Council orders that this report, Edwardstown Oval - Pre-tender Estimate and Approval to Call the Stage 2 Construction Tender, SGC120917F01, appendices and minutes relating to this report, having been considered in confidence under Section 90(2) and (3)(k) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to the pre-tender estimate for the carrying out of works and disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Council delegates to the Chief Executive Officer the power to revoke the confidentiality order.**

3. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 12 September 2017, Council considered the Report Edwardstown Oval - Pre-tender Estimate and Approval to Call the Stage 2 Construction Tender, SGC120917F01, and resolved that this report and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(k) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report relates to the pre-tender estimate for the carrying out of works and disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council

The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, Council orders that this report, Edwardstown Oval - Pre-tender Estimate and Approval to Call the Stage 2 Construction Tender, SGC120917F01, appendices and minutes relating to this report, having been considered in confidence under Section 90(2) and (3)(k) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to the pre-tender estimate for the carrying out of works and disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(k) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the project is still to be completed (currently in the defects liability period), it is recommended that the confidentiality order be retained.

Upon completion of the project it is proposed that the confidentiality order could be revoked.

It is recommended that the power to revoke the order be delegated to the Chief Executive Officer.

The order should be reviewed in December 2020 unless revoked prior.

73. Review of Confidential Item - Selection of candidates for interview/appointment for Council Assessment Panel, RSC190917R8.1

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (73)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Selection of candidates for interview/appointment for Council Assessment Panel, RSC190917R8.1 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report Selection of candidates for interview/appointment for Council Assessment Panel, RSC190917R8.1 and minutes arising from this report to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90 (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On the 19 September 2017, the Review and Selection Committee ordered that the report and minutes arising from the report Selection of candidates for interview/appointment for Council Assessment Panel, RSC190917R8.1, be kept confidential and not available for public inspection for a period of 12 months. This order was made on the basis the information relates to the personal affairs of applicants for the Council Assessment Panel – Section 90(2) and (3)(a) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2005. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999, the Council orders that the report Selection of candidates for interview/appointment for Council Assessment Panel, RSC190917R8.1 and minutes arising from this report to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the Local Government Act 1999). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

On review of the original Report, it has been noted that the category of ‘personal affairs’ remains relevant to the content of the Report and as such, it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

74. Review of Confidential Item - Section 48 Prudential Report - BMX, FAC101017R8.14

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (74)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Section 48 Prudential Report - BMX, FAC1010178.14 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act remain in force.

RECOMMENDATION

That:

1. **In accordance with s 91(7) and (9) of the Local Government Act 1999, Council orders that this report, Section 48 Prudential Report - BMX, FAC101017R8.14, and the minutes arising from this report, having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the upon the basis that disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.**

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 10 October 2017, the Finance and Audit Committee considered the Report Section 48 Prudential Report - BMX, FAC101017R8.14, and resolved that this report and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a confidential nature, disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.

The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, Council orders that this report, Section 48 Prudential Report - BMX, FAC101017R8.14, and the minutes arising from this report, having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the upon the basis that disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the project is still to be completed, it is recommended that the confidentiality order be retained, to be reviewed at the December 2020 meeting of Council.

75. Review of Confidential Item - 73 Cove Road Marino, FAC101017R8.15

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (75)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report 73 Cove Road Marino, FAC101017R8.15 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) and (i) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, Council orders that this report, 73 Cove Road Marino, FAC101017R8.15, and the minutes arising from this report, having been considered in confidence under Section 90(2) and (3)(a) and (i) of the Act be kept confidential and not available for public inspection on the upon the basis that disclosure of the information could involve the unreasonable disclosure of information concerning the person affairs of any person (living or dead); and information relating to actual litigation, or litigation that is believed on reasonable grounds will take place, involving the Council or an employee of the Council. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 10 October 2017, the Finance and Audit Committee ordered that the Report 73 Cove Road Marino, FAC101017R8.15 and minutes relating to be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2017. This order was made on the basis that the Report contained:

· Information the disclosure of which would involve the unreasonable disclosure of information concerning the person affairs of any person (living or dead);

· Information relating to actual litigation, or litigation that the Finance and Audit Committee believes on reasonable grounds will take place, involving the Council or an employee of the Council.

As required by the Act this confidentiality order has been reviewed annually since December 2005. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, Council orders that this report, 73 Cove Road Marino, FAC101017R8.15, and the minutes arising from this report, having been considered in confidence under Section 90(2) and (3)(a) and (i) of the Act be kept confidential and not available for public inspection on the upon the basis that disclosure of the information could involve the unreasonable disclosure of information concerning the person affairs of any person (living or dead); and information relating to actual litigation, or litigation that is believed on reasonable grounds will take place, involving the Council or an employee of the Council. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) and (i) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The categories of ‘personal affairs’ and 'actual litigation' remains relevant to the content of the Report and as such, it is recommended that the order of confidentiality pursuant to Section 90(3)(a) and (i) of the Act remain in force.

76. Review of Confidential Item - Signatures Cafe, GC101017F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (76)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Signatures Cafe, GC101017F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Signatures Cafe, GC101017F03 the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidentiality order will be reviewed at the General Council meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 10 October 2017 Council ordered that the Report Signatures Cafe, GC101017F03 and minutes be kept confidential and not available for public inspection to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contained information relating to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party - Section 90(2) and (3)(d) of the Act.

The confidentiality order was reviewed at the General Council Meeting on 11 December 2018, where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Signatures Cafe, GC101017F03 the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *This confidentiality order will be reviewed at the General Council meeting in December 2019.*

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the report contains commercial information of a confidential nature that could could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, it is recommended that the confidentiality order associated with this report remain in place.

77. Review of Confidential Item - Confirmation of the Confidential Minutes of the Finance and Audit Committee held 10 October 2017, GC241017F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (77)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Confirmation of the Confidential Minutes of the Finance and Audit Committee held 10 October 2017, GC241017F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) (b), (h) and (i) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Appendix to the report, 'Confirmation of the Confidential Minutes of the Finance and Audit Committee Meeting Held 10 October 2017, GC241017F01' be kept confidential having been considered in confidence under Section 90(2) and (3)(a), (b), (h) and (i) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 October 2017, the Council ordered that the Appendix to the Report Confirmation of the Confidential Minutes of the Finance and Audit Committee Meeting Held 10 October 2017, GC241017F01 (the Report) be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2017. This order was made on the basis the grounds that the report contains:

- information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a));
- information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and would, on balance, be contrary to the public interest (Section 90(3)(b))

· information relating to legal advice. (Section 90(3)(h))
· Information relating to actual litigation, or litigation that the Finance and Audit Committee believes on reasonable grounds will take place, involving the Council or an employee of the Council. (Section 90(3)(i))

The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the Appendix to the report, 'Confirmation of the Confidential Minutes of the Finance and Audit Committee Meeting Held 10 October 2017, GC241017F01' be kept confidential having been considered in confidence under Section 90(2) and (3)(a), (b), (h) and (i) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a), (b), (h) and (i) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The Appendix to the Report Confirmation of the Confidential Minutes of the Finance and Audit Committee Meeting Held 10 October 2017, GC241017F01 contains minutes relating to the Section 48 Prudential Report - BMX and 73 Cove Road Marino.

On review of the original Report appendix it is noted that it continues to contain confidential information and as such it is recommended that the confidentiality order relating to this matter remain in force for a further period of 12 months.

78. Review of Confidential Item - Signatures Cafe, GC241017F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (78)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Signatures Cafe, GC241017F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Signatures Cafe, GC241017F02 the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidentiality order will be reviewed at the General Council meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 October 2017 Council ordered that the Report Signatures Cafe, GC241017F02 and minutes be kept confidential and not available for public inspection to be reviewed at the General Council meeting in December 2012. The order was made on the basis that the report contained information relating to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party - Section 90(2) and (3)(d) of the Act.

The confidentiality order was reviewed at the General Council Meeting on 11 December 2018, where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Signatures Cafe, GC241017F02 the minutes arising from this report and any other information distributed at the meeting having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *This confidentiality order will be reviewed at the General Council meeting in December 2019.*

In accordance with the Act, and the above resolution, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the report contains commercial information of a confidential nature that could could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, it is recommended that the confidentiality order associated with this report remain in place.

79. Review of Confidential Item - CEO Annual Performance Review 2016/17 and Employment Agreement, RSC071117F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (79)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report CEO Annual Performance Review 2016/17 and Employment Agreement, RSC071117F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

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

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 7 November 2017, the Review and Selection Committee ordered that the Report and minutes arising from this report relating to CEO Annual Performance Review 2016/17 and Employment Agreement, RSC071117F01, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2017. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

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

2. ***This confidential order be reviewed at the December 2020 meeting of Council.***

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

80. Review of Confidential Item - CEO KPI's Annual Confidential Report 2016/17, RSC071117F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (80)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report CEO KPI's Annual Confidential Report 2016/17, RSC071117F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

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

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 7 November 2017, the Review and Selection Committee ordered that the Report and minutes arising from this report relating to CEO KPI's Annual Confidential Report 2016/17, RSC071117F02, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2017. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

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

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

81. Review of Confidential Item - CEO KPI's Report Quarter One 2017/18, RSC071117F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (81)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report CEO KPI's Report Quarter One 2017/18, RSC071117F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

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

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 7 November 2017, the Review and Selection Committee ordered that the Report and minutes arising from this report relating to CEO KPI's Report Quarter One 2017/18, RSC071117F03, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2017. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

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

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

82. Review of Confidential Item - CEO & Corporate KPI's 2017/18 Quarter 1, SGC271117F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services -Vincent Mifsud
Report Reference	GC191210R14 - (82)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report CEO & Corporate KPI's 2017/18 Quarter 1, SGC271117F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

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

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 27 November 2017, the Council ordered that the Report and minutes arising from this report relating to CEO & Corporate KPI's 2017/18 Quarter 1, SGC271117F01, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2017. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

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

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

83. Review of Confidential Item - Confirmation of Confidential Minutes of the Review and Selection Committee held 7 November 2017, GC281117F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (83)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Confirmation of Confidential Minutes of the Review and Selection Committee held 7 November 2017, GC281117F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Confirmation of Confidential Minutes of the Review and Selection Committee held 7 November 2017, GC281117F01 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 November 2017, the Council ordered that the Report and minutes arising from this report relating to Confirmation of Confidential Minutes of the Review and Selection Committee held 7 November 2017, GC281117F01, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2017. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Confirmation of Confidential Minutes of the Review and Selection Committee held 7 November 2017, GC281117F01 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.*

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

84. Review of Confidential Item - CEO Annual Performance Review 2016/17 and Employment Agreement, GC281117F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (84)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report CEO Annual Performance Review 2016/17 and Employment Agreement, GC281117F02 it is recommended that the order of confidentiality pursuant to Section 90 (3)(a) of the Act remain in force.

RECOMMENDATION

That:

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

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 November 2017, the Council ordered that the Report and minutes arising from this report relating to CEO Annual Performance Review 2016/17 and Employment Agreement, GC281117F02, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2007. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

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

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

85. Review of Confidential Item - CEO KPI's Annual Confidential Report 16/17, GC281117F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services -Vincent Mifsud
Report Reference	GC191210R14 - (85)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report CEO KPI's Annual Confidential Report 16/17, GC281117F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report CEO KPI's Annual Confidential Report 16/17, GC281117F03 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 November 2017, the Council ordered that the Report and minutes arising from this report relating to CEO KPI's Annual Confidential Report 16/17, GC281117F03, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

As required by the Act this confidentiality order has been reviewed annually since December 2017. The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report CEO KPI's Annual Confidential Report 16/17, GC281117F03 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.*

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

86. Review of Confidential Item - Edwardstown Oval - Approval to Award Construction Tender, GC281117F05

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (86)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Edwardstown Oval - Approval to Award Construction Tender, GC281117F05 it is recommended that the order of confidentiality pursuant to Section 90(3)(k) of the Act remain in force.

RECOMMENDATION

That:

1. **In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Edwardstown Oval - Approval to Award Construction Tender, GC281117F05, appendices and minutes relating to this report, having been considered in confidence under Section 90(2) and (3)(k) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to the pre-tender estimate for the carrying out of works and disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.**

2. **Council delegates to the Chief Executive Officer the power to revoke the confidentiality order.**

3. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 November 2017, Council considered the Report Edwardstown Oval - Approval to Award Construction Tender, GC281117F05, and resolved that this report and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(k) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report relates to the pre-tender estimate for the carrying out of works and disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council

The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Edwardstown Oval - Approval to Award Construction Tender, GC281117F05, appendices and minutes relating to this report, having been considered in confidence under Section 90(2) and (3)(k) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to the pre-tender estimate for the carrying out of works and disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(k) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the project is still to be completed (currently in the defects liability period), it is recommended that the confidentiality order be retained.

Upon completion of the project it is proposed that the confidentiality order could be revoked.

It is recommended that the power to revoke the order be delegated to the Chief Executive Officer.

The order should be reviewed in December 2020 unless revoked prior.

87. Review of Confidential Item - Morphettville Park Sports and Community Club Redevelopment, GC281117F06

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (87)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Morphettville Park Sports and Community Club Redevelopment, GC281117F06 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report and Appendix 1 (Morphettville Park Sports and Community Club Redevelopment, GC281117F06) to this report, having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the upon the basis that disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 November 2017, Council considered the Report Morphettville Park Sports and Community Club Redevelopment, GC281117F06, and resolved that:

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Committee orders that this report, Morphettville Park Sports and Community Club Redevelopment, it appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) 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 order was made on the on the grounds that the report contains commercial information of a confidential nature, disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council

The last review was at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report and Appendix 1 (Morphettville Park Sports and Community Club Redevelopment, GC281117F06) to this report, having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the upon the basis that disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the project is not finalised, it is recommended that the confidentiality order be retained, to be reviewed at the December 2019 meeting of Council.

88. Review of Confidential Item - Interim Management for Edwardstown Soldiers Memorial Recreation Grounds Report, GC121217F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (88)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Interim Management for Edwardstown Soldiers Memorial Recreation Grounds, GC121217F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (h) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, Council orders that this report, Interim Management for Edwardstown Soldiers Memorial Recreation Grounds, GC121217F01, and minutes relating to this report, having been considered in confidence under Section 90(2) and (3)(b) and (h) of the Act be kept confidential and not available for public inspection on the upon the basis that the matter relates to legal advice and commercial information the disclosure of which could prejudice the commercial position of Council and/or the person who supplied the information and would on balance be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 12 December 2018, Council considered the Report Interim Management for Edwardstown Soldiers Memorial Recreation Grounds, GC121217F01, and resolved that this report and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) and (h) of the Act not available for public inspection for a period of 12 months from the date of this meeting. Unless revoked prior, this confidentiality order will be reviewed at the General Council meeting in December 2018.

This order was made given the information relates to legal advice and commercial information the disclosure of which could prejudice the commercial position of Council and would on balance be contrary to the public interest.

This confidentiality order was last reviewed on 11 December 2018 where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, Council orders that this report, Interim Management for Edwardstown Soldiers Memorial Recreation Grounds, GC121217F01, and minutes relating to this report, having been considered in confidence under Section 90(2) and (3)(b) and (h) of the Act be kept confidential and not available for public inspection on the upon the basis that the matter relates to legal advice and commercial information the disclosure of which could prejudice the commercial position of Council and/or the person who supplied the information and would on balance be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (h) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the project is still to be completed, it is recommended that the confidentiality order be retained, to be reviewed at the December 2020 meeting of Council.

89. Review of Confidential Item - BMX Project - Update Report, FAC121217F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (89)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report BMX Project - Update Report, FAC121217F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, BMX Project - Update Report, FAC121217F02, and the minutes arising from this report, having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the upon the basis that disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 12 December 2017, the Finance and Audit Committee considered the Report BMX Project - Update Report, FAC121217F02, and resolved that this report and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a confidential nature, disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.

The above confidentiality order was last reviewed on 11 December 2018 where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, BMX Project - Update Report, FAC121217F02, and the minutes arising from this report, having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the upon the basis that disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the project is still to be completed, it is recommended that the confidentiality order be retained, to be reviewed at the December 2020 meeting of Council.

90. Review of Confidential Item - BMX Project - Update Report, GC300118F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (90)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report BMX Project - Update Report, GC300118F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, BMX Project - Update Report, GC300118F02, and Appendices 1 and 2 of report, having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the upon the basis that disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 30 January 2018, the Council considered the Report BMX Project - Update Report, GC300118F02, and resolved that this report and appendices 1 and 2 ofthis report having been considered in confidence under Section 90(2) and (3)(b) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a confidential nature, disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.

This confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, BMX Project - Update Report, GC300118F02, and Appendices 1 and 2 of report, having been considered in confidence under Section 90(2) and (3)(b) of the Act be kept confidential and not available for public inspection on the upon the basis that disclosure of the information could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the project is still to be completed, it is recommended that the confidentiality order be retained, to be reviewed at the December 2020 meeting of Council.

91. Review of Confidential Item - Review of Confidentiality Orders: Investigation, GC250815F05 and Investigation, GC080915F03, GC300118F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (91)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Review of Confidentiality Orders: Investigation, GC250815F05 and Investigation, GC080915F03, GC300118F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) and (g) of the Act remain in force.

RECOMMENDATION

That:

1. **In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that Appendix 1 of the report, 'Review of Confidentiality Orders: Investigation, GC250815F05 and Investigation, GC080915F03', GC300118F03 having been considered in confidence under Section 90(2) and (3)(g) and (h) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting or until Council's duty of confidence is no longer in force.**

2. **This confidentiality order will be reviewed at the General Council Meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 30 January 2018, Council ordered that the Appendix 1 to the report Review of Confidentiality Orders: Investigation, GC250815F05 and Investigation, GC080915F03, GC300118F03 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2018. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act and contains information over which Council has a duty of confidence or other legal obligation (Section 90(3)(g))

It was last reviewed at the General Council Meeting on 11 December 2018 where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that Appendix 1 of the report, 'Review of Confidentiality Orders: Investigation, GC250815F05 and Investigation, GC080915F03' having been considered in confidence under Section 90(2) and (3)(g) and (h) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting or until Council's duty of confidence is no longer in force.*

2. *This confidentiality order will be reviewed at the General Council Meeting in December 2019.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) and (g) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report contains information relating to an investigation by a third party of which Council has a legal obligation to keep confidential.

The duty of confidence remains over the Appendix 1 and therefore it is recommended that the confidentiality order is retained and reviewed again in December 2020.

92. Review of Confidential Item - Selection of Candidates for Interview / Appointment for the Finance and Audit Committee, RSC300118F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (92)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Selection of Candidates for Interview / Appointment for the Finance and Audit Committee, RSC300118F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Selection of Candidates for Interview / Appointment for the Finance and Audit Committee, RSC300118F01, appendix arising from the report and minutes having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of various persons. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidentiality order will be reviewed at the General Council Meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 30 January 2018, the Review and Selection Committee ordered that the Report, appendix arising from the report and minutes relating to Selection of Candidates for Interview / Appointment for the Finance and Audit Committee, RSC300118F01 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2018. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

This confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Selection of Candidates for Interview / Appointment for the Finance and Audit Committee, RSC300118F01, appendix arising from the report and minutes having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of various persons. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

On review of the original Report, it has been noted that the category of ‘personal affairs’ remains relevant to the content of the Report and as such, it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

93. Review of Confidential Item - Insurance Market Testing, FAC270218F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (93)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Insurance Market Testing, FAC270218F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Appendix to this report and minutes (Insurance Market Testing, FAC270218F01) be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order is made on the basis that the report contains information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council and would, on balance, be contrary to the public interest (Section 90(3)(b) and (d) of the Local Government Act 1999). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 27 February 2018 Finance and Audit Committee considered the Report Insurance Market Testing, FAC270218F01, and resolved that the report and minutes having been considered in confidence under s 90(2) and (3)(b) and (d) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Appendix to this report and minutes (Insurance Market Testing, FAC270218F01) be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order is made on the basis that the report contains information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council and would, on balance, be contrary to the public interest (Section 90(3)(b) and (d) of the Local Government Act 1999). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Due to the commercially sensitive information contained in the item , it is recommended that the confidentiality of the report (including appendices) and minutes be retained.

The confidentiality order be reviewed again in December 2020.

94. Review of Confidential Item - Confirmation of the Confidential Minutes of the Review and Selection Committee meeting held 30 January 2018, GC130218F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (94)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Confirmation of the Confidential Minutes of the Review and Selection Committee meeting held 30 February 2018, GC130218F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Confirmation of the Confidential Minutes of the Review and Selection Committee meeting held 30 January 2018, GC130218F01, appendix arising from the report and minutes having been considered in confidence under Section 90(2) and (3) (a) of the Act be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of various persons. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 13 February 2018, Council ordered that the Report, appendix arising from the report and minutes relating to Confirmation of the Confidential Minutes of the Review and Selection Committee meeting held 30 January 2018, GC130218F01 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2018. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3) (a) of the Act.

This confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Confirmation of the Confidential Minutes of the Review and Selection Committee meeting held 30 January 2018, GC130218F01, appendix arising from the report and minutes having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of various persons. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

On review of the original Report, it has been noted that the category of ‘personal affairs’ remains relevant to the content of the Report and as such, it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

95. Review of Confidential Item - Urban Activation Project, GC270218F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (95)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Urban Activation Project, GC270218F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Urban Activation Project, GC270218F02, and appendices having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 27 February 2018, the Council considered the Report Urban Activation Project, GC270218F02, and resolved that this report and appendices having been considered in confidence under Section 90(2) and (3)(d) of the Act not be available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information the disclosure of which could prejudice the commercial position of Council and/or the person who supplied the information and would on balance be contrary to the public interest.

This confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Urban Activation Project, GC270218F02, and appendices having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the project is still to be completed, it is recommended that the confidentiality order be retained, to be reviewed at the December 2020 meeting of Council.

96. Review of Confidential Item - Kaurna Native Title Claim, GC130318F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (96)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Kaurna Native Title Claim, GC130318F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(h) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Kaurna Native Title Claim, G30318F01, and minutes having been considered in confidence under Section 90(2) and (3)(h) of the Act be kept confidential and not available for public inspection on the upon the basis that the information contains legal advice. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 13 March 2018, Council ordered that the Report, appendices and minutes relating to Kaurna Native Title Claim, GC130318F01 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2018. This order was made on the basis that the Report contained legal advice.

The confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Kaurna Native Title Claim, G30318F01, and minutes having been considered in confidence under Section 90(2) and (3)(h) of the Act be kept confidential and not available for public inspection on the upon the basis that the information contains legal advice. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(h) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

It is recommended that this matter remain confidential due to the legal advice contained within.

97. Review of Confidential Item - Finance and Audit Committee Confidential Minutes, GC130318F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (97)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Finance and Audit Committee Confidential Minutes, GC130318F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that the Appendix to this report (Finance and Audit Committee Confidential Minutes, GC130318F02) be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order is made on the basis that the report contains information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council and would, on balance, be contrary to the public interest and to ensure that the council does not breach any law, order or direction or a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty (Section 90(3)(d) and (g) of the Local Government Act 1999). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 13 March 2018 Finance and Audit Committee considered the Report Insurance Market Testing, FAC270218F01, and resolved that the report and minutes having been considered in confidence under s 90(2) and (3)(d) and (g) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the appendix contains matter which relates to commercial information and to ensure that the council does not breach any law, order or direction or a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

This confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *The confidentiality order pertaining to the Report "Finance and Audit Committee Confidential Minutes, GC130318F02," be revoked.*

2. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that the Appendix to this report (Finance and Audit Committee Confidential Minutes, GC130318F02) be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order is made on the basis that the report contains information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council and would, on balance, be contrary to the public interest and to ensure that the council does not breach any law, order or direction or a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty (Section 90(3)(d) and (g) of the Local Government Act 1999). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

3. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) and (g) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Due to the commercially sensitive information contained in the item , it is recommended that the confidentiality of the appendix be retained.

The confidentiality order be reviewed again in December 2020.

98. Review of Confidential Item - Insurance Market Testing, GC130318F03

Originating Officer Unit Manager Governance and Council Support - Jaimie Thwaites

General Manager General Manager Corporate Services - Sorana Dinmore

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Insurance Market Testing, GC130318F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Appendix to this report and minutes (Insurance Market Testing, GC130318F03) be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order is made on the basis that the report contains information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council and would, on balance, be contrary to the public interest (Section 90(3)(b) and (d) of the Local Government Act 1999). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 13 March 2018 Council considered the Report Insurance Market Testing, GC130318F03, and resolved that the report and minutes having been considered in confidence under s 90(2) and (3)(b) and (d) of the Act, be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Appendix to this report and minutes (Insurance Market Testing, GC130318F03) be kept confidential and not made available for public inspection for a period of 12 months from the date of this meeting. This order is made on the basis that the report contains information the disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the Council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the Council and would, on balance, be contrary to the public interest (Section 90(3)(b) and (d) of the Local Government Act 1999). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Due to the commercially sensitive information contained in the item , it is recommended that the confidentiality of the report (including appendices) and minutes be retained.

The confidentiality order be reviewed again in December 2020.

99. Review of Confidential Item - Management Model for Regional Facilities, GC130318F04

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (99)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Management Model for Regional Facilities, GC130318F04 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Management Model for Regional Facilities, GC130318F04, and minutes having been considered in confidence under Section 90(2) and (3)(a) and (d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to personal affairs and commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 13 March 2018, the Council considered the Report Management Model for Regional Facilities, GC130318F04, and resolved that this report and minutes having been considered in confidence under Section 90(2) and (3)(a) and (d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains:

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

This confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Management Model for Regional Facilities, GC130318F04, and minutes having been considered in confidence under Section 90(2) and (3)(a) and (d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to personal affairs and commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the project is still to be completed, it is recommended that the confidentiality order be retained, to be reviewed at the December 2020 meeting of Council.

100. Review of Confidential Item - BMX Project - Progress Report, ISC060318F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (100)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report BMX Project - Progress Report, ISC060318F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, BMX Project - Progress Report, ISC060318F01, appendices and minutes arising from the report, having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 6 March 2018, the Infrastructure and Strategy Committee considered the Report BMX Project - Progress Report, ISC060318F01, and resolved that this report, appendices and minutes of this report having been considered in confidence under Section 90(2) and (3)(d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information the disclosure of which could prejudice the commercial position of Council and/or the person who supplied the information and would on balance be contrary to the public interest.

This confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, BMX Project - Progress Report, ISC060318F01, appendices and minutes arising from the report, having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the project is still to be completed, it is recommended that the confidentiality order be retained, to be reviewed at the December 2020 meeting of Council.

101. Review of Confidential Item - Confirmation of the Confidential Minutes of the Infrastructure and Strategy Committee meeting held 6 March 2018, GC270318F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (101)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Confidential Minutes of the Infrastructure and Strategy Committee meeting held 6 March 2018, GC270318F01, and appendix arising from the report, having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 27 March 2018, the Council considered the Report Confidential Minutes of the Infrastructure and Strategy Committee meeting held 6 March 2018, GC270318F01, and resolved that this report and appendix of this report having been considered in confidence under Section 90(2) and (3)(d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a confidential nature, disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the council.

This confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Confidential Minutes of the Infrastructure and Strategy Committee meeting held 6 March 2018, GC270318F01, and appendix arising from the report, having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the BMX project is still to be completed, it is recommended that the confidentiality order be retained, to be reviewed at the December 2020 meeting of Council.

102. Review of Confidential Item - BMX Project, ISC010518F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (102)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report BMX Project, ISC010518F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, BMX Project, ISC010518F01, appendices and minutes arising from the report, having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 1 May 2018, the Infrastructure and Strategy Committee considered the Report BMX Project, ISC010518F01, and resolved that this report, appendices and minutes of this report having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information the disclosure of which could prejudice the commercial position of Council and/or the person who supplied the information and would on balance be contrary to the public interest.

This confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, BMX Project, ISC010518F01, appendices and minutes arising from the report, having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the project is still to be completed, it is recommended that the confidentiality order be retained, to be reviewed at the December 2020 meeting of Council.

103. Review of Confidential Item - Confirmation of the Confidential Minutes of the Infrastructure and Strategy Committee meeting held 1 May 2018, GC220518F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (103)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Confirmation of the Confidential Minutes of the Infrastructure and Strategy Committee meeting held 1 May 2018, GC220518F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Confidential Minutes of the Infrastructure and Strategy Committee meeting held 1 May 2018, GC220518F01, and appendix arising from the report, having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 22 May 2018, the Council considered the Report Confidential Minutes of the Infrastructure and Strategy Committee meeting held 1 May 2018, GC220518F01, and resolved that this report and appendix of this report having been considered in confidence under Section 90(2) and (3)(d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a confidential nature, disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the council.

This confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Confidential Minutes of the Infrastructure and Strategy Committee meeting held 1 May 2018, GC220518F01, and appendix arising from the report, having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the BMX project is still to be completed, it is recommended that the confidentiality order be retained, to be reviewed at the December 2020 meeting of Council.

104. Review of Confidential Item - Confirmation of the Confidential Minutes of the Infrastructure and Strategy Committee meeting held 3 July 2018, GC180724F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (104)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Confirmation of the Confidential Minutes of the Infrastructure and Strategy Committee meeting held 3 July 2018, GC180724F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Confidential Minutes of the Infrastructure and Strategy Committee meeting held 3 July 2018, GC180724F01, and appendix arising from the report, having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 July 2018, the Council considered the Report Confidential Minutes of the Infrastructure and Strategy Committee meeting held 3 July 2018, GC180724F01, and resolved that this report and appendix of this report having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a confidential nature, disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the council.

This confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Confidential Minutes of the Infrastructure and Strategy Committee meeting held 3 July 2018, GC180724F01, and appendix arising from the report, having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the BMX project is still to be completed, it is recommended that the confidentiality order be retained, to be reviewed at the December 2020 meeting of Council.

105. Review of Confidential Item - Confidential - Tonsley Water Agreement, GC180724F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (105)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Confidential - Tonsley Water Agreement, GC180724F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Confidential - Tonsley Water Agreement, GC180724F03, and minutes having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 July 2018, the Council considered the Report Confidential - Tonsley Water Agreement, GC180724F03 and resolved that this report and minutes having been considered in confidence under Section 90(2) and (3)(d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a commercial nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.

The above confidentiality order was last reviewed on 11 December 2018 where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Confidential - Tonsley Water Agreement, GC180724F03, and minutes having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

To ensure that Council does not prematurely divulge confidential commercial information, it is recommended that the confidentiality order associated with this report remain in place until the expiration of the contract, to be reviewed in December 2020.

106. Review of Confidential Item - BMX - Progress Report on Darlington Site Option, ISC180703F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (106)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report BMX - Progress Report on Darlington Site Option, ISC180703F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, BMX - Progress Report on Darlington Site Option, ISC180703F01, appendices and minutes arising from the report, having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 3 July 2018, the Infrastructure and Strategy Committee considered the Report BMX - Progress Report on Darlington Site Option, ISC180703F01, and resolved that this report, appendices and minutes of this report having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information the disclosure of which could prejudice the commercial position of Council and/or the person who supplied the information and would on balance be contrary to the public interest.

This confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, BMX - Progress Report on Darlington Site Option, ISC180703F01, appendices and minutes arising from the report, having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the project is still to be completed, it is recommended that the confidentiality order be retained, to be reviewed at the December 2020 meeting of Council.

107. Review of Confidential Item - Expression of Interest - 262 Sturt Road - Progress Report and Next Stage, GC180828F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (107)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, Council orders that this report Expression of Interest - 262 Sturt Road - Progress Report and Next Stage, GC180828F01, and Appendices to this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 August 2018, Council considered the Report Expression of Interest - 262 Sturt Road - Progress Report and Next Stage, GC180828F01, and resolved that this report and the appendices having been considered in confidence under Section 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 order was made on the on the grounds that the report contains commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

This confidentiality order was reviewed at the 11 December 2018 General Council meeting where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, Council orders that this report Expression of Interest - 262 Sturt Road - Progress Report and Next Stage, GC180828F01, and Appendices to this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Due to the commercially sensitive information contained in the item , it is recommended that the confidentiality of the report (including appendices) be retained.

The confidentiality order be reviewed again in December 2020.

108. Review of Confidential Item - Proposed Class Action, GC180814F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (108)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Proposed Class Action, GC180814F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Proposed Class Action, GC180814F03, and appendices having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 14 August 2018, the Council considered the Report Proposed Class Action, GC180814F03 and resolved that this report and appendices having been considered in confidence under Section 90(2) and (3)(d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a commercial nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.

The above confidentiality order was last reviewed on 11 December 2018 where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Proposed Class Action, GC180814F03, and appendices having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Due to the commercially sensitive information contained in the item, it is recommended that the confidentiality of the report and appendix be retained.

The confidentiality order be reviewed again in December 2020.

109. Review of Confidential Item - CEO Annual Performance Review 2017/18, RSC180828F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (109)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report CEO Annual Performance Review 2017/18, RSC180828F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report CEO Annual Performance Review 2017/18, RSC180828F01 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 August 2018, the Review and Selection Committee ordered that the Report and minutes arising from this report relating to CEO Annual Performance Review 2017/18, RSC180828F01, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2018. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

It was last reviewed at the General Council Meeting on 11 December 2018 where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report CEO Annual Performance Review 2017/18, RSC180828F01 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.*

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

110. Review of Confidential Item - Proposed Class Action, GC180911F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (110)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Proposed Class Action, GC180911F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Proposed Class Action, GC180911F01, and appendices having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 11 September 2018, the Council considered the Report Proposed Class Action, GC180911F01 and resolved that this report and appendices having been considered in confidence under Section 90(2) and (3)(d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a commercial nature (not being a trade secret) the disclosure of which could reasonably be expected to prejudice the commercial position of a person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest.

The above confidentiality order was last reviewed on 11 December 2018 where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Proposed Class Action, GC180911F01, and appendices having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Due to the commercially sensitive information contained in the item, it is recommended that the confidentiality of the report and appendix be retained.

The confidentiality order be reviewed again in December 2020.

111. Review of Confidential Item - Outcome of Expression of Interest for Hotel at 287 Diagonal Road, Oaklands Park, GC180911F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (111)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, Council orders that this report Outcome of Expression of Interest for Hotel at 287 Diagonal Road, Oaklands Park, GC180911F02, and Appendices to this report having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the basis that it relates to proposed commercial arrangements which could reasonably be expected to prejudice the commercial position of the person who supplies the information, or to confer a commercial advantage to a third party, and the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 11 September 2018, Council considered the Report Outcome of Expression of Interest for Hotel at 287 Diagonal Road, Oaklands Park, GC180911F02, and resolved that this report and the appendices having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a confidential nature, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage to a third party, and that on balance disclosure would be contrary to the public interest.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Due to the commercially sensitive information contained in the item, it is recommended that the confidentiality of the report (including appendices) be retained.

The confidentiality order be reviewed again in December 2020.

112. Review of Confidential Item - Expression of Interest - Community Wireless Internet Services, GC180911F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (112)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Expression of Interest - Community Wireless Internet Services, GC180911F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Expression of Interest - Community Wireless Internet Services, GC180911F03 and appendices having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 11 August 2018, the Infrastructure and Strategy Committee considered the Report Expression of Interest - Community Wireless Internet Services, GC180911F03, and resolved that this report and appendices having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information the disclosure of which could prejudice the commercial position of Council and/or the person who supplied the information and would on balance be contrary to the public interest.

The above confidentiality was last reviewed on 11 December 2018 where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Expression of Interest - Community Wireless Internet Services, GC180911F03 and appendices having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

As the project is still to be completed, it is recommended that the confidentiality order be retained, to be reviewed at the December 2020 meeting of Council.

113. Review of Confidential Item - Coastal Walkway - Confidential Appendix, GC180911F04

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (113)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Coastal Walkway - Confidential Appendix, GC180911F04 it is recommended that the order of confidentiality pursuant to Section 90(3)(h) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Coastal Walkway - Confidential Appendix, GC180911F04, and appendices having been considered in confidence under Section 90(2) and (3)(h) of the Act be kept confidential and not available for public inspection on the upon the basis that the information contains legal advice. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 11 September 2018, Council ordered that the Report and appendices relating to Coastal Walkway - Confidential Appendix, GC180911F04 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2018. This order was made on the basis that the Report contained legal advice.

The above confidentiality order was last reviewed on 11 December 2018 where it was resolved that:

1. *In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Proposed Class Action, GC180911F01, and appendices having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(h) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

It is recommended that this matter remain confidential due to the legal advice contained within.

114. Review of Confidential Item - Review and Selection Committee Confidential Minutes from the meeting 28 August 2018, GC180911F05

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (114)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Review and Selection Committee Confidential Minutes from the meeting 28 August 2018, GC180911F05 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Review and Selection Committee Confidential Minutes from the meeting 28 August 2018, GC180911F05 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 11 September 2018, the Review and Selection Committee ordered that the Report and minutes arising from this report relating to Review and Selection Committee Confidential Minutes from the meeting 28 August 2018, GC180911F05, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2018. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

It was last reviewed at the General Council Meeting on 11 December 2018 where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Review and Selection Committee Confidential Minutes from the meeting 28 August 2018, GC180828F05 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.*

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

115. Review of Confidential Item - CEO Annual Performance Review 2017/18, GC180911F06

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (115)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report CEO Annual Performance Review 2017/18, GC180911F06 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report CEO Annual Performance Review 2017/18, GC180911F06 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90 (2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 11 September 2018, the General Council ordered that the Report and minutes arising from this report relating to CEO Annual Performance Review 2017/18, GC180911F06, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2018. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

It was last reviewed at the General Council Meeting on 11 December 2018 where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report CEO Annual Performance Review 2017/18, GC180911F06 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.*

2. *This confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

116. Review of Confidential Item - Code of Conduct Complaint, GC181127F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (116)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Code of Conduct Complaint, GC181127F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Code of Conduct Complaint, GC181127F01, appendices and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the Local Government Act 1999); This order is to remain in force for the current term of Council.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 27 November 2018, Council ordered that the Report, appendices and minutes relating to Code of Conduct Complaint, GC181127F01 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2018. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

The above confidentiality order was last reviewed on 11 December 2018 where it was resolved that:

1. *In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Code of Conduct Complaint, GC181127F01, appendices and minutes arising from this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead) (Section 90(3)(a) of the Local Government Act 1999); This order is to remain in force for the current term of Council.*

2. *Unless revoked prior, this confidential order be reviewed at the December 2019 meeting of Council.*

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The Elected Member was consulted and did not agree to the release of the item.

On review of the original Report, it has been noted that the category of ‘personal affairs’ remains relevant to the content of the Report and as such, it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

117. Review of Confidential Item - Cove Sports and Community Club Licence, SGC190122F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (117)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Cove Sports and Community Club Licence, SGC190122F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a), (h) and (e) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Cove Sports and Community Club Licence, SGC190122F01' together with all annexure be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to breach a duty of confidence and the report contains legal advice and information of a commercial nature and would on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 22 January 2019, Council ordered that the Cove Sports and Community Club Licence, SGC190122F01 and the appendices having been considered in confidence under Section 90(2) and (3)(a), (h) and (e) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a), (h) and (e) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report relates to the termination of the head lease agreement between the Cove Sports & Community Club (CSCC) and the City of Marion.

The report contains confidential information relating to personal affairs and legal advice therefore, it is recommended that the confidentiality order be retained to be reviewed at the December 2020 meeting of Council.

118. Review of Confidential Item - BMX Project – Outcome of Darlington Investigations, GC190129F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (118)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report BMX Project – Outcome of Darlington Investigations, GC190129F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(g) and (h) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'BMX Project – Outcome of Darlington Investigations, GC190129F02' together with all annexure be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which would breach a duty of confidence under the Aboriginal Heritage Act 1988 (Section (90(3)(g)) and the report contains legal advice (Section 90(3)(h)) and would on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 29 January 2019, Council ordered that the Report BMX Project – Outcome of Darlington Investigations, GC190129F02, and appendices having been considered in confidence under Section 90(2) and (3)(g) and (h) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(g) and (h) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Report contains commercial information relating to the BMX Project including information under the Aboriginal Heritage Act 1988 and contains legal advice therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

119. Review of Confidential Item - BMX Project – Financial Summary of Costs, GC190129F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (119)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report BMX Project – Financial Summary of Costs, GC190129F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'BMX Project – Financial Summary of Costs, GC190129F03' together with all annexure be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (Section 90(3)(b) of the Local Government Act 1999 This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***
2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 29 January 2019, Council ordered that the Report BMX Project – Financial Summary of Costs, GC190129F03, and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report contains confidential commercial information relating to the BMX Project that is not finalised yet. Therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

120. Review of Confidential Item - Oaklands Park Urban Renewal Proposal, GC190129F04

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (120)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Oaklands Park Urban Renewal Proposal, GC190129F04 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Oaklands Park Urban Renewal Proposal, GC190129F04' together with all annexure, Presentation, Oaklands Park Urban Renewal Proposal and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest (Section 90(3)(d). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 29 January 2019, Council ordered that the Report Oaklands Park Urban Renewal Proposal, GC190129F04, Presentation, Oaklands Park Urban Renewal Proposal and any associated appendices arising from this report having been considered in confidence under Section 90(2) and (3)(d)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Report contains shortlisted Urban Activation Project(s) and includes commercial information relating to the projects therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

121. Review of Confidential Item - S48 Prudential Management Review – Waste Services, FAC190226F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (121)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report S48 Prudential Management Review – Waste Services, FAC190226F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. **In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Finance and Audit Committee orders that this report, S48 Prudential Management Review – Waste Services, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act, except when required to effect or comply with the Finance and Audit Committee'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.**

2. **This confidentiality order will be reviewed at the General Council Meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 February 2019, the Finance and Audit Committee considered the Report S48 Prudential Management Review – Waste Services, FAC190226F01, and resolved that this report, appendices and minutes be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a confidential nature, disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report contains the S48 Prudential Management Review – Waste Services.

The report contains confidential commercial information therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

122. Review of Confidential Item - Marion Outdoor Pool, GC190226F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (122)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Marion Outdoor Pool, GC190226F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Marion Outdoor Pool, GC190226F01' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (Section 90(3)(b) of the Local Government Act 1999) This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***
2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 February 2019, Council ordered that the Report Marion Outdoor Pool, GC190226F01, the appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report contains confidential commercial information relating to the Marion Outdoor Pool therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

123. Review of Confidential Item - Marion Golf Club, ISC190305F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (123)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Marion Golf Club, ISC190305F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Marion Golf Club, ISC190305F01' and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (Section 90(3)(b) of the Local Government Act 1999) This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***
2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 5 March 2019, the Infrastructure and Strategy Committee ordered that the Report Marion Golf Club, ISC190305F01 and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report contains confidential commercial information relating to renewal works at the Marion Golf Club therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

124. Review of Confidential Item - Confirmation of the Confidential Minutes of the Finance and Audit Committee Meeting held on 26 February 2019, GC190312F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (124)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Confirmation of the Confidential Minutes of the Finance and Audit Committee Meeting held on 26 February 2019, GC190312F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Confirmation of the Confidential Minutes of the Finance and Audit Committee Meeting held on 26 February 2019, GC190312F01, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act, except when required to effect or comply with the 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.***

2. **This confidentiality order will be reviewed at the General Council Meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 12 March 2019, the Council considered the Report Confirmation of the Confidential Minutes of the Finance and Audit Committee Meeting held on 26 February 2019, GC190312F01, and resolved that this report, appendices and minutes be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a confidential nature, disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The Finance and Audit Committee minutes relate to the S48 Prudential Management Review – Waste Services.

The report contains confidential commercial information therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

125. Review of Confidential Item - S48 Prudential Management Review – S48 Prudential Management Review – Waste Services, GC190312F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (125)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report S48 Prudential Management Review – S48 Prudential Management Review – Waste Services, GC190312F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. **In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, S48 Prudential Management Review - Waste Services, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act, except when required to effect or comply with the 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.**

2. **This confidentiality order will be reviewed at the General Council Meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 12 March 2019, the Council considered the Report S48 Prudential Management Review – S48 Prudential Management Review – Waste Services, GC190312F02, and resolved that this report, appendices and minutes be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information of a confidential nature, disclosure of which could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report contains the S48 Prudential Management Review – Waste Services.

The report contains confidential commercial information therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

126. Review of Confidential Item - Outcome of Business Case – 262 Sturt Road, Marion, GC190312F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (126)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Outcome of Business Case – 262 Sturt Road, Marion, GC190312F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the appendices and the report except for the Executive Summary of the report (except for the last paragraph, which is to remain confidential) to the item "Outcome of the Business Case - 262 Sturt Road, Marion" GC120319 be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information and could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or prejudice the commercial position of the council (Section 90(3)(b)). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 12 March 2019, the Council orders that the appendices and the report except for the Executive Summary of the report (except for the last paragraph, which is to remain confidential) to the item "Outcome of the Business Case - 262 Sturt Road, Marion" GC120319, remain confidential having been considered in confidence under Section 90(2) 3(b)(i) and (ii) of the Act, 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.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report contains commercial information relating to a proposed commercial facility development at 262 Sturt Road, Marion therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

127. Review of Confidential Item - Morphettville Park Sports Club Redevelopment – Approval to call Tenders for Construction, GC190312F04

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (127)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Morphettville Park Sports Club Redevelopment – Approval to call Tenders for Construction, GC190312F04 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Morphettville Park Sports Club Redevelopment – Approval to call Tenders for Construction, GC190312F04' together with all annexure be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (Section 90(3)(b) of the Local Government Act 1999. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***
2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 12 March 2019, Council ordered that the Report Morphettville Park Sports Club Redevelopment – Approval to call Tenders for Construction, GC190312F04, and appendices having been considered in confidence under Section 90(2) and (3)(b)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Report relates to the Morphettville Park Sports Club Redevelopment. It includes cost estimate for delivery of the facility including associated site and construction costs. Therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

128. Review of Confidential Item - Confirmation of the confidential minutes of the Information and Strategy Committee meeting held on 5 March 2019, GC190326F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R - (128)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Confirmation of the confidential minutes of the Information and Strategy Committee meeting held on 5 March 2019, GC190326F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Confirmation of the confidential minutes of the Information and Strategy Committee meeting held on 5 March 2019, GC190326F01' and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (Section 90(3)(b) of the Local Government Act 1999) This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***
2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 March 2019, the Council ordered that the Report Confirmation of the confidential minutes of the Information and Strategy Committee meeting held on 5 March 2019, GC190326F01 and appendices having been considered in confidence under Section 90(2) and (3)(b)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report contains confidential commercial information relating to renewal works at the Marion Golf Club therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

129. Review of Confidential Item - Cove Sports Settlement of licence, GC190326F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (129)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Cove Sports and Community Club Licence, SGC190122F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Cove Sports Settlement of Licence, GC190326F02' and the dollar figure in point four of the minutes and any appendix arising from this report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 March 2019, Council ordered that the Cove Sports Settlement of Licence, GC190326F02 and the appendices having been considered in confidence under Section 90(2) and (3)(d) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report relates to the transition of management from the Cove Sports & Community Club to the City of Marion and settlement with the committee.

The report contains confidential commercial information therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

130. Review of Confidential Item - Coastal Walkway Progress Report – Confidential Appendix, GC190326F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (130)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Coastal Walkway Progress Report – Confidential Appendix, GC190326F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(h) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Coastal Walkway Progress Report – Confidential Appendix, GC190326F03' together with all annexure be kept confidential and not available for public inspection on the basis that the report contains legal advice (Section 90(3)(h)). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***
2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 March 2019, Council ordered that the Report Coastal Walkway Progress Report – Confidential Appendix, GC190326F03, and the appendices having been considered in confidence under Section 90(2) and (3)(h) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(h) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report provides supporting confidential information regarding the proposal to construct a walkway along the coast between Heron Way to south of Field River.

The report contains legal advice therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

131. Review of Confidential Item - Progress Report on the Southern Football Facility, Major Road, GC190423F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (131)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Progress Report on the Southern Football Facility, Major Road, GC190423F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Progress Report on the Southern Football Facility, Major Road, GC190423F01' together with all annexure be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected toto prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest (Section 90(3)(d)). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On, 23 April 2019 Council ordered that the Report Progress Report on the Southern Football Facility, Major Road, GC190423F01, and appendices having been considered in confidence under Section 90(2) and (3)(d)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Report is an update on the progress of the Southern Football (soccer) Facility to be delivered at Majors Road Report and Appendix remain confidential.

The report contains confidential commercial information therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

132. Review of Confidential Item - Council Owned Vineyards, GC190423F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (132)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Council Owned Vineyards, GC190423F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Council Owned Vineyards, GC190423F03' together with all annexure, be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest (Section 90(3)(d). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 29 January 2019, Council ordered that the Report Council Owned Vineyards, GC190423F03 and any associated appendices arising from this report having been considered in confidence under Section 90(2) and (3)(d)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Report includes commercial information relating to a current contract therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

133. Review of Confidential Item - Selection of Candidates for interview /appointment to Council Assessment Panel, RSC190507F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (133)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Selection of Candidates for interview /appointment to Council Assessment Panel, RSC190507F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Selection of Candidates for interview /appointment to Council Assessment Panel, RSC190507F01, appendix arising from the report and minutes having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of various persons. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidentiality order will be reviewed at the General Council Meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 7 May 2019, the Review and Selection Committee ordered that the Report, appendix arising from the report and minutes relating to Selection of Candidates for Interview / Appointment for the Finance and Audit Committee, RSC300118F01 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2019. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3) (a) of the Act.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

On review of the original Report, it has been noted that the category of ‘personal affairs’ remains relevant to the content of the Report and as such, it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

134. Review of Confidential Item - Westminster Reserve, GC190514F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (134)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Westminster Reserve Report Reference: GC190514F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Westminster Reserve Report Reference: GC190514F01' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (Section 90(3)(b) of the Local Government Act 1999) This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 14 May 2019, Council considered the Report Westminster Reserve Report Reference: GC190514F01, in confidence under Section 90(2) and (3)(b)(i) and (ii) of the Act. The item was then adjourned until the June General Council meeting.The above resolution is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report contains confidential commercial information relating to the Westminster Reserve and negotiations regarding this site are still to be finalised. Therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

135. Review of Confidential Item - Internal Audit Tender Evaluation, FAC190528F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (135)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Internal Audit Tender Evaluation, FAC190528F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Internal Audit Tender Evaluation, FAC190528F01' any thing distributed at the meeting and minutes, be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest (Section 90(3)(d). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 28 May 2019, the finance and Audit Committee ordered that the Report Internal Audit Tender Evaluation, FAC190528F01 any thing distributed at the meeting and the minutes having been considered in confidence under Section 90(2) and (3)(d)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Report includes commercial information relating to the internal audit tender therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

136. Review of Confidential Item - Confirmation of the Confidential Minutes of the Review and Selection Committee Meeting held on 7 May 2019, GC190514F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R - (136)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Selection of Candidates for interview /appointment to Council Assessment Panel, RSC190507F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Confirmation of the Confidential Minutes of the Review and Selection Committee Meeting held on 7 May 2019, GC190514F02, the appendix arising from the report and minutes having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of various persons. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidentiality order will be reviewed at the General Council Meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 7 May 2019, the Review and Selection Committee ordered that the Report, appendix and minutes relating to Confirmation of the Confidential Minutes of the Review and Selection Committee Meeting held on 7 May 2019, GC190514F02 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2019. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

On review of the original Report, it has been noted that the category of ‘personal affairs’ remains relevant to the content of the Report and as such, it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

137. Review of Confidential Item - Westminster Reserve – Adjourned Report, GC190611F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R - (137)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Westminster Reserve – Adjourned Report, GC190611F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Westminster Reserve – Adjourned Report, GC190611F01' appendices and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (Section 90(3)(b) of the Local Government Act 1999) This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***
2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 11 June 2019, Council ordered that the Report Westminster Reserve – Adjourned Report, GC190611F01, appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report contains confidential commercial information relating to the Westminster Reserve and negotiations regarding this site are still to be finalised. Therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

138. Review of Confidential Item - Confirmation of the Confidential Minutes of the Finance and Audit Committee Meeting – 28 May 2019, GC190611F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (138)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Confirmation of the Confidential Minutes of the Finance and Audit Committee Meeting – 28 May 2019, GC190611F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Confirmation of the Confidential Minutes of the Finance and Audit Committee Meeting – 28 May 2019, GC190611F03' and appendices, be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest (Section 90(3)(d). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 11 June 2019, the Council ordered that the Report Confirmation of the Confidential Minutes of the Finance and Audit Committee Meeting – 28 May 2019, GC190611F03 and appendices having been considered in confidence under Section 90(2) and (3)(d)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Report includes commercial information relating to the internal audit tender therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

139. Review of Confidential Item - Internal Audit Tender Outcomes, GC190611F05

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (139)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Internal Audit Tender Outcomes, GC190611F05 it is recommended that the order of confidentiality pursuant to Section 90(3)(d) and (k) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Internal Audit Tender Outcomes, GC190611F05' and appendices, be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest (Section 90(3)(d)) and information that relates to a tender for the provision of services (Section 90(3)(k)). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 11 June 2019, the Council ordered that the Report Internal Audit Tender Outcomes, GC190611F05 and appendices having been considered in confidence under Section 90(2) and (3)(d) and (k) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Report includes commercial information relating to the internal audit tender therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

140. Review of Confidential Item - Potential Land Acquisition, GC190611F07

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (140)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Potential Land Acquisition, GC190611F07 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Potential Land Acquisition, GC190611F07' and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (Section 90(3)(b) of the Local Government Act 1999) This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***
2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 11 June 2019, Council ordered that the Report Potential Land Acquisition, GC190611F07 and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report contains confidential commercial information relating to future strategies and potential land acquisition. Therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

141. Review of Confidential Item - Marion Outdoor Pool Upgrade – Stage 3 Works, GC190723F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (141)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Marion Outdoor Pool Upgrade – Stage 3 Works, GC190723F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Marion Outdoor Pool Upgrade – Stage 3 Works, GC190723F01' and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (Section 90(3)(b) of the Local Government Act 1999) This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***
2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 23 July 2019, Council ordered that the Report Marion Outdoor Pool Upgrade – Stage 3 Works, GC190723F01, the appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report contains confidential commercial information relating to the Marion Outdoor Pool therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

142. Review of Confidential Item - Service Review – Corporate Information and Communication Technology – Report, FAC190820F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (142)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Service Review – Corporate Information and Communication Technology – Report, FAC190820F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, ' Service Review – Corporate Information and Communication Technology – Report, FAC190820F01' appendices and minutes, be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest (Section 90(3)(d)) and information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of various persons (Section 90(3)(a)) . This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 20 August 2019, the Finance and Audit Committee ordered that the Report Service Review – Corporate Information and Communication Technology – Report, FAC190820F01, appendices and the minutes having been considered in confidence under Section 90(2) and (3)(a) and (d)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Report includes commercial and personal information relating to the Service Review of the Corporate Information and Communication Technology therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

143. Review of Confidential Item - Finance and Audit Committee Independent Member, RSC190924F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (143)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Finance and Audit Committee Independent Member, RSC190924F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Finance and Audit Committee Independent Member, RSC190924F01, the appendix arising from the report and minutes having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of various persons. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidentiality order will be reviewed at the General Council Meeting in December 2020.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 September 2019, the Review and Selection Committee ordered that the Report, appendix and minutes relating to Finance and Audit Committee Independent Member, RSC190924F01 be kept confidential for a period of 12 months, to be reviewed at the General Council meeting in December 2019. This order was made on the basis that the Report contained information concerning the personal affairs of a number of persons – Section 90(3)(a) of the Act.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

On review of the original Report, it has been noted that the category of ‘personal affairs’ remains relevant to the content of the Report and as such, it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

144. Review of Confidential Item - Council Solutions Kerbside Waste Tender Outcomes, GC190813F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (144)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Council Solutions Kerbside Waste Tender Outcomes, GC190813F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Council Solutions Kerbside Waste Tender Outcomes, GC190813F03, appendices and minutes having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 13 August 2019, the Council considered the Report Council Solutions Kerbside Waste Tender Outcomes, GC190813F03, and resolved that this report and appendices having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information the disclosure of which could prejudice the commercial position of Council and/or the person who supplied the information and would on balance be contrary to the public interest.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The item contains commercially sensitive information regarding the waste tender, therefore it is recommended that the confidentiality order be retained, to be reviewed at the December 2020 meeting of Council.

145. Review of Confidential Item - Cat Curfew By-law Update, GC190827F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (145)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Cat Curfew By-law Update, GC190827F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(h) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Cat Curfew By-law Update, GC190827F01' together with all annexure be kept confidential and not available for public inspection on the basis that the report contains legal advice (Section 90(3)(h)). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***
2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 27 August 2019, Council ordered that the Report Cat Curfew By-law Update, GC190827F01, and the appendices having been considered in confidence under Section 90(2) and (3)(h) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(h) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report provides legal advice in relation to the Cat (Confinement) Variation By-law 2019 therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

146. Review of Confidential Item - Cove Sports and Community Committee Investigation, SGC190902F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (146)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Cove Sports and Community Committee Investigation, SGC190902F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(f) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, ' Cove Sports and Community Committee Investigation, SGC190902F02' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the 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. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 22 January 2019, Council ordered that the Cove Sports and Community Committee Investigation, SGC190902F02 and the appendices having been considered in confidence under Section 90(2) and (3)(f) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(f) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The item details the outcomes of the investigation undertaken into the allegations of inappropriate behaviour occurring at Cove Sports and Community Centre (CSCC).

The report contains 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.

It is recommended that the confidentiality order be retained to be reviewed at the December 2020 meeting of Council.

147. Review of Confidential Item - Cove Sports & Community Club Management, SGC190902F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (147)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Cove Sports & Community Club Management, SGC190902F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(f) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Cove Sports & Community Club Management, SGC190902F03' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the 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. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 2 September 2019, Council ordered that the Cove Sports & Community Club Management, SGC190902F03 and the appendices having been considered in confidence under Section 90(2) and (3)(f) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(f) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Reports provides an update on the Cove Sports & Community Club (CSCC) operations since taking over the management of the facility. Agreements are still being negotiated with clubs at the facility.

The report contains 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.

It is recommended that the confidentiality order be retained to be reviewed at the December 2020 meeting of Council.

148. Review of Confidential Item - Confirmation of Confidential Minutes of the Finance and Audit Committee Meeting – 20 August 2019, GC190924F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (148)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Confirmation of Confidential Minutes of the Finance and Audit Committee Meeting – 20 August 2019, GC190924F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Confirmation of Confidential Minutes of the Finance and Audit Committee Meeting – 20 August 2019, GC190924F01' and appendices, be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party and would, on balance, be contrary to the public interest (Section 90(3)(d)) and information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of various persons (Section 90(3)(a)) . This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 24 September 2019, Council ordered that the Report Confirmation of Confidential Minutes of the Finance and Audit Committee Meeting – 20 August 2019, GC190924F01, and appendices having been considered in confidence under Section 90(2) and (3)(a) and (d)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Report includes the minutes from the Finance and Audit committee. These minutes contain commercial and personal information relating to the Service Review of the Corporate Information and Communication Technology therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

149. Review of Confidential Item - Marion Outdoor Pool Stage 3 - Progress Update, GC191022F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (149)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Marion Outdoor Pool Stage 3 - Progress Update, GC191022F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Marion Outdoor Pool Stage 3 - Progress Update, GC191022F01' together with all annexure and the minutes arising from the report be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party, and would, on balance, be contrary to the public interest (Section 90(3)(b) of the Local Government Act 1999) This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***
2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 22 October 2019, Council ordered that the Report Marion Outdoor Pool Stage 3 - Progress Update, GC191022F01, the appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b)(i) and (ii) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report contains confidential commercial information relating to the Marion Outdoor Pool therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

150. Review of Confidential Item - CEO Annual Performance Review 2018/19, RSC191105F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (150)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report CEO Annual Performance Review 2018/19, RSC191105F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report CEO Annual Performance Review 2018/19, RSC191105F01 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 5 November 2019, the Review and Selection Committee ordered that the Report, appendices and minutes arising from this report relating to CEO Annual Performance Review 2018/19, RSC191105F01, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2019. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

151. Review of Confidential Item - Outcome of Capella Investigations and Director for Southern Soccer, SGC191125F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (151)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Outcome of Capella Investigations and Director for Southern Soccer, SGC191125F01 it is recommended that the order of confidentiality pursuant to Section 90(3) (b) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Outcome of Capella Investigations and Director for Southern Soccer, SGC191125F01 and appendices having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 25 November 2019, the Council considered the Report Outcome of Capella Investigations and Director for Southern Soccer, SGC191125F01, and resolved that this report and appendices having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information the disclosure of which could prejudice the commercial position of Council and/or the person who supplied the information and would on balance be contrary to the public interest.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report provides a detailed update on the Southern Soccer project. As the project is not completed it is recommended that the confidentiality order be retained, to be reviewed at the December 2020 meeting of Council.

152. Review of Confidential Item - Future Land Strategy: City Services Surplus Land, SGC191125F02

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (152)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Future Land Strategy: City Services Surplus Land, SGC191125F02 it is recommended that the order of confidentiality pursuant to Section 90(3)(b) and (d) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with s 91(7) and (9) of the Local Government Act 1999, orders that this report, Future Land Strategy: City Services Surplus Land, SGC191125F02 and appendices having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act be kept confidential and not available for public inspection on the upon the basis that the information relates to commercial information of a confidential nature, the release would, on balance, be contrary to the public interest. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **Unless revoked prior, this confidential order be reviewed at the December 2020 meeting of Council**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 25 November 2019, the Council considered the Report Future Land Strategy: City Services Surplus Land, SGC191125F02, and resolved that this report and appendices having been considered in confidence under Section 90(2) and (3)(b) and (d) of the Act not available for public inspection for a period of 12 months from the date of this meeting.

This order was made on the on the grounds that the report contains commercial information the disclosure of which could prejudice the commercial position of Council and/or the person who supplied the information and would on balance be contrary to the public interest.

In accordance with Section 91(9) of the Act and the above resolutions, the confidentiality order is now due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(b) and (d) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report relates to the City Services Surplus land. It is recommended that report and appendices to remain confidential until the future of the site has been finalised, to be reviewed at the December 2020 meeting of Council.

153. Review of Confidential Item - Cat Curfew By-Law Update, SGC191125F03

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (153)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Cat Curfew By-Law Update, SGC191125F03 it is recommended that the order of confidentiality pursuant to Section 90(3)(h) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report, 'Cat Curfew By-law Update, GC190827F01' together with all annexure be kept confidential and not available for public inspection on the basis that the report contains legal advice (Section 90(3)(h)). This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***
2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 25 November 2019, Council ordered that the Report Cat Curfew By-Law Update, SGC191125F03, and the appendices having been considered in confidence under Section 90(2) and (3)(h) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(h) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report provides legal advice in relation to the Cat (Confinement) Variation By-law 2019 therefore, it is recommended that the confidentiality order be retain to be reviewed at the December 2020 meeting of Council.

154. Review of Confidential Item - Section 270 Report Cove Football Club, SGC191125F04

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (154)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Section 270 Report Cove Football Club, SGC191125F04 it is recommended that the order of confidentiality pursuant to Section 90(3)(f) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the un-redacted version of Appendix 1 of the report, 'Section 270 Report Cove Football Club, SGC191125F04' be kept confidential and not available for public inspection on the basis that the report contains information the disclosure of which could reasonably be expected to prejudice the 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. This order is to remain in force until such time as it is reviewed, at which time a further order of confidentiality may be made.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 25 November 2019, Council ordered that the the un-redacted version of Appendix 1 of the report, 'Section 270 Report Cove Football Club, SGC191125F04' having been considered in confidence under Section 90(2) and (3)(f) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

As required by the above resolution this order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(f) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

The report provides the Section 270 Internal Review of Decision relating to the termination of the licence for the Cove Cobra Football Club. Only unredacted appendix 1 remains confidential.

The report contains 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.

It is recommended that the confidentiality order be retained to be reviewed at the December 2020 meeting of Council.

155. Review of Confidential Item - Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held on 5 November 2019, GC191126F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (155)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held on 5 November 2019, GC191126F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held on 5 November 2019, GC191126F01 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90(2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 November 2019, the General Council ordered that the Report and appendices to the report relating to Confirmation of Confidential Minutes of the Review and Selection Committee Meeting held on 5 November 2019, GC191126F01, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2019. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

156. Review of Confidential Item - CEO Annual Performance Review 2018/19, GC191126F01

Originating Officer	Unit Manager Governance and Council Support - Jaimie Thwaites
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC191210R14 - (156)

REPORT OBJECTIVE

To review the confidential order relating to the item in accordance with Section 91(9) of the Local Government Act 1999 (the Act).

EXECUTIVE SUMMARY

On review of the original Report CEO Annual Performance Review 2018/19, GC191126F01 it is recommended that the order of confidentiality pursuant to Section 90(3)(a) of the Act remain in force.

RECOMMENDATION

That:

1. ***In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report CEO Annual Performance Review 2018/19, GC191126F01 minutes arising from this report and any Appendix to this report be kept confidential and not available for public inspection on the basis that it deals with information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of a person being the Chief Executive Office of the Council (Section 90 (2) and (3)(a) of the Local Government Act 1999). This order is to remain in force until such time as the Chief Executive Officer retires from gainful employment.***

2. **This confidential order be reviewed at the December 2020 meeting of Council.**

BACKGROUND

Section 91(9) of the Local Government Act 1999 (the Act) requires that any confidential order made by Council under Section 91(7) and (9) of the Act must be reviewed at least once in every year.

On 26 November 2019, the General Council ordered that the Report, appendices and minutes arising from this report relating to CEO Annual Performance Review 2018/19, GC191126F01, be kept confidential and not available for public inspection for the period that the Chief Executive Officer remains in gainful employment, to be reviewed in December 2019. This order was made on the basis the information relates to the Chief Executive Officer's performance and remuneration review – Section 90(2) and (3)(a) of the Act.

In accordance with the Act, the above confidentiality order is due for review.

LEGAL / LEGISLATIVE

Note that if Council wishes to discuss the details of the Report during the meeting, Council will need to order that the public be excluded (with the exception of Council officers present) from the meeting pursuant to Section 90(2) and (3)(a) of the Act given the current confidentiality order is still in force.

GENERAL ANALYSIS

Given the Chief Executive Officer remains in gainful employment (currently with the City of Marion), it is recommended that the confidentiality order associated with this Report remain in place.

Accordingly, it is recommended that the confidentiality order be retained to be reviewed in December 2020.

CORPORATE REPORTS FOR INFORMATION/NOTING - Nil

WORKSHOP / PRESENTATION ITEMS - Nil

MOTIONS WITH NOTICE

Rescission Motion - Hamilton Park Reserve Community Court

Elected Member Mayor Kris Hanna

Report Reference: GC191210M01

Motion:

That Council:

1. **Rescinds the following part of the resolution from the 26th November 2019 General Council meeting regarding the community tennis court at Hamilton Park Reserve:**

That Council:
1. **...**
2. **Fund $150,000 for an acrylic community court at Hamilton Park Reserve through the unfunded initiatives program with a operating, maintenance and renewal cost of $15,500 per annum.**

2. To be replaced with the following motion:

That Council:

1. Fund $150,000 for an acrylic community court at Hamilton Park Reserve from the Asset Sustainability Reserve with an operating, maintenance and renewal cost of $15,500 per annum.

Supporting Information:

For some time Council has not been following the practice of periodically assessing unfunded projects. That practice was most useful when various Councillors were bringing numerous new projects to advance the interests of their ward, and Council had to prioritise the projects for funding.

The Hamilton Reserve court proposal arises out of unusual circumstances -
It is consistent with the Tennis and Netball Review in that it represents a reduction of courts on the site and in the ward.
Prior to the 2018 State election the local MP promised funds for installation of a new toilet. This understandably led to community consultation about improvements in the reserve which would complement the toilet facility (which has now been established).
Community consultation finished almost exactly one year ago and residents would reasonably have expected that Council could make a decision on facilities at the reserve within 12 months. Meanwhile the former site of tennis courts is a bare patch of dirt.

Under these circumstances we should get on with it rather than referring the expenditure proposal to an indefinite process. This is not like an entirely new proposal which needs to be assessed in the context of competing new projects.

We recently allocated several million dollars in savings to the Asset Sustainability Reserve.

Response Received From:	Renee Pitcher - Acting Unit Manager Open Space and Recreation Planning
Corporate Manager	Manager City Activation - Greg Salmon
	Acting Manager City Activation - Brett Grimm
General Manager	General Manager City Development - Ilia Houridis

Staff Comments:

Hamilton Reserve court was initially referred to the unfunded initiatives list as funding for this facility had not previously been confirmed within the long term financial plan. The unfunded initiatives list was the recommended procedure for funding, which was to be brought back to Council for consideration in the new year.

Sufficient funds are available within the Asset Sustainability Reserve so that the Hamilton Reserve community court project can commence immediately. Should this be endorsed, the community can be informed and procurement commence early 2020 with delivery by June 2020.

QUESTIONS WITH NOTICE - Nil

MOTIONS WITHOUT NOTICE

QUESTIONS WITHOUT NOTICE

OTHER BUSINESS

MEETING CLOSURE

Council shall conclude on or before 9.30pm unless there is a specific motion adopted at the meeting to continue beyond that time.