

His Worship the Mayor
Councillors
CITY OF MARION

NOTICE OF GENERAL COUNCIL MEETING

Council Chamber, Council Administration Centre
245 Sturt Road, Sturt

Tuesday, 09 March 2021 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



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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 General Council Meeting held on 23 February 2021 and Special General Council Meeting held on 25 February 2021

Originating Officer Governance Officer - Angela Porter

Corporate Manager Manager Corporate Governance - Kate McKenzie

Report Reference: GC210309R01

RECOMMENDATION:

That the minutes of the General Council Meeting held on 23 February 2021 and the minutes of the Special General Council Meeting held on 25 February 2021 be taken as read and confirmed.

ATTACHMENTS:

#	Attachment	Type
1	GC210223 - Final Minutes	PDF File
2	SGC210225 - Final Minutes	PDF File



MINUTES OF THE GC210223 - GENERAL COUNCIL MEETING

Tuesday, 23 February 2021 at 06:30 PM

Council Administration Centre, 245 Sturt Road, Sturt



PRESENT

His Worship the Mayor Kris Hanna

Councillor Tim Gard

Councillor Maggie Duncan

Councillor Raelene Telfer

Councillor Bruce Hull

Councillor Jason Veliskou (from 6.32pm)

Councillor Sasha Mason

Councillor Matthew Shilling

Councillor Nathan Prior

Councillor Joseph Masika (from 6.32pm)

In Attendance

Chief Executive Officer – Adrian Skull

General Manager City Services – Tony Lines

General Manager City Development – Ilia Houridis

General Manager Corporate Services – Sorana Dinmore

Manager Corporate Governance – Kate McKenzie

Acting Unit Manager Governance and Council Support – Victoria Moritz

Governance Administrator – Angela Porter

OPEN MEETING

The Mayor opened the meeting at 06:30 PM

KAURNA ACKNOWLEDGEMENT

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

DISCLOSURE

All persons in attendance are advised that the audio of this General Council meeting will be recorded and will be made available on the City of Marion website.

ELECTED MEMBER'S DECLARATION OF INTEREST (if any)

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

The following interests were disclosed:

- Councillor Telfer declared a perceived conflict of interest in the item *Unsolicited Proposal – 262 Sturt Road Marion (GC210223F03)*

Minutes of the General Council Meeting held on Tuesday 23 February 2021

CONFIRMATION OF MINUTES

Confirmation of the minutes for the General Council Meeting held on 9 February 2021

Report Reference: GC210223R01

Moved Councillor – Maggie Duncan,

Seconded Councillor – Sasha Mason

That the minutes of the General Council Meeting held on 9 February 2021 be taken as read and confirmed.

Carried Unanimously

ELECTED MEMBER VERBAL COMMUNICATIONS

In accordance with the *Code of Practice - Procedures at Council Meeting 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).

- There were nil verbal communication updates provided.

COMMUNICATIONS

Moved Councillor – Raelene Telfer,

Seconded Councillor – Maggie Duncan

That the Communications Reports be moved en bloc.

Carried Unanimously

Mayoral Communication Report

Name of Elected Member Mayor - Kris Hanna

Report Reference GC210223R02

Date	Event	Comments
19/1/21	Meeting with Cove Football Club President	
19/1/21	Meeting with staff, Coastal Wardmembers and Marion Golf Club regarding possible upgrades	

Minutes of the General Council Meeting held on Tuesday 23 February 2021

20/1/21	St Elizabeth's Anglican Church Commissioning Service	Gave welcome speech
23/1/21	Informal chat with Marion Golf Club	
25/1/21	Meeting with Father William Deng from Anglican Parish of St Mary's	
26/1/21	South Coast Cycling Club Australia Day Track Carnival	Opened event
26/1/21	Australia Day Function at Hendrie Street Reserve	Event included citizenship ceremonies and presentation of City of Marion Australia Day Awards
28/1/21	Meeting with Mitchell Park Clubs	
30/1/21	Elected Member Planning Day	
30/1/21	South Road Cricket Club- Trivia Night	Asked questions
3/2/21	Treasure Boxes Changemakers VIP Event	
4/2/21	City of Marion Gap Year Program Induction	
5/2/21	Formal Friday-fundraiser for Beyond Blue	Attended with Mayoress
7/2/21	3x Citizenship Ceremonies	
8/2/21	Edwardstown Brand Concept Presentation and Discussion	
9/2/21	Meeting with Mayor of Onkaparinga	
11/2/21	Club Marion Committee meeting	
12/2/21	Meeting with Steve Nolis, State Manager at McArthur	

Minutes of the General Council Meeting held on Tuesday 23 February 2021

13/2/21	Celebrating Many Cultures, OneEarth-Exploring Rituals and Ceremonies at Weddings and Funerals event	Acted as MC
13/2/21	Transporting goods to warehouse for overseas donation	
15/2/21	Visits to 6 Edwardstown businesses which have each operated for over 25 years	
15/2/21	Greening Adelaide, Edwardstown tree planting celebration	
17/2/21	Meeting with Adelaide Cricket Club Committee	
17/2/21	Meeting with Mitchell Park Rugby League Committee	

Moved Councillor – Raelene Telfer,

Seconded Councillor – Maggie Duncan

That Council:

1. Receives and notes the Mayoral Communication Report.

Carried Unanimously

Deputy Mayor Communication Report

Date of Council Meeting: 23 February 2021

Name of Elected Member: Councillor - Nathan Prior

Report Reference: GC210223R03

Date	Event	Comments
26/01/2021	Australia Day Function at Hendrie Street Reserve	Event included citizenship ceremonies and presentation of City of Marion Australia Day Awards
30/01/2021	Elected Member Planning Day	

*Minutes of the General Council Meeting held on Tuesday 23 February 2021***Moved Councillor – Raelene Telfer,****Seconded Councillor – Maggie Duncan**

That Council:

1. Receives and notes the Deputy Mayor Communication Report.

Carried Unanimously**Elected Member Communication Report****Date of Council Meeting:** 23 February 2021**Name of Elected Member:** Councillor - Raelene Telfer

Date	Event	Comments
28/1/21	Mitchell Pk SCC	Committee discussion
29/1/21	ALGWA	President's dinner and networking
30/1/2021	EM Planning Day	Infrastructure planning
3/2/2021	Tarnham Rd Briefing	Mayor and staff summary
3/2/2021	Mitchell Pk SCC	Management model discussions
7/2/2021	Citizenship Ceremony	Two joyous events
9/2/2021	Warriparinga Ward	Briefing discussions
12/2/2021	Bangka Day	Memorial Service
16/2/2021	Tarnham Rd features	Site visit with staff
17/2/2021	Council Assessment	Panel decisions
18/2/2021	Reconciliation Action	Plan aims

Minutes of the General Council Meeting held on Tuesday 23 February 2021

CEO and Executive Communications Report

Date of Council Meeting

Report Reference: GC210223R04

Date	Activity	Attended By
27 January 2021	Meeting Cross Council Asset Management; Cities of Marion, Port Adelaide Enfield and CharlesSturt	Tony Lines
27 January 2021	LG Professionals GM/DirectorNetworking Working Group	Sorana Dinmore
29 January 2021	Meeting Adrian Skull, Brett Grimm and Infrastructure SA reISA Assurance review for NorthSouth Corridor upgrade project.	Adrian Skull
01 February 2021	Meeting Adrian Skull and AdrianFrancis (Adept Innovations)	Adrian Skull
01 February 2021	Meeting Adrian Skull , RobertLee and Jonathon Lee (Cel Australia)	Adrian Skull
01 February 2021	Meeting Southern Cultural Immersion and City of Marion reLiving Kaurna Cultural Centre	Tony Lines
01 February 2021	Meeting Adrian Skull andCarolyn Power MP	Adrian Skull
01 February 2021	Meeting Ilia Houridis, Tony Linesand Andrew Excell (DIT) re Flinders Greenway Connectivity - Pedestrian Activated Crossing	Ilia HouridisTony Lines
02 February 2021	Meeting Adrian Skull, Steph Roberts and Shelley Willsmore(Office of the Commissioner for Public Sector Employment)	Adrian Skull
02 February 2021	Meeting Cross Council Collab Sorana Dinmore and Donna Dunbar (City of Charles Sturt)	Sorana Dinmore

Minutes of the General Council Meeting held on Tuesday 23 February 2021

03 February 2021	Meeting Adrian Skull and ScottAshby (CEO Onkaparinga)	Adrian Skull
05 February 2021	Meeting Adrian Skull andMinister Speirs	Adrian Skull
05 February 2021	Meeting Adrian Skull and Catherine Hughes (SA Health) reupdate of the roll-out of the COVID vaccination	Adrian Skull
05 February 2021	Cross-Council Collaborative ICTBoard Meeting	Sorana Dinmore
07 February 2021	MC for three City of MarionCitizenship Ceremonies	Adrian Skull
08 February 2021	Meeting Sorana Dinmore & TomCarlton (Bailey Abbott)	Sorana Dinmore
08 February 2021	Community Event EdwardstownBrand Presentation	Ilia Houridis
09 February 2021	Phone Call Adrian Skull andGrant Kelley (Vicinity Group)	Adrian Skull
09 February 2021	Meeting Adrian Skull and Professor John Spoehr (Flinders University)	Adrian Skull
10 February 2021	Meeting City of Marion & OfficeRecreation Sport & Racing re MCC Plaza and SAALC Masterplan	Ilia Houridis
10 February 2021	Meeting Cross Council SoranaDinmore & Chris James (City of West Torrens)	Sorana Dinmore
12 February 2021	Event Reconciliation SA ApologyBreakfast	Adrian Skull
12 February 2021	Meeting Flinders Tonsley/Factory of the Future tour	Adrian Skull
12 February 2021	Meeting Adrian Skull, MatthewPears (CEO Mitcham), Scott Ashby (CEO Onkaparinga) and Roberto Bria (CEO Holdfast)	Adrian Skull

Minutes of the General Council Meeting held on Tuesday 23 February 2021

12 February 2021	Meeting City of Marion & Bardavcol re potential collaboration of works on Majors Road / Flagstaff Hill	Ilia Houridis
12 February 2021	SRC Committee Electronic Meeting (SRWRA)	Sorana Dinmore
15 February 2021	Community Celebration Edwardstown Green Infrastructure Project	Tony Lines Adrian Skull Ilia Houridis
15 February 2021	LGA CEO's COVID-19 Vaccine Industrial Relations Forum	Sorana Dinmore
15 February 2021	SRWRA Board Meeting	Sorana Dinmore
16 February 2021	Meeting Field River Linear Park Taskforce	Adrian Skull
16 February 2021	Meeting Adrian Skull and Judith Sellick	Adrian Skull
22 February 2021	Meeting Adrian Skull, Ilia Houridis, Sascha Frost (City of Marion), Shaun Skipper and Zoltan Heinrich (Vicinity)	Adrian Skull
22 February 2021	Meeting Adrian, Sorana and Judith Sellick	Adrian Skull Sorana Dinmore
23 February 2021	Public Sector Network Corporate & Shared Services Roadshow (Sorana is a speaker)	Sorana Dinmore
25 February 2021	Meeting Cross Council Sorana Dinmore & Abby Dickson (City of Port Adelaide Enfield)	Sorana Dinmore
25 February 2021	Information Session Local Transformation Amidst Global Uncertainty SA KPMG	Sorana Dinmore

Moved Councillor – Raelene Telfer,

Seconded Councillor – Maggie Duncan

That Council:

1. Receives and notes the CEO and Executive Communications Report.

Carried Unanimously

ADJOURNED ITEMS - Nil

DEPUTATIONS - Nil

PETITIONS - Nil

COMMITTEE RECOMMENDATIONS

Confirmation of the minutes for the Asset & Sustainability Committee Meeting held on 2 February 2021

Report Reference: GC210223R05

Moved Councillor – Matthew Shilling,

Seconded Councillor - Tim Gard

That Council:

1. Receives and notes the minutes of the Asset & Sustainability Committee meeting held on 2 February 2021.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Asset & Sustainability Committee.

6.38pm Councillor Mason left the meeting

Carried Unanimously

CONFIDENTIAL ITEMS

Moved Councillor – Matthew Shilling,

Seconded Councillor – Nathan Prior

That the Cover Reports for the Confidential Items be moved en bloc

Carried Unanimously

Cover Report - Capella Reserve Construction of Carpark, Youth Plaza & Skatepark**Report Reference:** GC210223F01**Moved Councillor – Matthew Shilling,****Seconded Councillor – Nathan Prior**

That pursuant to Section 90(2) and (3)(b)(i) and (ii) and (k) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Corporate Governance, Manager City Activation, Unit Manager Open Space & Recreation Planning, Open Space & Recreation Planner, Manager Finance, Unit Manager Communications, Unit Manager Governance and Council Support and Governance Administration Officer, be excluded from the meeting as the Council receives and considers information relating to Capella Reserve Construction of Stage 1: Carpark, Youth Plaza & Skatepark, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to the current tender process.

Carried Unanimously**Cover Report - Marion Golf Park Consultation & Marketing Plan****Report Reference:** GC210223F02**Moved Councillor – Matthew Shilling,****Seconded Councillor – Nathan Prior**

That pursuant to Section 90(2) and (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: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Corporate Governance, Manager City Property, Unit Manager Sport and Recreational Community Facilities, Unit Manager Land & Property, Unit Manager Communications, Unit Manager Governance and Council Support, be excluded from the meeting as the Council receives and considers information relating to Marion Golf Park Consultation & Marketing Plan, 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 including financial figures provided by a third party.

Carried Unanimously

Cover Report - Unsolicited Proposal**Report Reference:** GC210223F03**Moved Councillor – Matthew Shilling,****Seconded Councillor – Nathan Prior**

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: Chief Executive Officer, General Manager City Development, General Manager City Services, General Manager Corporate Services, Manager Corporate Governance, Manager City Activation, Unit Manager Communications, Manager Finance, Acting Unit Manager Governance and Council Support and Governance Administration Officer, be excluded from the meeting as the Council receives and considers information relating to the report *Unsolicited Proposal - 262 Sturt Road, Marion*, 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 a proposal from a third party.

Carried Unanimously**Capella Reserve Construction of Carpark, Youth Plaza & Skatepark****Report Reference:** GC210223F01

6.40pm the meeting went into confidence

6.42pm Councillor Mason re-entered the meeting

Moved Councillor – Tim Gard,**Seconded Councillor Maggie Duncan**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999, orders that this report, the attachments and any minutes arising from this report having been considered in confidence under Section 90 (2) and (3)(b) (i) and (ii) and (k) 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 2021.

Carried Unanimously

6.46pm the meeting came out of confidence

Marion Golf Park Consultation & Marketing Plan**Report Reference:** GC210223F02

6.47pm the meeting went into confidence

Moved Councillor - Tim Gard,**Seconded Councillor - Matthew Shilling**

That Council:

1. Receives and notes this report and attachments.

Carried**Councillor Hull called a Division**

Those for: Councillors Masika, Mason, Veliskou, Prior, Telfer, Shilling, Duncan and Gard **Those against:** Councillor Hull

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

In accordance with Section 91(7) and (9) of the Local Government Act 1999, orders that attachment 2 (marketing plan) to this report having been considered in confidence under Section 90 (2) and (3)(d) (i) and (ii) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2021.

Carried

7.06pm the meeting came out of confidence

Unsolicited Proposal**Report Reference:** GC210223F03

7.12pm the meeting went into confidence

Councillor Telfer declared a perceived conflict of interest in the item *Unsolicited Proposal: 262 Sturt Road, Marion* as she is Deputy Member on the Council Assessment Panel, which may in the future, assess any proposal and will remain in the meeting.

Meeting Suspension**Moved Councillor – Bruce Hull,****Seconded Councillor - Nathan Prior**

That formal meeting procedures be suspended to discuss the item.

Carried

7.13pm formal meeting procedures suspended

7.27pm formal meeting procedures resumed

Moved Councillor - Joseph Masika,**Seconded Councillor - Sasha Mason**

In accordance with Section 91(7) and (9) of the Local Government Act 1999, orders that the report, any attachments to this report and the minutes arising from this report having been considered in confidence under Section 90 (2) and (3)(d) (i) and (ii) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2021.

Carried Unanimously

7.29pm the meeting came out of confidence

CORPORATE REPORTS FOR DECISION**Artificial Turf within the City of Marion****Report Reference:** GC210223R06**Moved Councillor Jason Veliskou**

That Council:

1. Considers the options relating to the management of artificial turf across the City and implements the following:
 - Disallow all artificial turf installed after 9 May 2019
 - Allow all turf installed with a permit
 - Allow all existing (prior to 9 May 2019) artificial turf for properties where there is no footpath or where the footpath is connected to the kerb.
 - Allow / disallow all turf installed before 9 May without a permit located between footpath and kerb.

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Councillor Veliskou withdrew the Motion

Councillor Veliskou declared an conflict of interest in the item *Artificial Turf within the City of Marion (GC210223R06)* due to a relative of his residing in a unit that is part of a strata group to install artificial turf prior to 9 May 2019 and will leave the meeting.

7.45pm Councillor Veliskou left the meeting

Moved Councillor - Bruce Hull,

That Council:

1. Considers the options relating to the management of artificial turf across the City and implements Option 1 (Direct all artificial turf without a permit to be removed).
2. Notes that, depending on the management option resolved, additional resources including staff and budget may be required to implement the resolution.
3. Notes that going forward, any new artificial turf installations that are brought to the attention of staff will be assessed against Section 221 of the Local Government Act and the City of Marion Verge Development Guideline with property owners instructed to remove the turf if deemed at odds with these policies.
4. Notes that a community education and communication plan is being developed to continue to support residents and property owners to understand the issues associated with artificial turf.

The Motion Lapsed for want of a Seconder

Moved Councillor – Matthew Shilling,

Seconded Councillor - Raelene Telfer

That Council:

1. Considers the options relating to the management of artificial turf across the City and implements Option 2 (Direct removal of all turf installed after Verge Guidelines were put in place, and request removal of turf on properties where turf was installed before Verge Guideline in place).
2. Notes that, depending on the management option resolved, additional resources including staff and budget may be required to implement the resolution.
3. Notes that going forward, any new artificial turf installations that are brought to the attention of staff will be assessed against Section 221 of the Local Government Act and the City of Marion Verge Development Guideline with property owners instructed to remove the turf if deemed at odds with these policies.
4. Notes that a community education and communication plan is being developed to continue to support residents and property owners to understand the issues associated with artificial turf.

The vote was Tied

The Mayor made a casting vote and voted against the motion

Lost

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

That Council:

1. Considers the options relating to the management of artificial turf across the City and implements Option 3 (Management as per Option 2 and provide some financial assistance to support this).
2. Notes that, depending on the management option resolved, additional resources including staff and budget may be required to implement the resolution.
3. Notes that going forward, any new artificial turf installations that are brought to the attention of staff will be assessed against Section 221 of the Local Government Act and the City of Marion Verge Development Guideline with property owners instructed to remove the turf if deemed at odds with these policies.
4. Notes that a community education and communication plan is being developed to continue to support residents and property owners to understand the issues associated with artificial turf.

Lost

Tonsley Northern Vehicle Connection

Report Reference: GC210223R07

8.11pm Councillor Veliskou re-entered the meeting

8.11pm Councillor Shilling left the meeting

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

That Council:

1. Notes the process of community land revocation and road opening.
2. Notes a Northern Connector Concept Plan (p58) from PEET that the proposed widening just south of Cohen Reserve on the Eastern corner is greater than 20m width and will connect to the regional promenade park.
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 whole of Cohen Court Reserve at Lot 43 in Deposited Plan 20268 being the whole of the land in Certificate of Title Volume 5546 Folio 336.
4. Notes that the Community Land Classification will automatically be reinstated over the balance of Cohen Court Reserve after creation of the road of approximately 800 square metres.

Minutes of the General Council Meeting held on Tuesday 23 February 2021

5. Requires Administration to bring a report to Council for consideration of the outcome of the public consultation under Section 194(2)(b) of the Local Government Act 1999 for the revocation of the community land classification for the whole of Cohen Court Reserve at Lot 43 in Deposited Plan 20268 being the whole of the land in Certificate of Title Volume 5546 Folio 336.

6. Notes the community engagement plan.

8.14pm Councillor Mason left the meeting

8.14pm Councillor Shilling re-entered the meeting

Carried Unanimously

LGA Submission – Electronic attendance at council meetings & informal gatherings

Report Reference: GC210223R08

Moved Councillor - Matthew Shilling,

Seconded Councillor - Maggie Duncan

That Council:

1. Adopts the submission to the Local Government Association provided in Attachment 2 to this report regarding Electronic attendance at council meetings and information gatherings

Carried Unanimously

8.18pm Councillor Mason re-entered the meeting

Procedural Motion

Moved Councillor - Matthew Shilling,

Seconded Councillor – Raelene Telfer

That the following two items be moved en bloc:

- 2nd Budget Review 2020/21
- Council Events and COVID-19

Carried Unanimously

2nd Budget Review 2020/21**Report Reference:** GC210223R09**Moved Councillor - Matthew Shilling,****Seconded Councillor – Raelene Telfer**

That Council:

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

Carried Unanimously**Council Events and COVID-19****Report Reference:** GC210223R10**Moved Councillor - Matthew Shilling,****Seconded Councillor – Raelene Telfer**

That Council:

1. Postpones Touch-a-Truck from April 2021 to a date to be determined in 2021/22 and allocates funding of \$10,000 as part of the 2021/22 annual business planning process.
2. Substitutes Marion Celebrates 2021/22 with a smaller scale indoor Multicultural Concert later in 2021, and allocates funding of \$15,000 as part of the 2021/22 annual business planning process.

Carried Unanimously**LGA Submission- Draft LGA strategic plan 2021-2025****Report Reference:** GC210223R11**Moved Councillor - Tim Gard,****Seconded Councillor – Maggie Duncan**

That Council:

1. Adopts the submission to the Local Government Association (LGA) provided in Attachment 3 regarding a response to the LGA draft Strategic Plan 2021-2025, subject to the following amendments:
 - An additional point be added under 'Assist' around Collaboration with Local Government and other levels of Government

Carried Unanimously

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

That the following items be move en bloc:

- Council delegations under the Planning, Development and Infrastructure Act 2016
- Role and Responsibilities of Assessment Manager under the Planning, Development and Infrastructure Act 2016
- Replacement of CoM Building and Swimming Pool Inspection Policy with new requirements under the PDI Act 2016
- Public Notification Fee and Signage on Land Requirements under the PDI Act 2016
- Revised Fees and Charges under the Planning, Development and Infrastructure Act 2016

Carried**Councillor Hull called a Division****Those for:** Councillors Masika, Veliskou, Prior, Telfer, Shilling, Duncan and Gard**Those against:** Councillor Mason and Hull**Carried****Council delegations under the Planning, Development and Infrastructure Act 2016****Report Reference:** GC210223R12**Moved Councillor - Matthew Shilling,****Seconded Councillor - Raelene Telfer**

That Council:

1. Council notes the report, and notes that existing Development Delegations pursuant to the Development Act 1993 will remain in place until revoked by Council.
2. Council resolves to amend Instrument of Delegation A (Attachment 1) to provide or retain the following new PDI Act related delegations:
 - a) 11.1 (Council retain delegation)
 - b) 18.1 (delegated to CEO)
 - c) 76.1 (delegated to CEO)
 - d) 40.1 (delegated to CEO)
 - e) 48.1 (delegated to CEO)
3. In exercise of the power contained in Section 44 of the Local Government Act 1999, the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made there under contained in the proposed Instrument of Delegationannexed to the Report considered by Council at its meeting held 23 February 2021 and entitled:

Minutes of the General Council Meeting held on Tuesday 23 February 2021

"Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Council, a Designated Authority and a Designated Entity"

...are hereby delegated this 23 of February 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

4. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Sections 44 and 101 of the Local Government Act 1999 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.
5. In exercise of the power contained in Section 100 of the Planning, Development and Infrastructure Act 2016 the powers and functions under the Planning, Development and Infrastructure Act 2016 and statutory instruments made there under contained in the proposed Instrument of Delegation annexed to the Report considered by Council at its meeting held 23 February 2021 and entitled:

"Instrument of Delegation Under the Planning, Development and Infrastructure Act 2016, Regulations, Planning & Design Code and Practice Directions of Powers of a Council as a Relevant Authority"

...are hereby delegated this 23 of February 2021 to the person occupying or acting in the office of Chief Executive Officer of the Council subject to the conditions and/or limitations, if any, specified herein or in the Schedule of Conditions in the proposed Instrument of Delegation.

6. Such powers and functions may be further delegated by the Chief Executive Officer in accordance with Section 100(2)(c) of the Planning, Development and Infrastructure Act 2016 as the Chief Executive Officer sees fit, unless otherwise indicated herein or in the Schedule of Conditions contained in the proposed Instrument of Delegation.

Carried

Councillor Hull called a Division

Those for: Councillors Masika, Veliskou, Prior, Telfer, Shilling, Duncan and Gard

Those against: Councillor Mason and Hull

Carried

CORPORATE REPORTS FOR INFORMATION/NOTING**Role and Responsibilities of Assessment Manager under the Planning, Development and Infrastructure Act 2016****Report Reference:** GC210223R13**Moved Councillor - Matthew Shilling,****Seconded Councillor - Raelene Telfer**

That Council:

1. Notes the report.

Carried**Councillor Hull called a Division****Those for:** Councillors Masika, Veliskou, Prior, Telfer, Shilling, Duncan and Gard**Those against:** Councillor Mason and Hull**Carried****Replacement of CoM Building and Swimming Pool Inspection Policy with new requirements under the PDI Act 2016****Report Reference:** GC210223R14**Moved Councillor - Matthew Shilling,****Seconded Councillor - Raelene Telfer**

That Council:

1. Notes the report 'Replacement of CoM Building and Swimming Pool Inspection Policy with new requirements under the PDI Act 2016'.
2. Notes Council's Building and Swimming Pool Policy will be rescinded as a result of being superseded and replaced with the new mandatory building inspection requirements under the PDI Act 2016, effective 19 March 2021.

Carried**Councillor Hull called a Division****Those for:** Councillors Masika, Veliskou, Prior, Telfer, Shilling, Duncan and Gard**Those against:** Councillor Mason and Hull**Carried**

Public Notification Fee and Signage on Land Requirements under the PDI Act 2016
Report Reference: GC210223R15

Moved Councillor - Matthew Shilling,

Seconded Councillor - Raelene Telfer

That Council:

1. Notes this report.

Carried

Councillor Hull called a Division

Those for: Councillors Masika, Veliskou, Prior, Telfer, Shilling, Duncan and Gard

Those against: Councillor Mason and Hull

Carried

Revised Fees and Charges under the Planning, Development and Infrastructure Act 2016

Report Reference: GC210223R16

Moved Councillor - Matthew Shilling,

Seconded Councillor - Raelene Telfer

That Council:

1. Notes the report 'Revised Fees and Charges under the Planning, Development and Infrastructure Act 2016'.

Carried

Councillor Hull called a Division

Those for: Councillors Masika, Veliskou, Prior, Telfer, Shilling, Duncan and Gard

Those against: Councillor Mason and Hull

Carried

Community Safety Team Proactive Activities Half Yearly Report

Report Reference: GC210223R17

Meeting Suspension

Moved Councillor – Jason Veliskou,

Seconded Councillor Sasha Mason

That formal meeting procedures be suspended to discuss the item

Carried

Minutes of the General Council Meeting held on Tuesday 23 February 2021

8.42pm formal meeting procedures suspended

8.42pm Councillor Duncan left the meeting

8.45pm Councillor Duncan re-entered the meeting

8.46pm Councillor Shilling left the meeting

8.51pm Councillor Shilling re-entered the meeting

8.55pm formal meeting procedures resumed

Moved Councillor - Raelene Telfer,

Seconded Councillor - Jason Veliskou

That Council:

1. Notes the report 'Community Safety Team Proactive Activities and Education Plan 2020 Half Yearly Report: July - December 2020'.

Carried Unanimously

Procedural Motion

Moved Councillor - Matthew Shilling,

Seconded Councillor - Nathan Prior

That the following Corporate Reports for Information / Noting be moved en bloc:

- Work Health & Safety - Monthly Performance Report - January 2021
- Questions Taken on Notice Register
- Finance Report - January 2021

Carried Unanimously

Work Health & Safety - Monthly Performance Report - January 2021

Report Reference: GC210223R18

Moved Councillor - Matthew Shilling,

Seconded Councillor - Nathan Prior

That Council:

1. Notes the report and statistical data contained therein.

Carried Unanimously

Questions Taken on Notice Register**Report Reference:** GC210223R19**Moved Councillor - Matthew Shilling,****Seconded Councillor - Nathan Prior**

That Council:

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

Carried Unanimously**Finance Report - January 2021****Report Reference:** GC210223R20**Moved Councillor - Matthew Shilling,****Seconded Councillor - Nathan Prior**

That Council:

1. Receives the report "Finance Report – January 2021"

Carried Unanimously**WORKSHOP / PRESENTATION ITEMS - Nil****MOTIONS WITH NOTICE - Nil****QUESTIONS WITH NOTICE****Phone Tower Incident - Coles Supermarket, Park Holme****Elected Member:** Councillor Bruce Hull**Report Reference:** GC210223Q01**Question:**

In the Interest of public safety, I request that Council be advised of all the subsequent reports (including SafeWork SA & MFS) relating to this incident and also advise Council if the structure will again be used as a phone tower or will this telco ruin be removed?

Supporting Information:

On the 2nd May 2020 the top section of a phone tower collapsed through the roof and impacted the floor of the Coles Supermarket, 319 Oaklands Road, Park Holme.

<https://amp.abc.net.au/article/12208642>

Response Received From:

Manager Development and Regulatory Services - Warwick Deller-Coombs

Staff Comments:

- The damaged roof mounted phone tower, which has been out of commission for some time at Park Holme Shopping Centre, will be removed.
- A development application has been lodged for its demolition and replacement with a new freestanding tower. In the meantime, appropriate repairs have been undertaken to the existing Coles roof structure.
- This application, which has only recently been lodged, is under active consideration by the Planning team with no formal assessment undertaken as yet.
- Council has not been provided with any reports from Safework SA, MFS or other agencies. They do not usually provide these and are not usually required to provide these to Council.
- Council staff were provided with an engineering report by the owner's insurer on the existing roof structure at the time, which was reviewed and considered appropriate. This report was requested to be kept confidential by the provider as it contains commercially sensitive information relating to their infrastructure.
- Council staff remain satisfied that the owners are responsibly managing the situation and that any risks to public safety regarding the demolition of the existing structure along with the proposed new structure are being adequately addressed.
- Furthermore Council reviewed phone tower structures it has on Council owned land, underlease and requested our providers undertake regular inspections of their assets. These include:
 - Telstra – Denham Avenue Morphetville (next to the Morphetville Park Sports and Community Club)
 - Telstra - Marion Golf Course Clubhouse Road Seacliff Park
 - Crown Castle (assigned by Vodafone) – Marion Golf Course Clubhouse Road Seacliff Park
- It should be noted that the tower at the Coles Park Holme Shopping Centre is an Optus piece of infrastructure. None of the towers on Council land are in built up areas, nor are they of the type at Park Holme.
- Inspections of the phone towers on Council land have been undertaken with no risks being identified. In addition Administration have stated the need for a review of the engineering of support poles whenever additional infrastructure is considered to be added to existing poles to ensure that the support infrastructure is able to maintain any additional loads and if not, that the support structures need to be reinforced or replaced.

Minutes of the General Council Meeting held on Tuesday 23 February 2021

Rates

Elected Member: Councillor Matthew Shilling

Report Reference: GC210223Q02

Question:

1. How many Residential rates were paid in full in 2019/20 and 2020/21?
2. Is this amount the same most years over the last 10 years?
3. Do any other metropolitan councils offer an incentive/discount if rates are paid in full?
4. Has a discount ever been offered for paid in full rates in the City of Marion?

Supporting Information:

Nil.

Response Received From:

Manager Finance - Ray Barnwell

Staff Comments:

How many Residential rates were paid in full in 2019/20 and 2020/21?

- 2019/20 - 11% of residential rates were paid in full by the first instalment due date.
- 2020/21 - 12% of residential rates were paid in full by the first instalment due date.

Is this amount the same most years over the last 10 years?

The average percent paid in full by the first instalment due date over the past 10 years is 11%.

Do any other metropolitan councils offer an incentive/discount if rates are paid in full?

There are no other metropolitan councils offering an incentive /discount for rates paid in full before the first instalment due date with the exception of Mitcham Council who offer a 1% discount. Mitcham Council are currently undertaking community consultation on replacing their discount option with a less costly option.

West Torrens Council also stopped offering a discount a number of years ago. It is understood the decision to stop offering a discount was based on the inequity of rewarding those that have the capacity to pay up front while penalising those that don't.

Has a discount ever been offered for paid in full rates in the City of Marion?

There are no records indicating that the City of Marion has ever offered a discount for rates paid in full.

Offering a discount to those ratepayers who have the capacity to pay in full will come at a cost. This cost will effectively be funded by those who unfortunately do not have the financial capacity to pay their rates in full up front and may be seen as inequitable, particularly to our most vulnerable ratepayers.

Lampshade Cafe Warradale Public Infrastructure**Elected Member:** Mayor Kris Hanna**Report Reference:** GC210223Q03**Question:**

Why is there no obvious signage on the public infrastructure outside the Lampshade Cafe? Warradale, indicating that this has been set up by the City of Marion?

Supporting Information:

About a year ago, I asked this question of staff and was assured a sign would be affixed to the structure indicating it is City of Marion property.

Response Received From:

Manager City Activation - Greg Salmon

Staff Comments:

A 20cm x 10cm plaque was installed on the parklet in 2020 with the City of Marion logo and the following text "This improvement is a Marion Council initiative".

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 8.59pm

CONFIRMED THIS 9TH DAY OF MARCH 2021

.....
CHAIRPERSON



**MINUTES OF THE SGC210225 - SPECIAL GENERAL COUNCIL MEETING - 25
February 2021**

Thursday, 25 February 2021 at 06:30 PM 245 Sturt Road Sturt



6.30pm The Chief Executive Officer, in the absence of the Mayor stated that quorum was not present and the meeting could not open until this was achieved. In accordance with the *Code of Practice Procedures at Council Meetings* the meeting has 30 minutes to achieve this.

At the expiration of 30 minutes from the scheduled time specified in the notice of meeting the Chief Executive Officer adjourned the meeting (and the item) for want of a quorum.

The meeting (and the item) is to be adjourned until the General Council Meeting to be held on 9 March 2021.

The following members were present:

In Attendance:

Councillor Sasha Mason
Councillor Bruce Hull
Councillor Matthew Shilling
Councillor Maggie Duncan
Councillor Tim Gard
Councillor Ian Crossland

Adrian Skull – Chief Executive Officer
Kate McKenzie – Manager Corporate Governance
Tony Lines – General Manager City Services
Ilia Houridis – General Manager City Development
Sorana Dinmore – General Manager Corporate Services
Victoria Moritz – Acting Unit Manager Governance and Council Support

7.00pm the meeting was adjourned

CONFIRMED THIS 9th DAY OF MARCH 2021

.....

CHAIRPERSON

ADJOURNED ITEMS

BMX Facility Toilets for Public Use

Originating Officer	Governance Officer - Victoria Moritz
Corporate Manager	Manager City Activation - Greg Salmon
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC210309R02

REPORT OBJECTIVE

To consider the item *BMX Facility Toilets for Public Use* that was adjourned at the Special General Council Meeting on 25 February 2021.

EXECUTIVE SUMMARY

This item was listed for the Special General Council Meeting to be held on 25 February 2021 (Attachment 1). In accordance with the Code of Practice - Procedures at Council Meetings the Chief Executive Officer, in the absence of the Mayor, adjourned the meeting (and the item) to the General Council Meeting to be held on 9 March 2021 for want of a quorum:

2.3 If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement, a quorum is not present, the presiding member or, in the absence of a presiding member, the Chief Executive Officer, will adjourn the meeting to a specified day and time.

The following members were present:

Councillor Sasha Mason
Councillor Bruce Hull
Councillor Matthew Shilling
Councillor Maggie Duncan
Councillor Tim Gard
Councillor Ian Crossland

As the motion is yet to be moved or seconded, Council may wish to consider Councillor Crossland's Motion with Notice, *BMX Facility (GC210309M02)*, in conjunction with this item.

RECOMMENDATION

Original Motion from 25 February 2021 (SGC210225M01):

That Council:

- 1. Accepts the Department for Environment and Waters (DEW) request for toilets to be open to the public.**
- 2. Note that DEW are providing the land rent free, where a substantial rent could be charged, but are waiving the fee due to supporting the community.**
- 3. Propose a third share of the maintenance costs between DEW, Marion and Onkaparinga.**

4. **Seek a third funding from Onkaparinga as this is a joint venture supporting one of their clubs (Happy Valley BMX)**
5. **Staff report back to Council on the negotiations between Onkaparinga and if a further decision for Marion to fund two thirds is required.**
6. **Note that DEW will not be required to fund more than one third share.**
7. **Staff put our offer before DEW and if accepted, construction can begin on time.**
8. **Staff report back to Council by April 2021 with a fully costed plan to install and maintain an Exeloo on site that would be for Public use and separate from the club rooms.**

Attachment

#	Attachment	Type
1	Attachment 1 - SGC210225M01 - BMX Facility Toilets for Public Use	PDF File

BMX Facility Toilets for Public Use

Elected Member Councillor Matthew Shilling

Report Reference: SGC210225M01

Motion:

That Council:

1. **Accepts the Department for Environment and Waters (DEW) request for toilets to be open to the public.**
2. **Note that DEW are providing the land rent free, where a substantial rent could be charged, but are waiving the fee due to supporting the community.**
3. **Propose a third share of the maintenance costs between DEW, Marion and Onkaparinga.**
4. **Seek a third funding from Onkaparinga as this is a joint venture supporting one of their clubs (Happy Valley BMX)**
5. **Staff report back to Council on the negotiations between Onkaparinga and if a further decision for Marion to fund two thirds is required.**
6. **Note that DEW will not be required to fund more than one third share.**
7. **Staff put our offer before DEW and if accepted, construction can begin on time.**
8. **Staff report back to Council by April 2021 with a fully costed plan to install and maintain an Exeloo on site that would be for Public use and separate from the club rooms.**

Supporting Information:

Council have been asked to fund the maintenance costs of the toilets at the BMX Facility for public use. The ground-breaking cannot take place until this matter is resolved and the Minister signs the lease for the land. Council has spent nearly five years developing this site and disagreement between the Minister and Council should not be the reason our community suffers.

This facility will be a great thing for our Council and State. Access to toilets is a basic right. These toilets although based on Crown Land, are within a Council facility and should be partly funded by the Department and Council.

Having spoken with many representatives in the last 48 hours, I believe the above motion would be acceptable to the Department and allow us to move forward with this project

Our community should not miss out.

Response Received From: Carla Zub - Project Manager Strategic Projects

Corporate Manager Manager City Activation - Greg Salmon

General Manager General Manager City Development - Ilia Houridis

Staff Comments:

The motion was received from Councillor Shilling on Wednesday 24 February 2021. This item will be considered as a Motion without Notice as it was received outside of the time frames for a Motion with Notice in accordance with Councils *Code of Practice - Procedures at Council Meetings (Section 7, Regulation 12)*:

7.2 The notice of motion must be given to the chief executive officer at least five clear days before the date of the meeting at which the motion is to be moved.

Public access to toilets

The City of Marion has awarded Partek Construction to deliver the new SWBMX project on Majors Road, O'Halloran Hill with commencement of works scheduled for 1 March 2021. Any delays to the commencement of works may result in daily delay charges of \$1,465 per day and extensions of time. These costs would be directly borne by Council.

Over the past 18 months, the City of Marion has been negotiating with the Department for Environment and Water (the Department) for a Licence to Construct and long term lease arrangement (40 year lease), with terms agreed that institute a shared operations structure with the City of Onkaparinga (CoO) for the operation of the venue (CoO has resolved to provide 50% annual contribution towards SWBMX facility maintenance costs).

In January 2021, through communications with the Minister for Environment and Water and the Department of Environment and Water (DEW) a series of new operational conditions were sought to be explored, which carry cost implications for operation of the venue above the current agreed operational budgets of the City of Marion and City of Onkaparinga. The conditions include providing general public access to the BMX clubhouse amenities.

The amenities can be publicly accessible 7 days outside of the BMX clubs operating hours. The Capital and Operating impact to the budget:

- **\$20,000 Capital** for vandalism proofing walls and tapware, changes to fencing and DDA accessible ramp. This would be a variation to the project and can funded through the project contingency.
- **\$30,804.65 (GST excl) Operating Costs** - based on opening (6:30am) and closing of the amenities (8pm) and includes cleaning, consumables and security, but does not consider annual maintenance costs.

The cost of cleaning and maintaining the public amenities across Council sites are a Council responsibility, not the lessee's. The lease agreement between the Clubs and Council for the new facility will need to exclude the times during which public access to the toilets is required. This would result in Council paying 100% of the estimated \$30,804 (GST excl) per annum. Whilst Administration will seek contributions from the CoO, it is expected that the CoO may not deem it reasonable to provide an annual contribution for public amenities outside of their jurisdiction.

DEW had previously advised that it is not supportive in providing any contribution as the land for the new facility is being leased to Council at no annual rental charge.

Administration advise that if a resolution can not be negotiated at this late stage it will likely result in significant delays to commencement of construction resulting in delay costs to Council and to the program, pushing the earthworks into wetter months and potentially causing further delays. There are also reputational risks in delaying the projects.

Provision of an Exeloo

An Exeloo or similar could be installed at the SWBMX site within the area designated close to the pump track. The capital cost of the Exeloo would be \$180,000 for one or \$300,000 for two toilets including supply, installation and connection to services. These capital costs are too large to be funded by the project contingency budget. The annual operating and maintenance costs are approximately \$10,920 per annum per Exeloo.

For this reason, it is not recommended to proceed with an Exeloo as publicly accessible toilets can be provided through the club house.

Staff recommend the following alternate resolution:

That Council:

- 1. Notes that this request from the Department for Environment and Water (DEW) is now holding up commencement of the BMX and Soccer projects. Any delays to the start date of the 1 March 2021 will result in a daily delay rate of \$1,465 and potential extension of time to be borne by Council.**
- 2. Notes that DEW are providing the land rent free, where a substantial rent could be charged, but are waiving the fee due to supporting the community.**
- 3. Accepts the DEW request for toilets to be open to the public and for Council to fund the ongoing operating costs estimated to be \$30,000 (GST exclusive) per annum.**
- 4. Administration to advise DEW of Council's resolution.**

DEPUTATIONS - Nil

PETITIONS - Nil

COMMITTEE RECOMMENDATIONS - Nil

CONFIDENTIAL ITEMS

Cover Report - X Convenience Service Station Development Application

Originating Officer	Manager Development and Regulatory Services - Warwick Deller-Coombs
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC210309F01

RECOMMENDATION

That pursuant to Section 90(2) and (3)(d) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Corporate Governance, Manager Development & Regulatory Services, Unit Manager Communications, Acting Unit Manager Governance and Council Support, Governance Administration Officer, Peter Psaltis (Norman Waterhouse) be excluded from the meeting as the Council receives and considers information relating to the X Convenience Service Station Development Application 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.

Confidential - X Convenience Service Station Development Application

CONFIDENTIAL

Reason For Passing This Resolution:

Local Government Act (SA) 1999 S 90 (2) 3(h): legal advice.

Cover Report - Urban Renewal Opportunities

Originating Officer	Project Director, Urban Renewal - Sascha Frost
Corporate Manager	N/A
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC210309F02

RECOMMENDATION

That pursuant to Section 90(2) and (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: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Corporate Governance, Manager City Activation, Project Director Urban Renewal, Manager Finance, Unit Manager Communications, Unit Manager Governance and Council Support and Governance Administration Officer, be excluded from the meeting as the Council receives and considers information relating to Urban Renewal Opportunities, 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 confidential commercial information including preliminary concept plans and financial figures.

Confidential - Urban Renewal Opportunities

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 - Field River Linear Park

Originating Officer	Executive Assistant to CEO - Dana Bartlett
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	Chief Executive Officer - Adrian Skull
Report Reference	GC210309F03

RECOMMENDATION

That pursuant to Section 90(2) and (3)(d)(i) and (ii) and (j)(i) and (ii) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Services, General Manager Corporate Services, General Manager City Development, Manager Corporate Governance, Unit Manager Governance and Council Support, Unit Manager Communications and Governance Administration Officer be excluded from the meeting as the Council receives and considers information relating to the Field River Linear Park, 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 in confidence information provided by a Minister.

Field River Linear Park

CONFIDENTIAL

Reason For Passing This Resolution:

Local Government Act (SA) 1999 S 90 (2) 3(j) (i) and (ii): information the disclosure of which (i) would divulge information provided on a confidential basis by or to a Minister of the Crown, or another public authority or official (not being an employee of the council, or a person engaged by the council); and (ii) would, on balance, be contrary to the public interest.

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.

CORPORATE REPORTS FOR DECISION

Revitalisation of the Edwardstown Employment Precinct - 2021/22 Action Plan

Originating Officer	Unit Manager Economic Development - Donna Griffiths
Corporate Manager	Manager City Activation - Greg Salmon
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC210309R03

REPORT OBJECTIVE

The purpose of this report is to seek approval to continue with the Revitalisation of the Edwardstown Employment Precinct from an access amenity and activation perspective. A 12 month action plan for 2021/22 has been established that builds on previous work for your consideration.

EXECUTIVE SUMMARY

The Revitalisation of the Edwardstown Employment Precinct project was established in 2018. The project sought to revitalise the geographical area east of the railway line and bordered by South Road, Daws Road and Cross Road from an access (how people move around the precinct), amenity (the look and feel of the precinct) and activation (business growth and investment) perspective. Two 12 month action plans have been implemented - delivering 58 actions with a budget of \$325,000 to date.

This work complements the longer term strategic vision for the precinct which is provided in a separate confidential report.

Further work is needed to continue to revitalise the employment precinct from an access, amenity and activation perspective. The request for this year is to continue the momentum of the project and deliver 27 actions with a budget of \$277,500 including the Project Coordinator.

This initiative has in effect been a series of annual allocations, with a key focus on economic development activity, small scale and targeted precinct works to improve the amenity of the area and analysis work to underpin future proposals for improvement.

RECOMMENDATION

That Council:

1. Endorse the 2021/22 FY Action Plan as the program of work (Attachment 1).
2. Endorse a budget of \$277,500 including the Project Coordinator (1.0 FTE) to be included as part of the 2021/22 budget process.
3. Note that administration will identify and progress any grant opportunities to deliver the program of works.

GENERAL ANALYSIS

Council has previously considered taking a multi-year approach to investing in this program of work, however has sought Administration to review annually and return with an outline for the 2021/22 financial year.

History of Investment in the Project

Council has supported this project since 2019. The following table details investment to date and proposed investment for 2021/2022.

#	FY	Council Contribution to the Project	External Funding
1	2019/20	\$281,000	\$85,000 (received)
2	2020/21	\$246,000	\$60,000 (received)
3	2021/22	\$277,500 (proposed)	\$25,000 (proposed)

The project has been successful in receiving \$145,000 in grants to date towards outcomes in Edwardstown and will continue to seek these opportunities to invest towards outcomes.

History of Progress to Date

The project has delivered a number of activities within the themes of:

- access (how people move around the site),
- amenity (the look and feel of the site) and
- activation (business growth and investment) (refer Attachment 1).

Through this years program will also be an opportunity to review outcomes and consider how some of the successful initiatives could be applied across the City of Marion into other precincts.

DISCUSSION

Proposed Activity for 2021/22

The proposed action plan (Attachment 2) builds on the work of the past two years and complements the longer term strategic vision for the precinct.

Attachment

#	Attachment	Type
1	Attachment 1 - History of Progress to Date	PDF File
2	Attachment 2 - Revitalisation of the Edwardstown Employment Precinct Action Plan	PDF File

Revitalisation of the Edwardstown Employment Precinct

History of Progress to Date

#	FY	Number of Actions Delivered	Highlights
1	2019/20	26 - Total Line Items Access - 3 projects Amenity - 5 projects Activation - 12 projects	All line items complete, on time, on budget and within scope. Highlights: <ul style="list-style-type: none"> • Established the Making Marion website • Urban Design Framework created • Greening of Edwardstown Part One • Established the business community meetings / steering committee • Edwardstown business and property business listing • Established environmental monitoring • Business upskilling and networking program delivered • Five case studies of businesses in Woodlands Terrace to promote energy efficiencies • Economic Activation Plan
2	2020/21	32 - Total Line Items Access - 4 line items Amenity - 7 line items Activation - 11 line items	All line items complete, on time, on budget and within scope. Highlights: <ul style="list-style-type: none"> • Creative space EOI complete • Tonsley and Edwardstown Value Proposition and Capability mapping • Retained the Edwardstown business community group • Creating the Edwardstown Brand • Circular economy workshops • Businesses with 25 years were celebrated • Greening of Edwardstown Part One concluded • Greening of Edwardstown Part Two successful. • Community celebration held. • Study into local area traffic management • Stobie pole art installation • Thermal comfort modelling

**12 Month Action Plan - Revitalisation of the Edwardstown Employment Precinct
2021/22 Financial Year**

Deliverables						\$s	Council's Role				
#	Outcome	Action Item	Benefit/Outcome	CoM Lead Unit		Proposed Budget (Up to \$)	Advocacy	Leadership	Coordination	Investment	Partnering
1	Governance	1.Board Champion – Mayor/Cr Joseph Masika/ Cr Sasha Mason 2.Project Sponsors – Ilia Houridis, General Manager City Development 3.Senior Leader – Greg Salmon, Manager City Activation 4.Senior Partner - Sascha Forst, Project Director Urban Renewal 5. Project Manager – Donna Griffiths, Unit Manager Economic and Cultural Development. 6.Project Coordinator – Kate Silkstone 7.Monthly Steering Committee meetings at the Edwardstown Club held the first Monday of each month. 8.Internal Project Control Group – Coordination and delivery of the project via an internal working group of lead areas / subject matter experts to meet monthly.	•Organisational excellence •A framework for responsibility and accountability •Clear deliverables and project management •The business community is involved in the project •Activation of the Edwardstown Club	Economic Development	ELT	\$ 102,000.00	X	X	X	X	X
2	Project Management	Identify partnerships and funding opportunities to support the delivery of the Edwardstown Revitalisation Plan.	•Community ownership of the revitalisation •Leverage greater value for the project by working with others.	ELT	Economic Development	\$ -	X	X	X	X	X
3	Project Management	Re-establish the steering committee to support and inform the Revitalisation of the Edwardstown Employment Precinct project. To be chaired by a member of the business community. Meetings to be held monthly.	The project steering group supports and informs the Project, providing insights, information, and recommendations on the Action Plan (and longer-term vision) with members: •acting as project advocates within the precinct community •providing feedback into key actions.	Economic Development	ELT	\$ 2,000.00	X	X	X		X
4	Communication	Use the Making Marion sites to continue engagement and two-way communication. •www.makingmarion.com.au/edwardstown-project •www.makingmarion.com.au/greening-edwardstown	Increase participation in the project; increase engagement. Keep businesses and residents up to date.	Economic Development	Communications and Customer Experience	\$ -		X	X		X
5	Communication	Maintain the Edwardstown Business and Property Database to ensure that it is kept up to date.Integrate this into the new Salesforce CRM so that we have a complete picture of property owners and businesses within the precinct.	A consolidated up to date listing of business and property owners.	Economic Development	Communications and Customer Experience	\$ -			X		X
Access - How we move in, out and around the precinct											
6	Access	Consultative Committee for North-South Road Corridor to inform North South Road discussions with Cr Sasha Mason as chair. The Committee to include City of Mitcham, City of Marion, City of Unley and City of West Torrens. This committee will meet quarterly to advocate for business and connectivity for the region during the north-south corridor discussions.	Information, advocacy and communication.	City Activation	Economic Development	\$ -	X	X	X		X
7	Access	Participate on the North South Corridor Business Community Consultation Group to understand how the project can be shaped in relation to the major development.	This will help inform the development of a longer term plan.	City Activation	Economic Development		X	X	X	X	X
8	Access	Explore traffic management options for Edwardstown.	Investigating road reserves to improve access, parking and amenity.	Engineering, Assets and Environment		\$ 25,000.00		X	X	X	
9	Access	Public consultation with businesses and residents impacted by the proposed traffic management plan and an action to conduct a detailed design of the plan to be completed.	Traffic management solutions meet the needs of the community.	Engineering, Assets and Environment	Customer Experience / Economic Development	\$ 1,500.00			X		

**12 Month Action Plan - Revitalisation of the Edwardstown Employment Precinct
2021/22 Financial Year**

Deliverables						\$s	Council's Role				
#	Outcome	Action Item	Benefit/Outcome	CoM Lead Unit		Proposed Budget (Up to \$)	Advocacy	Leadership	Coordination	Investment	Partnering
Amenity - The look and feel of the precinct											
10	Amenity	Build on the stobie pole project of 2020/21 with an additional eight stobie poles.	Add vibrancy to the precinct.	Community Cultural Development	Economic Development	\$ 3,000.00			X	X	
11	Amenity	Install a mural on Raglan Avenue (seek collaboration with Vicinity Centres) to build on the existing 'service lane' art.	Increase the vibrancy and vibe of the precinct.	Community Cultural Development	Economic Development	\$ 43,000.00			X	X	
12	Amenity	Continue the delivery of the Greening of Edwardstown Stage Two. \$60k/50% funding through Greener Adelaide grant received 2020/21 FY.	Improve public realm Create green character amenity including green spaces to help people meet Reduce urban heat Reduce air pollution and energy use	Open Space Operations, Engineering, Environment	Economic Development	\$ -		X	X	X	X
13	Amenity	Three Year Planting Program in the Edwardstown Employment Precinct to increase canopy and reduce the heat island impact. Commenced 2020-21	Improve public realm Create green character amenity including green spaces to help people meet Reduce urban heat Reduce air pollution and energy use	Operations / Open Space Coordination	Economic Development	\$ -		X	X	X	
14	Amenity	Application for Water Sustainability Grant 2021-22 of \$25k/50% funding through. This will look to negate the storm water issues in Edwardstown. \$ for \$ funding required. To deliver 50 tree nets.	Green streets and flourishing parklands, by recognising the synergies of fit-for-purpose water provision, at-source infiltration, and other sustainable water management opportunities for urban greening. Biodiversity sensitive and water sensitive urban design (BSUD and WSUD), by supporting projects that integrate these contemporary design philosophies into their overall design processes	Engineering, Assets and Environment	Open Space Operations	\$ 25,000.00			X	X	X
15	Amenity	Apply 100mm of rubble to the verge on Woodlands Avenue.	Trial a verge uplift to Woodlands Terrace.	Engineering, Assets and Environment	Open Space Operations	\$ 20,000.00				X	
16	Amenity	Clean-up Edwardstown. Continue to promote the Snap Send Solve App to raise customer events.	Improve amenity. Fix foot path etc issues. Business community starts to take pride of place.	Economic Development	Customer Experience	\$ -			X	X	
Activation - How do we support business growth and investment?											
17	Activation	Continue to support the delivery of the Creative Co-working Space. Review and monitor	Deliver on contract management requirements.	Economic Development		\$ -			X	X	X
18	Activation	Retain the Edwardstown Business Community quarterly meetings - Monitor a shift in the base line mapping due to intervention. - Review and monitor activities. - Develop and strengthen the Edwardstown and Tonsley business relationships - Share ideas. - Discuss feasibility of the product opportunities identified	Facilitate workshop and networking events to engage and develop relationship with the business community. Host a Thought Leadership event on Industry 4.0 to be held at Tonsley.	Economic Development	Renewal SA	\$ 2,000.00		X	X		X
19	Activation	Investment attraction website - link to capability directory/business directory (promotion of products and services)/business prospectus / Make it here/vacant land opportunities	Create a website and social media platforms to direct traffic to the website.	Economic Development	Communications	\$ 20,000.00		X	X	X	
20	Activation	Promote and apply the Edwardstown brand to attract new investment, new industry and raise the profile of Edwardstown businesses.	Push out the Edwardstown brand through digital channels, local area and self-promotion of the Edwardstown businesses to increase recall, recognition and desire to be part of the employment precinct.	Economic Development	Communications	\$ 10,000.00			X	X	X

**12 Month Action Plan - Revitalisation of the Edwardstown Employment Precinct
2021/22 Financial Year**

Deliverables						\$s	Council's Role				
#	Outcome	Action Item	Benefit/Outcome	CoM Lead Unit		Proposed Budget (Up to \$)	Advocacy	Leadership	Coordination	Investment	Partnering
21	Activation	Recognise and retain our current businesses that provide local jobs through a Mayoral visit. This will build on the 25+ year project from the 2020/21 FY.	Recognise four businesses for their commitment to the Edwardstown community and on-going support for local jobs and recognise four businesses who have recently moved into Edwardstown.	Economic Development	Communications	\$ 5,000.00		X	X		
22	Activation	Campaign to encourage businesses to take up the Southern Business Mentoring Program service in disciplines such as retail, wellbeing, strategic marketing, general business, HR and digital marketing and social media.	•Business growth via mentoring in particular disciplines •Retention and growth of business community	Economic Development	Communications	\$ -			X		
23	Activation	Form a Make It Here group of key leaders representing government, academic, industry and entrepreneurs to provide direction for Tonsley and Edwardstown collaborative community. Facilitate networking opportunities to foster collaboration quarterly.	Edwardstown is known as a place to 'make' products and services. Provide education and collaboration opportunities to enable businesses to transistion towards advanced manufacturing.	Economic Development		\$ 4,000.00	X	X	X	X	
24	Activation	Investigate a shared space digitally where Tonsley and Edwardstown members of the ecosystem can meet, share ideas and build relationships.	Flinders University students - City Studio concept	Economic Development / Renewal SA		\$ -		X	X	X	
25	Activation	Circular Economy - Explore grant opportunity with Greener Industries to build on the work from 2019/20 Action Plan.	Businesses generate value through their waste creating greater revenue streams and potentially supporting jobs growth.	Economic Development		\$ 2,000.00			X	X	
26	Activation	Work with the Creative Co-working Space, food and entertainment venues in Edwardstown to host SALA and Fringe events.	Add vibrancy, stimulate the evening and night time economy.	Economic Development	Community Cultural Development	\$ 3,000.00			X	X	X
27	Activation	Defence Clustering Initiative. Support Edwardstown businesses to tap into the \$4bn defence opportunities.	Support local business to obtain opportunities from the nine State Government growth sectors. Ensure Southern business receives opportunities from the Defence sector.	Economic Development		\$ 10,000.00	X	X	X	X	X
28	Activation	Assist new and existing businesses with case management of development applications.	To provide a strong customer experience to potential investors to convert enquiry into actual investment within Edwardstown.	Development and Regulatory Services	Economic Development				X	X	
					TOTAL	\$ 277,500.00					

Draft Transport Plan

Originating Officer	Operations Engineer - Carl Lundborg
Corporate Manager	Manager Engineering, Assets and Environment - Mathew Allen
General Manager	General Manager City Services - Tony Lines
Report Reference	GC210309R04

REPORT OBJECTIVE

The purpose of this report is to seek Council's endorsement for the DRAFT Transport Plan to proceed to public consultation.

EXECUTIVE SUMMARY

The intent of the City of Marion DRAFT Transport Plan is to develop an overarching and consolidated approach towards the management of transport and its impact on the local community, businesses and the environment. The Plan outlines desired transport and movement outcomes for the city and the strategies and actions to achieve these over the next five years 2021-26.

The Transport Plan is an action from the City of Marion Business Plan 2019-2023 (Action 19) and will contribute to the delivery of the outcomes of the City of Marion's community vision, in particular the themes of a liveable, connected and a prosperous city.

Feedback provided at the Asset and Sustainability Committee on 2 February 2021 (ASC210202R02) has been incorporated into the DRAFT Transport Plan. This report seeks Council endorsement for the DRAFT Transport Plan to proceed to public consultation.

The purpose of the consultation is to provide the community with overall intent of the plan, provide details of what outcomes we intend to achieve and test the community priorities against the outcomes. Public consultation will be conducted for a period of four weeks from early April until early May 2021. Consultation will include seeking feedback on the Making Marion website, public notices and social media. This information package will be developed with links to associated strategies and plans as supporting documents to provide the community with further detail.

The community feedback and DRAFT Transport Plan will be brought back to Council for consideration and endorsement in June 2021.

RECOMMENDATION

That Council:

- 1. Endorses the DRAFT Transport Plan (Attachment 1) for public consultation.**
- 2. Notes a final Transport Plan and summary of public consultation findings will be brought to Council for consideration and endorsement in June 2021.**

GENERAL ANALYSIS

Council's Business Plan 2019-2023 includes a project to: *Develop a City Transport Plan to enable ease of movement for people of all ages and abilities within and through the city.* This is a key project for Council to achieve its 10-year goal for a 'Connected' city - *by 2029 it will be easier and safer to move around our city which will have accessible services and plenty of walking and cycling paths. New technology and community facilities will better connect our community.*

On 1 October 2019 a discussion was held with the Infrastructure and Strategy Committee (ISC191001R04) on opportunities and challenges. Feedback from the Committee included:

- Consider the broad regional context
- Consider the transition to increased use of electric and autonomous vehicles
- Consider the role and use of public scooters
- Community input should inform the development of the Plan
- An ageing population will require well designed and maintained footpaths
- Engage with all Elected Members at a Forum in 2020 to gain further input into the development of the Plan

An outline of the project scope was also presented that included:

- Connectivity - with destinations and surrounding councils
- Movement of vehicles - cars, freight, cyclists, small wheeled devices
- Transport services - community bus, links with the public transport network
- Infrastructure - roads, walking, cycling
- Environment - role of streets in climate change adaptation

In an Elected Member Forum on 19 May 2020 a report was presented to seek Elected Member feedback on draft principles, goals and proposed initial actions for the City Transport Plan (EMF200519R04).

The draft principles for a changing transport system were:

- Destination Centred
- Integrate and Effective
- Sustainable and Safe
- Smart and Future Focused
- Amenity and Character
- Partners and Collaboration

At the Asset and Sustainability Committee held on 2 February 2021 (ASC210202R02) the DRAFT Transport Plan report was presented to seek feedback from the committee in relation to the proposed action plan. 42 actions were presented and 19 actions that were identified as not included in other endorsed plans or strategies (or currently ongoing projects) were discussed.

As a result of the feedback from the Asset and Sustainability Committee the following actions were removed:

- Advocate for 40km/h speed limits on Local Roads (originally action 7.4)
- Plan, and if feasible, deliver a loop bus service to meet the transport needs of disadvantaged families with young children who do not have access to private or public transport (originally action 8.2)
- Create a Southern Transport Working Group with other neighbouring councils including a representative from DIT (e.g. Identify collaboration opportunities) (originally action 14.1)
- Increase partnerships with Universities and the private sector to deliver actions in the Transport Plan (originally action 14.2)
- Advertise and promote through social media, interactive screens and Councils website new initiatives and projects that have improved the transport network (originally action 15.1)
- Utilise bus shelters and EV charging stations to promote and advertise initiatives and road rules to improve awareness (originally action 15.2)

DISCUSSION

The provision and maintenance of transport infrastructure and services are a core business of Council. The City of Marion has a number of plans, policies, guidelines, works programs and community services that relate to different aspects of the transport system which include elements such as streetscape design; street trees; renewal and maintenance of roads, kerbs, footpaths and drainage; street lighting; parking; and community transport services.



These elements are all critical to the functioning of our transport system however, many changes are taking place that will transform how we choose to use transport. These changes include vehicles being powered by sustainable fuel sources including electric vehicles; autonomous vehicles; a move away from vehicle ownership to transport being viewed as a service; the reliance on technology for way finding signage and real-time data to support ease of movement; the growing popularity of e-bikes and e-scooters; the potential for ride share schemes; and the growing demand for a seamless travel experience.

To address this changing environment, an overarching city-wide Transport Plan (draft) has been developed for the City of Marion (Attachment 1). This will enable a holistic approach that considers all the elements above and provides directions for what will be a different transport future.

The purpose of the consultation is to provide the community with overall intent of the plan, provide details of what outcomes we intend to achieve and test the community priorities against the outcomes. Public consultation on the DRAFT Transport Plan will be conducted for a period of four weeks from early April to early May 2021. Feedback will be sought via the Making Marion website, public notices and social media. This information package will be developed with links to associated strategies and plans as supporting documents to provide community with further detail.

The final Transport Plan will be brought to Council with consultation feedback for consideration and endorsement in June 2021.

Attachment

#	Attachment	Type
1	Attachment 1 - Draft City of Marion Transport Plan 2021 - 2026	PDF File

DRAFT **TRANSPORT** **PLAN**



2021 - 2026

Acknowledgement of Traditional Owners

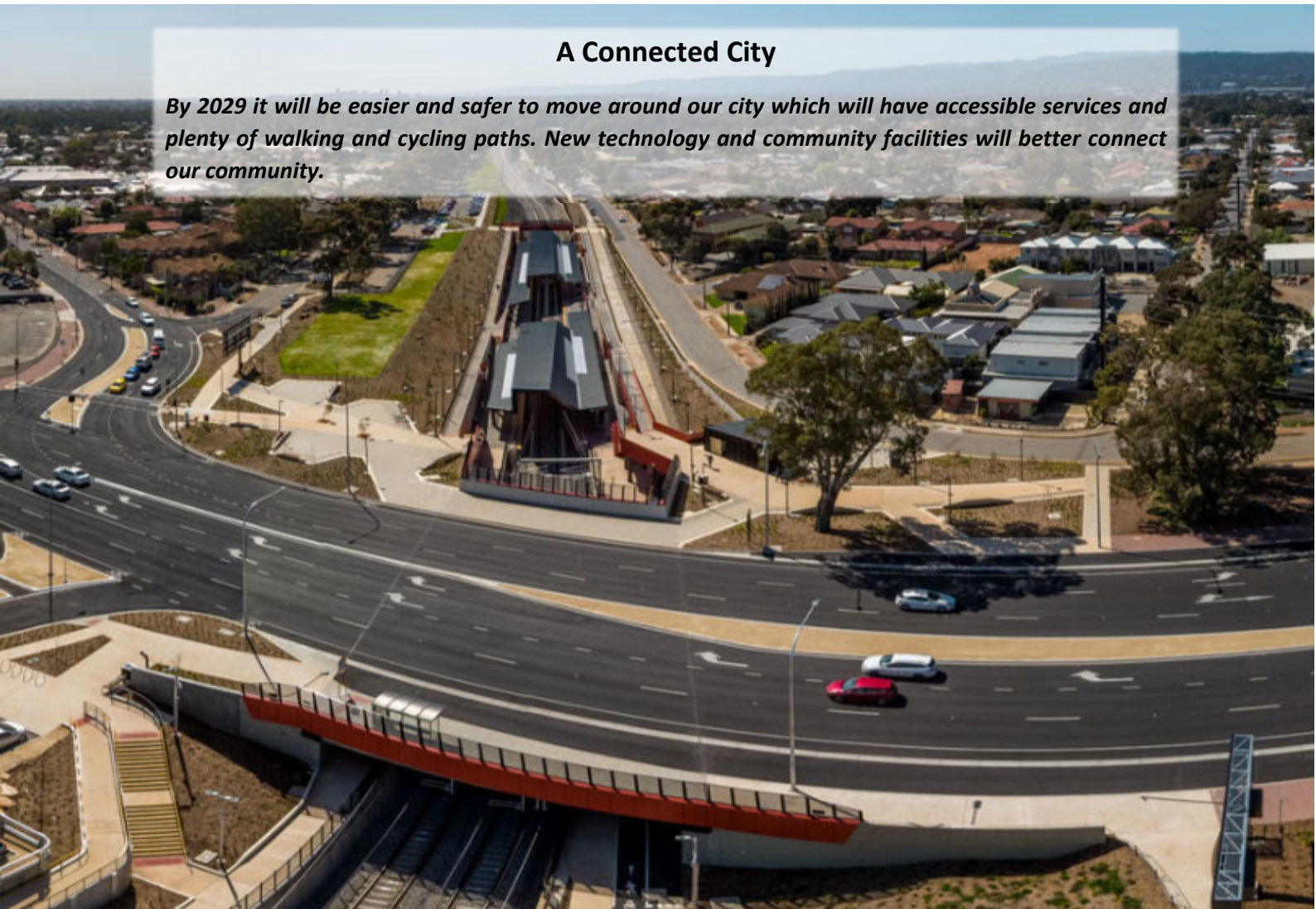
The City of Marion respectfully acknowledges the Traditional Owners of the land, Kurna people and recognise their continuing connection to land, waters and culture. We pay our respects to their Elders past, present and emerging.

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A Connected City

By 2029 it will be easier and safer to move around our city which will have accessible services and plenty of walking and cycling paths. New technology and community facilities will better connect our community.



Message from the Mayor

It is expected the City of Marion's population will reach 100,000 before 2030.

Thinking about our growing population and their changing needs, Marion Council has reviewed our transport network.

This plan outlines how we can help people reach key destinations such as libraries and neighbourhood centres, railway stations, tram stops and business precincts.

It takes account of infrastructure for pedestrians, cyclists and scooter users. We will plant trees to enhance the appearance of streets and provide shade. We can also install bike lockers, drinking fountains and phone charging stations.

Council is always ready to work with the State Government on transport issues, especially on major projects such as the proposed South Road tunnel. We can also advocate for better public transport.

What do you think of the plan? We would really like to know.

Yours faithfully

KRIS HANNA

Kris Hanna
Mayor, City of Marion



Introduction

The purpose of the City of Marion Transport Plan is to develop an overarching and consolidated approach towards the management of transport and its impact on the local community, businesses and the environment. The Plan outlines the Council's desired transport and movement outcomes for the city, and the strategies and actions to achieve these over the next five years.

The Plan's key priority is to create a safe and efficient transport network by improving conditions for all road users (particularly pedestrians, cyclists and those using public transport) while also exploring future transportation modes. It strives to achieve the right balance for accommodating these priority users, while also addressing the need for parking, car accessibility and movability.

The Transport Plan will contribute to the outcomes of the City of Marion's community vision, in particular the themes of a liveable, connected and a prosperous city.

Background of the City of Marion

The City of Marion is a metropolitan council area located south-west of Adelaide CBD. The Council is diverse across its geography with an older area in the northern portion of the Council being generally developed as residential areas in the 1940s, the 50s & 60s, and the newer areas in the south being established from the 1970s onwards (and still occurring today).

Large sections of the older areas are experiencing significant growth in traffic through the combination of increasing urban consolidation through in-fill developments, large scale developments such as the Tonsley Innovation Precinct, and other major transport destinations such as the Marion Regional Centre and Edwardstown Industrial Precinct.

Also, the road network is witnessing an increase of competing demands such as the movement of people and goods, alternative modes and access to property, and on-street parking. With the high demand for vehicular traffic, and increased density emerging new transport options and increasing pressure to develop active travel options, these are presenting complex challenges to design and build.

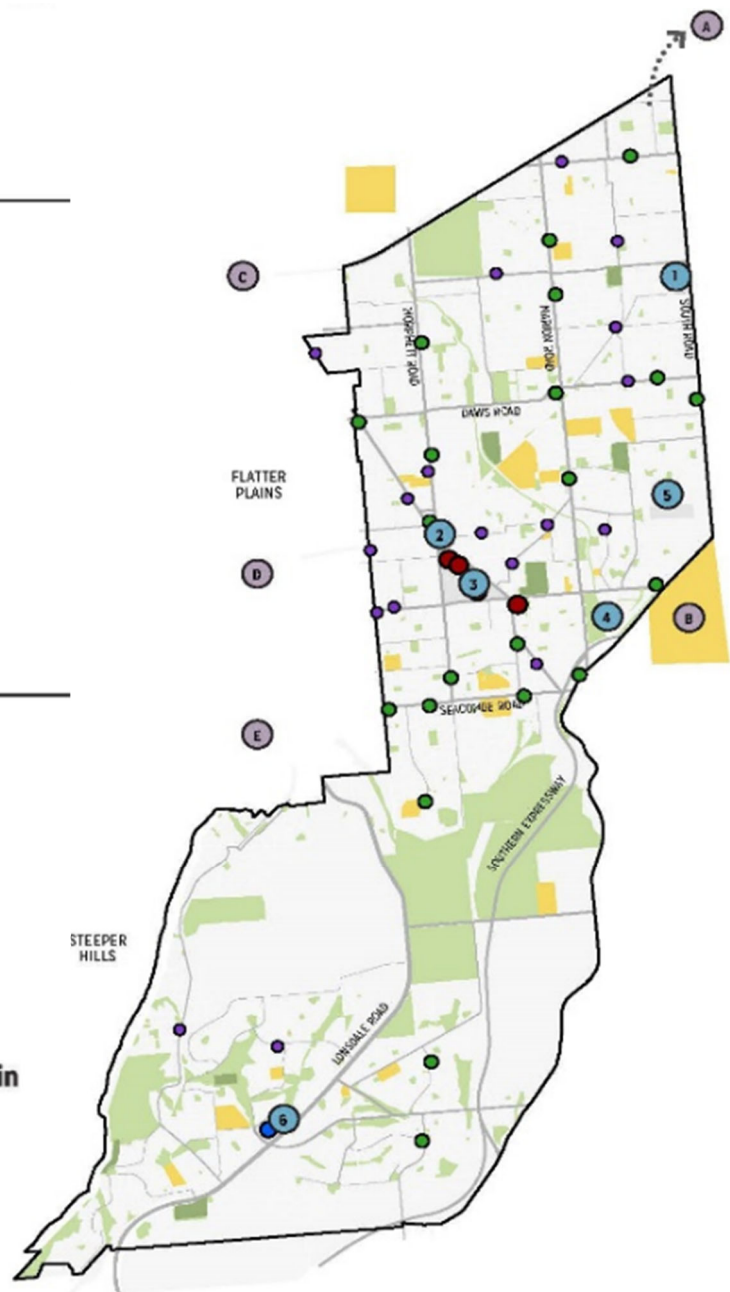


North

- Older suburbs
- Grid-pattern
- Flatter topography
- Set-back from coast
- Some mixed use development
- Less open space and reserves
- Few large street trees, some in reserves
- Integration of industry (South Road)

South

- Newer suburbs
- Curved layout with cul-de-sacs
- Hillier topography
- Adjacent to coast
- Views to coast
- Nearly all residential land use
- More open space reserves
- Few large street trees, some large cypresses in reserves
- Views



Destinations

Key destinations within the City of Marion include:

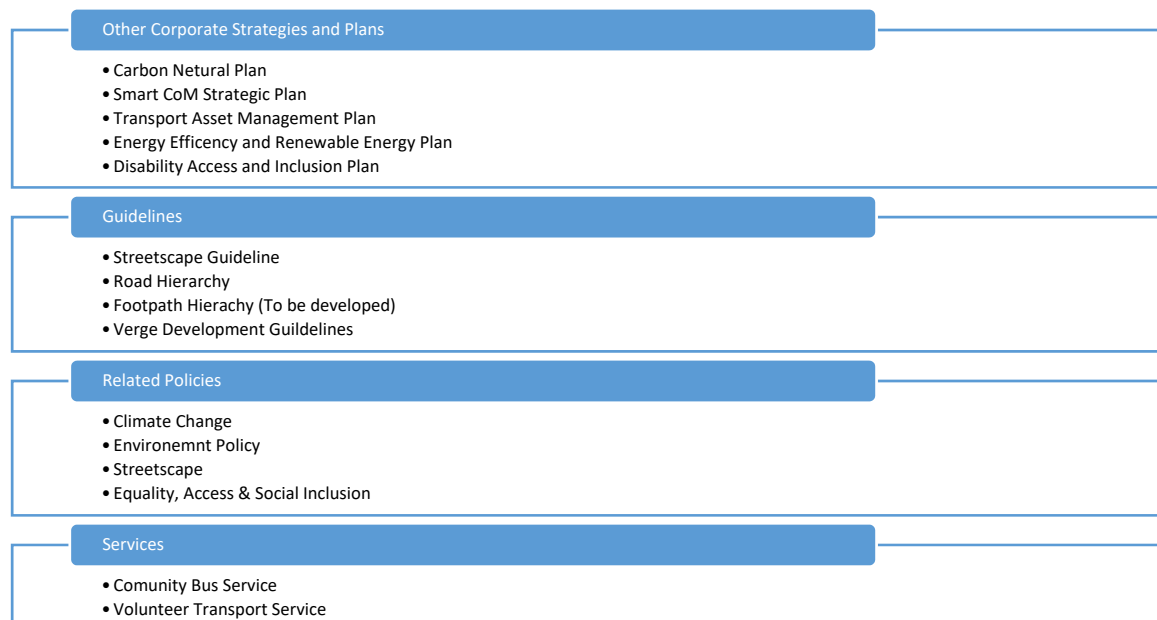
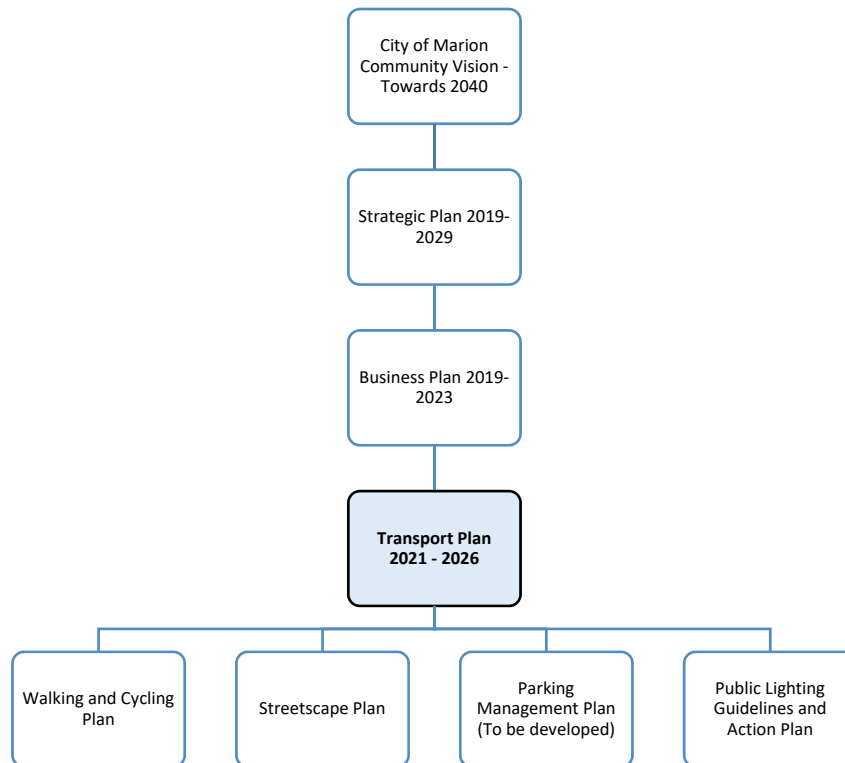
- ① Castle Plaza Shopping Centre
- ② Marion Aquatic Centre and Marion Culture Centre (MCC);
- ③ Westfield Marion and Civic Centre;
- ④ Warriparinga Living, Kaurna Cultural Centre and Wetland, Marion Holiday Park;
- ⑤ Tonsley Park Redevelopment;
- ⑥ Hallett Cove Shopping Centre and Civic Centre;
- Neighbourhood destinations;
- Local centres;

- Ⓐ Adelaide CBD
- Ⓑ Flinders University and Flinders Medical Centre;
- Ⓒ Glenelg Beach + Jetty Road Shopping Precinct;
- Ⓓ Brighton Beach and Jetty;
- Ⓔ Seaciff Beach and Brighton Caravan Park.
- Major centres;
- Schools and child care facilities;
- Key reserves / open spaces;
- Key sport and recreation; and

Figure 1: The City of Marion's Destinations and Contrast

Strategic Framework

To ensure the delivery of the Community Vision – Towards 2040 the City of Marion has a Strategic Management Framework in place. This is a suite of plans to provide a strategic direction and operational focus to achieve the goals and outcomes.

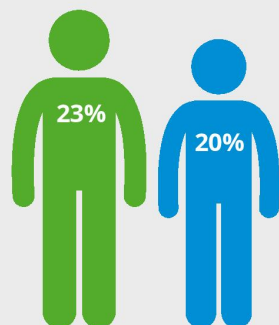


The City of Marion Transport Plan sets the outcomes and actions for the next 5 years. It outlines a set of initiatives, aimed to be safe and efficient and achieve our Connected Community Vision.

CITY OF MARION

Population

Projected growth
(2016 to 2036)



City of Marion
(from 86,618 to 106,338)

Greater Adelaide
(from 1,295,714 to 1,554,857)

Median age

39

City of Marion

40

Greater Adelaide

Older residents
(aged 65 and over)

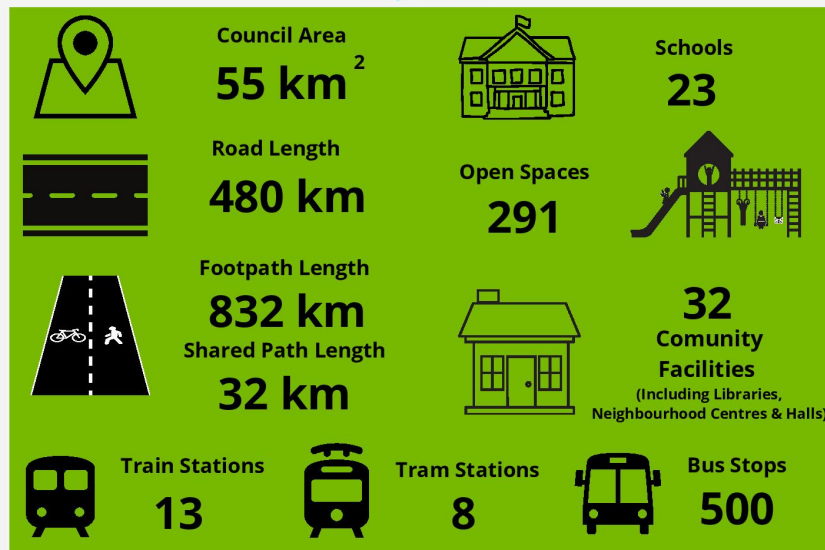
17.3%

City of Marion

17.2%

Greater Adelaide

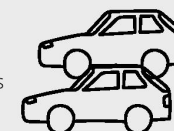
Key Stats



Households & Development

49%

of City of Marion households own 2 or more vehicles



15.6%

of households earn an income of \$2,500 or more per week



Construction growth
(on dwellings constructed between FY2016/17 and FY2018/19)

12%

increase

City of Marion
(from 757 to 850)

Employment



Local Businesses in the City of Marion
5,204



Local Jobs in the City of Marion
25,183

\$3.6 Billion

The City of Marion's Gross Regional Product

Journey to work
(mode)



(Public Transport)



(Car)



(Cycling)

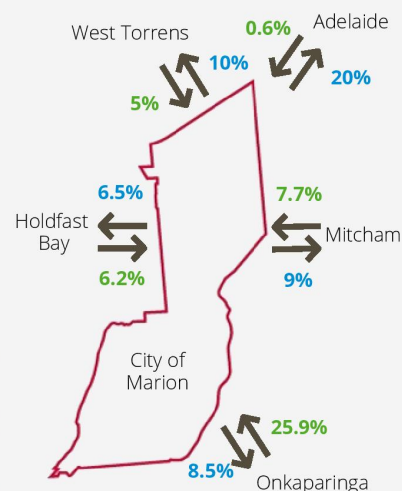


(Walking)

City of Marion **10.9%** **64.7%** **0.9%** **1.3%**

Greater Adelaide **8.5%** **64.7%** **1.1%** **2.1%**

Journey to work
(Residents place of work / Workers place of residence)



Trends

Safety



40% Increase

In crashes involving pedestrians within the City of Marion from 2017 to 2019

■ Minor Injuries ■ Serious Injuries



6 Fatalities within the road network in City of Marion in the last 3 years

Future of Transport



45% Increase

In electric vehicle car sales in Adelaide between July 2019 to July 2020



3 EV Charging Stations in the City of Marion

Principles for a Changing Transport System



Destination Centred

A transport system that supports the activation of destinations including community facilities, shops, schools, business precincts, transport hubs.



The development of transport infrastructure to facilitate the movement of people and goods to destinations is a key factor in the success of a place to do business, visit and live. Key destinations need to be welcoming, efficient and safe to ensure the use of infrastructure and services provided.

Collaborating with the State Government (Public Transport, Education and Infrastructure departments), businesses and local community within Marion are crucial to ensure key destinations are designed 'fit for purpose' and utilised effectively. With a key focus for designing for pedestrians, cyclists and those using public transport while also considering emerging transportation modes and the need for parking and movability.

The key outcomes and actions that would deliver a destination centred transport system are:

Outcome 1	Public Transport areas as welcoming people places
Action 1.1	Plan and upgrade key movement links to 13 railway stations and 8 tram stops. Including reviewing parking demand and identifying 'Park and Ride' solutions
Action 1.2	Facilitate complementary land use and deliver high-quality design of public spaces (including greening) around railway stations to encourage connectivity with, and use of public transport
Action 1.3	Advocate for upgrades of stations/platform areas
Action 1.4	Identify and upgrade infrastructure around highly utilised bus stops (e.g. Seaview High School bus zone on Seacombe Road)
Action 1.5	Advocate for improved public transport and/or park and ride facilities throughout the City of Marion at underserved locations (e.g. Laffers Triangle from the south to Flinders/Tonsley/Westfield Precinct and onwards to CBD by public transport)
Outcome 2	Attractive & Accessible Business Districts
Action 2.1	Review and upgrade the Transport Network within the Edwardstown Industrial precinct
Outcome 3	Schools and other Community Facilities that encourage active travel
Action 3.1	Work with Schools & DIT to identify opportunities for improvements in local streets near schools (e.g. car parking, drop off/pick up, wide footpaths)
Action 3.2	Install amenities that support the destination zones (e.g. bike lockers, drinking fountains, device charging locations, etc.)



OAKLANDS CROSSING

Oaklands Train Station is an example of how the transport network supports a highly utilised destination. The accessible walking and cycling connections separated from the road network have provided a safer environment. This includes enhancing the area through trees and vegetation planting to make a cooler and more attractive place.

Integrated and Effective

A transport system that integrates and improves the attraction of different modes of transport to support seamless travel linking people with destinations.



The efficient movement of people and goods is critical to the function of our city. Economic growth and productivity are powered by efficient transport.

Promoting and encouraging 'First/Last mile' transport options such as walking, bikes, e-scooters, public transport and pooled ride-sharing services are key to an effective transport system. Fifty percent of commuters in capital cities live within 10 km of their workplace (25-30% within 5 km), yet driving a car is still the primary option. Prioritising alternatives to private cars will allow more room for amenities such as street furniture, wide paths and trees.

The key outcomes and actions that would create an integrated and effective transport system are:

Outcome 4	Encourage Alternative Transport Modes
Action 4.1	Implement the walking and cycling guidelines (including a cycle link as a continuation of Morphett Road to southern Marion)
Action 4.2	Support businesses to encourage ride-sharing or vehicle sharing partnership opportunities
Action 4.3	Encourage E-Bike and/or E-Scooters services (e.g. Tonsley Precinct)
Action 4.4	Encourage public transport options (e.g. social media, website, etc.)
Outcome 5	Efficient Road Network
Action 5.1	Develop the Parking Management Plan
Action 5.2	Work with developers (where appropriate) to achieve the best possible outcomes to parking and accessibility
Action 5.3	Undertake an annual monitoring program of Traffic Data of the road network to ensure network is operating as designed
Outcome 6	Well Planned Transport Network
Action 6.1	Implement the Tonsley-Flinders Integrated Traffic and Parking Strategy
Action 6.2	Explore opportunities through State Government for major projects to implement facilities that can improve the transport network (e.g. East-West connections for the proposed North-South Corridor project)



RAILWAY TERRACE, EDWARDSTOWN

Railway Terrace streetscape is an example of how a road can be redesigned to cater for multiple transport modes while also creating a safe and green environment. This includes bi-directional separated bike path, indented parking bays and footpaths.

Sustainable and Safe

A transport system that supports a shift to sustainable modes of travel, water sensitive urban design, and prioritises safety through traffic management and safe crossings for all users regardless of ability.



Cities which support convenient, comfortable and safe transport have healthier populations and a more equitable society. Streets designed for people ultimately attract investment and promote economic growth.

The National Road Safety Strategy Action Plan has identified a priority action to reduce speed limits to 40km/h or lower in pedestrian and cyclist places. Road users who are not protected by a vehicle are extremely vulnerable in collisions. The risk of death or serious injury increases significantly over impact speeds of 30 km/h. The City of Marion area has seen an increase in car crashes involving pedestrians by 40% in 2017 to 2019 (2017 – 17, 2019 – 24).

The key outcomes that would create a sustainable and safe transport system are:

Outcome 7	Safe Transport Networks
Action 7.1	Deliver footpath widening in high priority locations across the footpath network to a minimum of 1.5m (including ensuring no footpath assets in the network are less than 1.2m)
Action 7.2	Identify problem areas and create program for all crossings and kerb ramps to be DDA Compliant by 2030
Action 7.3	Minimise footpath obstructions and encroachments to free up more space for walking (e.g. reduce sign pollution and other obstructions)
Action 7.4	Apply for Black Spot grant funding where available
Action 7.5	Deliver and complete the DDA Bus stops and shelter compliance program by December 2022
Outcome 8	Fewer non-essential vehicles within the Council Area
Action 8.1	Identify gaps in public transport service levels and advocate for solutions to enable mobility in Marion



STURT RIVER LINEAR PARK

The Sturt River Linear Park is a shared use trail that meanders along the Sturt River, past historic buildings, significant fauna and environmental sites, as well as important local features within the City of Marion. It provides a safe walking and cycling connection through the city which connects to local parks and wetlands.

Smart and Future Focused

A transport system that is adaptive and flexible, responding to technological change, evidence-based data, and emerging trends.



As our population increases, and transport, parking and movement challenges become more complex there are real opportunities for technology and data to provide innovative solutions for our communities changing needs. Our streets, public places and road network must be adapted to meet the travel demands of the future while ensuring we continue to put people first in an innovative, liveable, prosperous and connected Marion.

Smart Places are the neighbourhoods we live, work and learn in, parks and facilities we gather in and places we recreate in. They harness information, technology and infrastructure to support our community to flourish.

The key outcomes that would create a smart and future-focused transport system are:

Outcome 9	Utilising Technology to provide transport network benefit
Action 9.1	Explore Smart City technology to gather data to support decision-making relating to infrastructure and services, for apps to access real-time GPS multimodal travel choice/travel time/route and pickup decision making by users for wayfinding and real-time signage
Action 9.2	Install Smart Parking Sensors in key destination and problem areas where demand is appropriate
Action 9.3	Identify and install wayfinding and digital interactive screens at key locations within the city
Outcome 10	Support Zero-Emission Transport Initiatives
Action 10.1	Work with private suppliers to install electric vehicle charging stations throughout the city to support the growing use of electric modes of transport
Action 10.2	Transition Council's Fleet to a renewable energy fuel source in accordance with the Carbon Neutral Plan
Outcome 11	Sustainable Infrastructure
Action 11.1	Encourage the use of recycled materials for transport infrastructure to support a circular economy



TONSLEY AUTOMOUS VEHICLE

South Australia is recognised as a national leader in future transportation systems and technologies with the State Government leading the nation in creating a legislative framework to support autonomous vehicle technology. Tonsley has been the testing grounds for the driverless vehicle that aims to assist in the development of a market-ready autonomous delivery vehicle.

Amenity and Character

A transport system where streetscapes provide amenity through contributing to the character of neighbourhoods and business precincts



Attractive streets foster vibrant communities, contribute to robust economies and healthy environments, and reinforce walking and cycling and social activity. Well designed and used streets are important in defining 'Sense of Place' and local character.

The City of Marion's approach to streetscape design focuses on a balanced view embracing people, environment and place. Vehicle movements are no longer considered the only function of streets and understanding the multitude of functions, providing civic and community destinations, facilitating activity, enhancing local walking and cycling movement and contributing to the local environment.

The key outcomes that would create amenity and character within the transport system are:

Outcome 12	Attractive Streetscaping
Action 12.1	Delivery of the 15 year Streetscape program
Action 12.2	Install amenities that support the use of active transport modes where appropriate (e.g. bike lockers, drinking fountains, park benches, etc.)
Action 12.3	Identify and provide interactive infrastructure (e.g. education paths & games within paving) that promotes active travel
Outcome 13	Cooler Urban Environment
Action 13.1	Delivery of the 10 year Treescaping program
Action 13.2	Lower the urban heat within transport corridors through tree planting and green infrastructure
Action 13.3	Implement WSUD treatments along streets where appropriate



COVE CIVIC CENTRE

The Cove Civic Centre is located on Ragamuffin Drive, Hallett Cove which is a shared urban space for pedestrians, cyclists and drivers. The site represents an example of how infrastructure and the environment can blend together to promote visibility and connectedness.

Partners and Collaboration



A transport system that is developed based on collaborative partnerships with regional, state and national governments and the private and education sector.

We are wise with more minds, through experience, sharing of resources, and funding. We value partnerships with government, businesses, community and researchers to collaboratively solve problems and identify opportunities.

Working in partnership with other road authorities, transport providers, businesses and other stakeholders is important to the operations of an efficient transport network. To achieve the actions and initiatives sought out in this plan for a future transport network requires the collaboration of multiple stakeholders.

The key to change and transition to a future transport network is to involve the community at every stage to promote the social, environmental and financial benefits for the community.

The key outcomes that would encourage partners and collaborations within the transport system and transport initiatives are:

Outcome 14	Great Relationships
Action 14.1	Work with Local Schools to provide information to improve awareness of road safety and traffic laws



Way2Go PROGRAM

The new shared pathway connections to Woodend Primary School, Sheidow Park was managed by Marion and funded by the State Government and was completed in 2019 through the Way2Go Program.

The joint initiative promotes and encourages students to actively travel to and from school all year round.

Grouped Action Plan

Principle	Outcome / Action		Comments / Funding	2021/22	2022/23	2023/24	2024/25	2025/26
Destination Centred	1	Public Transport areas as welcoming people places						
	1.1	Plan and upgrade key movement links to 13 railway stations and 8 tram stops. Including reviewing parking demand and identifying 'Park and Ride' solutions	Sites to be individually selected, scoped and cost estimations reviewed					
	1.2	Facilitate complementary land use and deliver high-quality design of public spaces (including greening) around railway stations to encourage connectivity with, and use of public transport	Sites to be individually selected, scoped and cost estimations reviewed					
	1.3	Advocate for upgrades of stations/platform areas	Within existing resources					
	1.4	Identify and upgrade infrastructure around highly utilised bus stops (e.g. Seaview High School bus zone on Seacombe Road)	Sites to be individually selected, scoped and cost estimations reviewed					
	1.5	Advocate for improved public transport and/or park and ride facilities throughout the City of Marion at underserved locations (e.g. Laffers Triangle from the south to Flinders/Tonsley/Westfield Precinct and onwards to CBD by public transport)	Within existing resources					
	2	Attractive & Accessible Business Districts						
	2.1	Review and upgrade the Transport Network within the Edwardstown Industrial precinct	Within Existing Resources to review. Project to be scoped and cost estimations reviewed					
	3	Schools and other Community Facilities that encourage active travel						
	3.1	Work with Schools & DIT to identify opportunities for improvements in local streets near schools (e.g. car parking, drop off/pick up, wide footpaths)	Sites to be individually selected, scoped and cost estimations reviewed					
Integrated and Effective	3.2	Install amenities that support the destination zones (e.g. bike lockers, drinking fountains, device charging locations, etc.)	Future destination sites to be reviewed when upgrading for the opportunity to install amenities	Ongoing				
	4	Encourage Alternative Transport Modes						
	4.1	Implement the walking and cycling guidelines (including a cycle link as a continuation of Morphet Road to southern Marion)	Subject to project scope					
	4.2	Support businesses to encourage ride-sharing or vehicle sharing partnership opportunities	Within Existing Resources					
	4.3	Encourage E-Bike and/or E-Scooters services (e.g. Tonsley Precinct)	Within Existing Resources					
	4.4	Encourage public transport options (e.g. social media, website, etc.)	Within Existing Resources					
	5	Efficient Road Network						
	5.1	Develop the Parking Management Plan	Within Existing Resources					
	5.2	Work with developers (where appropriate) to achieve the best possible outcomes to parking and accessibility	Within Existing Resources - Ongoing	Ongoing				
	5.3	Undertake an annual monitoring program of traffic data of the road network to ensure network is operating as designed	Within Existing Budget (\$20,000 /year)					
	6	Well Planned Transport Network						
	6.1	Implement the Tonsley-Flinders Integrated Traffic and Parking Strategy	Subject to project scope					
	6.2	Explore opportunities through State Government for major projects to implement facilities that can improve the transport network (e.g. East-West connections for the proposed North-South Corridor project)	Within Existing Resources					

ATTACHMENT 1

Principle	Outcome / Action		Comments / Funding	2021/22	2022/23	2023/24	2024/25	2025/26
Sustainable and Safe	7	Safe Transport Networks						
	7.1	Deliver footpath widening in high priority locations across the footpath network to a minimum of 1.5m (including ensuring no footpath assets in the network are less than 1.2m)	Within Existing Budget					
	7.2	Identify problem areas and create program for all crossings and kerb ramps to be DDA Compliant by 2030	Within Existing Budget					
	7.3	Minimise footpath obstructions and encroachments to free up more space for walking (e.g. reduce sign pollution and other obstructions)	Within Existing Budget					
	7.4	Apply for Black Spot grant funding where available	Sites to be individually selected, scoped and cost estimations reviewed					
	7.5	Deliver and complete the DDA Bus stops and shelter compliance program by December 2022	Within Existing Budget					
	8	Fewer non-essential vehicles within the Council Area						
	8.1	Identify gaps in public transport service levels and advocate for solutions to enable mobility in Marion	Within Existing Resources					
Smart and Future Focused	9	Utilising Technology to provide transport network benefit						
	9.1	Explore Smart City technology to gather data to support decision-making relating to infrastructure and services, for apps to access real-time GPS multimodal travel choice/travel time/route and pickup decision making by users for wayfinding and real-time signage	Within Existing Resources - Individual technologies will be identified and cost estimated at future upgrade projects					
	9.2	Install Smart Parking Sensors in key destination and problem areas where demand is appropriate	Sites to be individually selected, scoped and cost estimations reviewed					
	9.3	Identify and install wayfinding and digital interactive screens at key locations within the city	Sites to be individually selected, scoped and cost estimations reviewed					
	10	Support Zero-Emission Transport Initiatives						
	10.1	Work with private suppliers to install electric vehicle charging stations throughout the city to support the growing use of electric modes of transport	Within Existing Resources					
	10.2	Transition Council's Fleet to a renewable energy fuel source in accordance with the Carbon Neutral Plan	Within Existing Resources					
	11	Sustainable Infrastructure						
	11.1	Encourage the use of recycled materials for transport infrastructure to support a circular economy	Within Existing Budgets					

ATTACHMENT 1

Principle	Outcome / Action		Comments / Funding	2021/22	2022/23	2023/24	2024/25	2025/26
Amenity and Character	12	Attractive Streetscaping						
	12.1	Delivery of the 15 year Streetscape program	Within Existing Budget (\$2.2 million /year)					
	12.2	Install amenities that support the use of active transport modes where appropriate (e.g. bike lockers, drinking fountains, park benches, etc.)	Sites to be individually selected and reviewed for cost estimations	Ongoing				
	12.3	Identify and provide interactive infrastructure (e.g. education paths & games within paving) that promotes active travel	Sites to be individually selected and reviewed for cost estimations					
	13	Cooler Urban Environment						
	13.1	Deliver the 10 year Treescaping program	Within Existing Budget (\$400,000 /year)					
	13.2	Lower the urban heat within transport corridors through tree planting and green infrastructure	Within Existing Resources					
	13.3	Implement WSUD treatments along streets where appropriate	Sites to be individually selected, scoped and cost estimations reviewed					
Partners and Collaboration	14	Great Relationships						
	14.1	Work with Local Schools to provide information to improve awareness of road safety and traffic laws	Within Existing Resources					

Community Gardens Agreement - Updated

Originating Officer	Community Gardens Coordinator - Anna Haygreen
Corporate Manager	Manager Engineering, Assets and Environment - Mathew Allen
General Manager	General Manager City Services - Tony Lines
Report Reference	GC210309R05

REPORT OBJECTIVE

The purpose of this report is to seek endorsement of the proposed 'Community Gardens Agreement' template (Attachment 1), which has been amended following feedback from affected Community Garden Groups and also to seek approval to amend the 'Community Gardens Policy' (Attachment 2) to reflect the introduction of the 'Community Gardens Agreement' template.

EXECUTIVE SUMMARY

At a General Council meeting on 24 November 2020, Council considered the proposed Community Gardens Agreement template and resolved to defer the item until the relevant community gardening groups had provided feedback (GC201124R09).

Feedback has since been provided by relevant community gardening groups and has been used to make amendments to the proposed Community Gardens Agreement (**Attachment 2**). Legal advice has also been provided on the proposed amendments.

The next step in this process will be developing individual Community Gardens Agreements with each community gardening group to address matters specific to their community garden. This will occur during March to May 2021.

RECOMMENDATION

That Council:

- 1. Endorses the proposed 'Community Gardens Agreement' template (Attachment 1).**
- 2. Amends the 'Community Gardens Policy' (Attachment 2) by including references to Community Gardens Agreement template.**

DISCUSSION

Background to the Community Gardens Agreement

Council requires community groups to negotiate lease or licence agreements for community gardens on Council land. These agreements were previously developed in line with the 'Leasing and Licensing of Council Owned Facilities Policy'. Community gardens are a unique land use which differ significantly from other facilities leased by Council. Council adopted a Community Gardens Policy in 2019 (Attachment 2) to support this unique land use.

The 'Leasing and Licensing of Council Owned Facilities Policy' was updated following a review of the Community Gardens Policy in 2019 to remove references regarding Community Gardens as community gardens are managed via the Community Garden Policy.



A Community Gardens Agreement template (Attachment 1) has been developed that is specific to community gardens, with the aim of being more relevant and user friendly. The template was drafted in support of the City of Marion Community Gardens Policy 2019, with proposed amendments to the Policy (tracked in Attachment 2) to reflect the introduction of the Community Gardens Agreement.

When endorsed, the proposed Community Gardens Agreement template will come into effect and replace the existing lease agreements in place for Marino Community Garden and Trott Park Community Garden. A Community Gardens Agreement will be required for the Oaklands Park Community Garden located at Oliphant Avenue Reserve in place of the expired Memorandum of Understanding. All community gardens on Council land will be supported with a Community Gardens Agreement.

At the General Council meeting on 24 November 2020, Council considered the proposed Community Gardens Agreement template and resolved to defer the item until the relevant community gardening groups had provided feedback (Report reference GC201124R09).

Feedback from Community Garden Groups

The three community gardening groups impacted by the proposed Community Gardens Agreement template are Trott Park Community Garden, Marino Community Garden and Oaklands Park Community Garden. A joint meeting was held with two representatives from each community gardening group on 18 January 2021 where detailed feedback was provided. The groups then had two weeks to provide further written feedback via an online questionnaire. All the feedback was collated and legal advice provided on the requested changes.

The key areas of the template that have been amended based on feedback are:

- Equipment insurance to be made optional with proviso that Council is not responsible for replacing stolen or damaged equipment.
- Amended language to clarify various terms throughout the document.
- Clarification of responsibilities regarding security, keys and locks for gated community gardens.
- Clarification of how notice is given for termination of the agreement or excessive water use.
- Longer notice period during the 'holding over' arrangement when the agreement ends.
- Clarification that notice can be given electronically.

Community gardening groups have been provided with a list of all the feedback received and a response outlining any changes that have been made as a result.

All amendments to the draft Community Gardens Agreement template have been tracked in Attachment 1.

The next step in this process, following Council endorsement of the Community Gardens Agreement template, will be to meet with each of the community gardening groups separately to develop a Community Gardens Agreement that considers requirements specific to their site. This process will begin in March with the aim of finalising all Community Gardens Agreements by May.

Attachment

#	Attachment	Type
1	Updated Community Gardens Agreement Template - Marked Up.doc	PDF File
2	Community Gardens Policy - Tracked Changes	PDF File

COMMUNITY GARDENS AGREEMENT

City of Marion

and

[INSERT]

SCHEDULE

<p>ITEM 1 (Community Gardening Group) [INSERT] of [INSERT ADDRESS]</p>
<p>ITEM 2 (Community Garden) The whole of the land comprised in Certificate of Title Volume # Folio # and marked "X" on the plan in Annexure A.</p>
<p>ITEM 3 (Commencement Date) [INSERT]</p>
<p>ITEM 4 (Expiry Date) [INSERT]</p>
<p>ITEM 5 (Community Garden Fee) \$1.00 (one dollar) per annum (exclusive of GST) payable on demand.</p>
<p>ITEM 6 (Permitted Use) The operation of a community garden in accordance with the requirements of this agreement and such other uses as are approved by the Council.</p>
<p>ITEM 7 (Insurance) The Community Gardening Group shall effect and keep current during the Term:</p> <p>(a) Public Risk Insurance</p> <p>A policy of public risk insurance applicable to the Community Garden and the Permitted Use noting the interest of Council for an amount not less than \$20,000,000.00 (being the amount which may be paid out arising from any one single accident or event) or such higher amount as the Council may reasonably require from time to time.</p> <p><u>(b) Any other insurance policy as required under the Special Conditions.</u></p> <p>(b) Community Gardening Group's equipment</p> <p>Insurance in respect of the Community Gardening Group's equipment for its full replacement value.</p> <p>On or before the Commencement Date, the Community Gardening Group must give the Council a copy of the certificates evidencing the currency of each policy referred to in this Item 7.</p>
<p>ITEM 8 (Special Conditions) Refer to Annexure B.</p>

COMMUNITY GARDENS AGREEMENT

Between:

CITY OF MARION of PO Box 21, Oaklands Park SA 5046 ("**Council**")

- and -

The group named in **Item 1** of the Schedule ("**Community Gardening Group**")

The Council agrees to allow the Community Gardening Group to use the Community Garden described in this Schedule on the terms and conditions contained in this agreement.

The Community Gardening Group is a group of residents in the City of Marion who have initiated action with the intention of gardening on certain land owned by the Council.

TERMS

1. INTERPRETATION

In this agreement:

"Authority" means any governmental, semi-governmental or other authority having jurisdiction or authority in respect of the Community Garden;

"Claim" means any action, proceeding, account, right, claim or demand whether present or future, certain or contingent, due or may become due, known or unknown and including all costs and expenses (including all legal expenses);

"Commencement Date" means the date in **Item 3**;

"Council's Agents" means each of the Council's agents, contractors, subcontractors, employees, officers, sublessees, licensees, invitees, or any other person claiming through or under the Council;

"Expiry Date" means the date in **Item 4**;

"Fee" means the fee in **Item 5**;

"Community Garden" means the premises described in **Item 2**;

"Community Gardening Group's Agents" means each of the Community Gardening Group's agents, contractors, subcontractors, employees, officers, sublessees, licensees, invitees, or any other person claiming through or under the Community Gardening Group;

"Loss" means any loss, damage, death or injury;

"Permitted Use" means the use described in **Item 6**;

"Rules" means all rules, regulations and any other reasonable directions made by the Council or the Council's Agent from time to time in relation to the Community Gardening Group's use of

the Community Garden and required for the management, maintenance, safety, security and care of the Community Garden;

“**Schedule**” means the schedule attached to this agreement; and

“**Term**” means the term commencing on the Commencement Date and expiring on the Expiry Date and any extension or renewal of this agreement or any period during which the Community Gardening Group uses the Community Garden.

Any expressions defined elsewhere in this agreement have that meaning.

2. AGREEMENT

The Council agrees to allow the Community Gardening Group to use the Community Garden for the Permitted Use.

3. TERM

This agreement commences on the Commencement Date and continues until the Expiry Date or the Community Gardening Group earlier vacating the Community Garden.

4. COMMUNITY OUTCOMES

4.1 The Community Gardening Group must use the Community Garden in a manner that delivers:

~~4.1.1 a balance of community use spaces in accordance with the Special Conditions, including community planting spaces, individual and shared plots, community programs and educational opportunities;~~

~~4.1.2 programs that involve the local community and provide opportunities for them to engage with each other;~~

~~4.1.3~~ 4.1.1 a management plan that includes procedures for responsible management of water and waste, which must be submitted to Council for approval;

~~4.1.4~~ 4.1.2 a code of conduct and safety plan to be shared amongst members; and

~~4.1.5~~ 4.1.3 a visually appealing garden; and

4.2 examples and programs that educate the community about best practice in organic gardening and permaculture principles. It is recommended and preferable that the Community Gardening Group use the Community Garden in a manner that delivers:

4.2.1 a balance of community use spaces in accordance with the Special Conditions, including community communal planting spaces, individual and shared plots, community programs and educational opportunities;

4.2.2 programs that involve the local community and provide opportunities for them to engage with each other; and;

4.2.3 examples activities and programs that educate the community about best practice in organic gardening and permaculture principles.

~~5.0.0~~

6.5. NOMINAL FEE

6.15.1 The Community Gardening Group must pay to the Council or as the Council directs the Fee in accordance with **Item 5**.

6.25.2 The Council has entered into this agreement in return for a nominal Fee on the basis that the Community Gardening Group's operations from the Community Garden benefit the community, in accordance with clause 4.

7.6. EXPENSES

7.16.1 Water Use

7.1.16.1.1 The Council will not charge the Community Gardening Group for water usage on the understanding that the Community Gardening Group will use water responsibly.

7.1.26.1.2 The Community Gardening Group must ensure that water is used in the Community Garden in a responsible manner and a manner that seeks to conserve water to the greatest extent possible.

6.1.3 The Community Gardening Group must pay or reimburse the Council on demand all costs for water supplied to and consumed in the Community Garden in excess of 1000 KL per annum. The Council will notify the Community Gardening Group in writing in the event that they exceed the annual limit of 1000 KL.

7.1.36.1.4 Upon request, the Council will provide the Community Gardening Group with a statement summarising its annual water use.

7.26.2 Ongoing Expenses

The Community Gardening Group will be responsible for all ongoing expenses associated with the Permitted Use.

8.7. INCOME

The Community Gardening Group is entitled to retain all income generated from its use of the Community Garden provided that such income must be invested back into the Community Garden and the Community Gardening Group's operations from the Community Garden.

9.8. PERMITTED USE

9.18.1 The Community Gardening Group must only use the Community Garden for the Permitted Use.

9.28.2 Except as provided by the Permitted Use, the Community Gardening Group must not without the prior written consent of the Council bring onto or install in the Community Garden any equipment.

9.38.3 The Community Gardening Group must:

9.3.18.3.1 not carry on any offensive or dangerous activities in or from the Community Garden;

9.3.28.3.2 not create a nuisance or disturbance for the Council or for the owners or occupiers of any adjoining property; and

~~9.3.38.3.3~~ ensure at all times that activities conducted in or from the Community Garden do not discredit the Council.

~~10.9.~~ REPAIR AND MAINTENANCE

~~10.19.1~~ The Community Gardening Group must at its cost:

~~10.1.19.1.1~~ repair any damage or defect to the Community Garden caused by the Community Gardening Group or the Community Gardening Group's Agents; and

~~10.1.29.1.2~~ keep the Community Gardening Group's equipment and infrastructure in good repair and condition, in accordance with its responsibilities as outlined in Annexure C to this agreement.

~~10.29.2~~ The Council may serve the Community Gardening Group with a notice requiring the Community Gardening Group to repair any damage or defect the Community Gardening Group is responsible to repair within a reasonable time.

~~10.39.3~~ If the Community Gardening Group fails to repair any damage or defect within a reasonable time, the Council and the Council's Agents may, at the Community Gardening Group's cost, enter the Community Garden to carry out any repairs.

~~10.49.4~~ The Council and the Council's Agents have the right at all times to enter the Community Garden and to inspect the state of repair of the Community Garden.

~~13.10.~~ COUNCIL SUPPORT

The Community Gardening Group may from time to time request in-kind support for its activities in the Community Garden from the Council, and the Council may consider any such request in its absolute discretion.

~~14.11.~~ END OF AGREEMENT

Upon the expiration of this agreement, the Community Gardening Group must make good to Council's satisfaction any damage to the Community Garden caused by the Community Gardening Group's use and occupation of the Community Garden including by the installation and removal of any of the Community Gardening Group's equipment or infrastructure.

~~15.12.~~ COMPLY WITH LAWS

The Community Gardening Group must at the Community Gardening Group's cost comply with all statutes, orders, proclamations and regulations present or future affecting or relating to the use or occupation of the Community Garden and with all requirements of any Authority including all fire safety rules and regulations of the Council and any relevant Authority.

~~16.13.~~ COMPLY WITH DIRECTIONS

~~16.113.1~~ The Community Gardening Group must at all times observe and comply with ~~all rules, regulations and any other reasonable directions (the Rules) made by the Council or the Council's Agent from time to time in relation to the Community Gardening Group's use of the Community Garden and required for the management, maintenance, safety, security and care of the Community Garden.~~

~~16.2~~13.2 The failure of the Community Gardening Group or any of the Community Gardening Group's Agents to observe and comply with the Rules will be a breach of this agreement and the Community Gardening Group acknowledges and agrees that the Council and the Council's Agents will not be liable for any loss or damage arising from any non-enforcement of the Rules, regulations and directions.

17.14. COUNCIL'S RIGHTS

~~17.1~~14.1 The Council may enter the Community Garden at any time.

~~17.2~~14.2 In an emergency the Council may:

~~17.2.1~~14.2.1 close or restrict access to the Community Garden; and

~~17.2.2~~14.2.2 prevent the Community Gardening Group from entering the Community Garden.

18.15. SECURITY

~~18.1~~15.1 If the Community Garden is to be locked, the Community Gardening Group must keep the community garden securely locked at all times when not occupied and must provide a key to Council to be used in case of emergencies. ~~If the Community Garden is to be locked, it will be through the use of Council supplied locks, keys for which will be distributed by Council.~~

~~15.2~~ The Community Gardening Group will be responsible for any keys distributed, including replacement costs if broken or misplaced. The Community Gardening Group is responsible for securing the Community Garden when not in use and will be responsible for any repairs required as a result of vandalism.

20.16. INSURANCE

~~16.1~~ The Community Gardening Group must effect and keep current during the Term the insurance policies specified in Item 7.

~~20.1~~16.2 The Community Gardening Group may at its discretion effect and keep current during the term insurance in respect of the Community Gardening Group's equipment for its full replacement value and the Community Garden Group acknowledges and agrees that in not choosing to take up such insurance it does so at its own risk and Council will not be responsible for replacing stolen or damaged equipment.

21.17. HOLDING OVER

If, with the Council's consent, the Community Gardening Group continues to use the Community Garden after the end of this agreement, the Community Gardening Group does so under a ~~weekly~~monthly arrangement which:

~~21.1~~17.1 either party may terminate on one ~~week's~~month's notice given at any time; and

~~21.2~~17.2 is on the same terms as this agreement.

22.18. RELEASE AND INDEMNITY

~~22.1~~18.1 The Community Gardening Group uses the Community Garden at its risk, and releases the Council and the Council's Agents from all Claims for any Loss occurring

on or in the Community Garden except where caused by a negligent act of the Council or the Council's Agent.

22.218.2 The Community Gardening Group must indemnify and keep the Council and the Council's Agents indemnified from and against all Claims for any Loss arising from the Community Gardening Group's use of the Community Garden except where caused by a negligent act of the Council or the Council's Agents.

23.19. DEFAULT

23.419.1 The Council may terminate this agreement by giving the Community Gardening Group 7 days' notice of its intention to terminate, if the Community Gardening Group does not comply with an obligation in this agreement and in the Council's reasonable opinion:

- a) the non-compliance can be remedied but the Community Gardening Group does not remedy it within a period of 14 days after the Council gives the Community Gardening Group notice to remedy; or
- b) the non-compliance cannot be remedied but the Council can be compensated and the Community Gardening Group does not pay the Council compensation for the breach within a period of 14 days after the Council gives the Community Gardening Group notice to pay.

23.219.2 Termination does not affect either party's rights concerning any previous breach or matter.

24.20. GOODS AND SERVICES TAX

24.420.1 For the purposes of this sub-clause:

"GST" means a goods and services tax imposed by A New Tax System (Goods and Services Tax) Act or other similar Act; and

"Supply" means any form of supply whatsoever provided under this agreement.

24.220.2 The Community Gardening Group agrees that if a GST is imposed on any Supply made under this agreement and the Council becomes liable for GST in respect of any Supply made under this agreement, the Community Gardening Group must pay to the Council, in addition to other moneys payable by the Community Gardening Group to the Council, the amount of GST for which the Council has become liable.

24.320.3 The Community Gardening Group must make the payment or reimbursement referred to in 18.2:

24.3.420.3.1 if the GST is payable in respect of the Community Gardening Group's right to possession of the Community Garden, at the time when the payment of the Fee is due; and

24.3.220.3.2 if the GST is payable in respect of the supply of any other goods, services or matters under this agreement, at the time when payment of the amount payable for such supply is due;

or at such other time or times as the Council and the Community Gardening Group may agree in writing.

24.420.4 If the Community Gardening Group fails to pay the amount of such GST when it is due, the Council may recover it from the Community Gardening Group as a debt due under this agreement.

~~24.520.5~~ Upon receipt of the GST payment from the Community Gardening Group under this clause, the Council will issue to the Community Gardening Group a tax invoice in the form and manner prescribed by the applicable GST regulations.

25.21. DISPUTE RESOLUTION

~~25.421.1~~ Where any dispute between users of the Community Garden, or between users and the Community Gardening Group (**Dispute**) cannot be resolved in accordance with the Rules, the Community Gardening Group or any user may submit the dispute to an officer nominated by the Council for this purpose (**Nominated Officer**).

~~25.221.2~~ The Nominated Officer will make a decision to settle the dispute and the Nominated Officer's decision will be final and binding and must be implemented by the Community Gardening Group.

26.22. NATURE OF AGREEMENT

~~26.422.1~~ The rights under this agreement rest in contract only and do not create in or confer upon the Community Gardening Group any tenancy or any estate or interest in the Community Garden.

~~26.222.2~~ The rights granted shall not confer upon the Community Gardening Group or any person claiming through or under the Community Gardening Group any rights of exclusive use and occupation.

~~26.322.3~~ The Council reserves the free and uninterrupted passage of gas, water and electricity through and along the pipes, wires and drains which now are and may at any time be on or under or passing through or under the Community Garden and to its agents rights to enter into and upon the Community Garden to inspect, install and repair the pipes, wires and drains.

27.23. SPECIAL CONDITIONS

The Council and the Community Gardening Group acknowledge and agree that the special conditions described in **Item 8** will apply to this agreement and to the extent that there is any inconsistency between the terms of this agreement and the special conditions, the special conditions will prevail.

28.24. MISCELLANEOUS

~~24.1~~ In addition to any other means of giving notice, any notice will be taken to have been given if it is:

a) -in writing and signed by or on behalf of the party giving the notice and either delivered or sent by ordinary pre-paid post to the other party at the address set out in this agreement or such other address as may be advised in writing. A notice will be taken to have been given at the time of delivery or on the day following the date of posting (whether actually received or not); or-

b) delivered electronically by way of email to the other party, sent to the email address of that party set out below:

Council: [INSERT]

Community Gardening Group: [INSERT]

~~28.1~~24.2 This agreement will be governed by the laws of South Australia. The parties submit to the jurisdiction of the courts of South Australia and agree to issue any proceedings relating to this agreement in those courts.

~~28.2~~24.3 Every provision of this agreement is independent of the other. Any provision which is prohibited or unenforceable in any jurisdiction will be ineffective to the extent only of such prohibition or unenforceability, and the other provisions will remain in force.

~~28.3~~24.4 Any variation of this agreement must be in writing and signed by each party.

EXECUTED as an agreement

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

.....
Signature of witness

.....
Signature of authorised delegate

.....
Name of witness (print)

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

.....
Position of authorised delegate

and

EXECUTED for)
(INSERT Community Gardening Group))
by an authorised officer pursuant to the)
Associations)
Incorporation Act 1985 in accordance
with its constitution:

.....
Chairperson/Vice-Chairperson
(Please delete as applicable)

.....
Signature of Committee/Board Member
(Please delete as applicable)

.....
Full Name

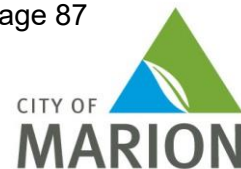
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Annexure A – Plan

Annexure B - Special Conditions

Annexure C - Repair and Maintenance Obligations

Community Gardens Policy



1. RATIONALE

Community gardens are increasingly recognised as important sites for community connection, urban food production and environmental education. There is also widespread recognition that community gardens have a range of health, environmental, social, cultural, food security and economic benefits for the community. This policy outlines Council's approach to supporting community gardens.

2. POLICY STATEMENT

Council will support the development of a network of appropriately located, designed, managed and resourced community gardens across the city.

3. OBJECTIVES

Council's approach to supporting community gardening in the City of Marion includes:

3.1 A community development approach

Council takes a community development approach to community gardens where community groups manage the gardens themselves with the support of Council and other partnering organisations.

3.2 Building the capacity of community gardening groups

Council recognises that there are varying degrees of community capacity and skills available to establish and maintain community gardens. As a result, Council has an important role to play in identifying opportunities, building community capacity and supporting communities to establish and maintain community gardens.

3.3 Fostering a diversity and geographic spread of community gardens

Council aims to foster a mix of community garden types and activities to meet diverse community needs, and achieve vibrant gardens across the whole Council area. Council will take a strategic approach to the location and type of community gardens it fosters. Garden types may include communal gardens, dedicated allotments, community orchards, indigenous bush tucker gardens or demonstration gardens for the purpose of education.

3.4 Encouraging accessible and inclusive community gardens

Community gardens should be accessible and cater for a range of community groups and needs including people with disabilities, children, older people, Aboriginal people and people from culturally and linguistically diverse backgrounds. Community gardens should be designed and managed so they are open to the broader community on a regular basis and when gardeners are present.

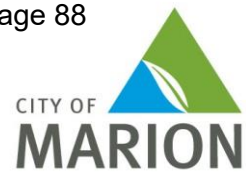
3.5 Building and facilitating partnerships

Council will develop strong partnerships with new and existing community gardening groups. It will also assist these groups to connect with relevant agencies, local organisations, neighbourhood centres, schools, businesses, funding bodies and other community gardens to provide opportunities for forming mutually beneficial partnerships.

3.6 Assisting community gardening groups during the establishment phase

Council recognises the significant amount of resources, time and labour required to establish a new community garden. Council will work closely with community garden groups during the

Community Gardens Policy



establishment phase and strive to support those groups to get their community garden up and running in 12 months. Community garden groups can apply to the City of Marion Community Grants program to obtain funding to establish their garden. In addition, Council may provide one-off financial assistance for essential infrastructure in new community gardens provided that community gardening groups demonstrate a strong commitment to managing their garden responsibly. Funding for community gardens is dependent on budget constraints and demand.

3.7 Security of tenure for community gardens

Community gardening groups should have the potential for security of tenure so they can plan for the long-term future and viability of the garden. In most cases, the allocation of Council land for community gardens will be formalised through a ~~license or lease agreement~~ Community Gardens Agreement. Once approved, community gardens can obtain an initial 2-year ~~license or lease agreement~~. This will be followed by a 5-year ~~license or lease agreement~~, provided that the site is being managed effectively and there is ongoing demand for a community garden. ~~The complexity of the application process for community gardens on Council land will be proportionate to the scale of the community garden proposed. In some cases, an alternative simplified agreement may be negotiated with community groups wishing to undertake small-scale community gardening projects on Council land. Each Community Gardens Agreement will be developed in partnership with community gardening groups and will reflect the scale and nature of their specific community garden.~~

3.8 Minimising the ongoing expenses for community gardens

Council will not charge community gardens for water use provided that community gardening groups use water responsibly. In addition, Council will not charge an annual ~~lease or license~~ fee to community gardens on the understanding that they are run by volunteers on a not-for-profit basis for the benefit of the community. Community gardening groups are responsible for all other ongoing community garden expenses as set out in the Community Gardens Agreement.

3.9 Ensuring community gardens are visually appealing

Council requires community gardening groups to ensure their community gardens are visually appealing, tidy and well maintained.

4. POLICY SCOPE AND IMPLEMENTATION

While community gardens may operate on private land, this policy applies to community gardens on land that Council owns and/or manages.

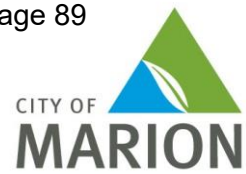
This policy does not outline the procedure for starting new community gardens. This detail is contained in the City of Marion Community Gardens Guidelines.

This policy does not apply to verge gardens. Council's position on verge gardening is outlined in the City of Marion Verge Development Guidelines.

5. DEFINITIONS

Community Garden – Community Gardens are community led and managed, not-for-profit initiatives, where members of the local community come together to garden in individual or shared plots and produce is intended for the consumption of the gardeners and fundraising for community gardening purposes. Community gardens are open to the public on a regular basis and anyone can become a member.

Community Gardens Policy



Community Gardens Agreement – An agreement between a community group and Council regarding the use of Council land for a community garden.

Community Gardening Group – A not-for-profit community group or organisation using Council land for the purpose of a community garden.

Community Capacity – The skills, knowledge, resources, social networks and volunteer time available in a given community that can be dedicated to community initiatives such as a community garden.

Verge Garden - A garden located on the area between the kerb and the property boundary that is managed by one or more adjacent households.

~~**License** – An agreement where the occupier has partial access to the land or premises. This form of agreement is more commonly used for community gardens.~~

~~**Lease** – An agreement where the occupier has full and exclusive access to the land or premises.~~

6. ROLES AND RESPONSIBILITIES

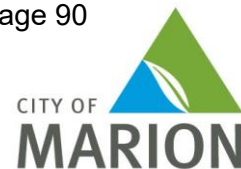
To ensure community gardens on Council land are appropriately located, designed, managed, and resourced Council will:

- Provide advice to community groups on planning, design and management of community gardens, which may include templates of various documents needed for the formal registration of the group as an association, as well as ongoing operation of the community garden.
- Assess proposed community garden locations based on site selection criteria outlined in the Community Garden Guidelines.
- Undertake soil testing at proposed community garden sites to manage soil contamination and protect public health.
- Ensure there is sufficient demand and local community support before approving new community gardens.
- Undertake appropriate community engagement and consultation processes for new community gardens.
- Require community gardens to be managed by an incorporated group or organisation with sufficient capacity and commitment.
- Ensure community gardens have appropriate safety measures in place.
- Require community gardening groups to obtain a ~~lease or license~~ Community Gardens Agreement for use of ~~the land from the~~ Council land.
- Promote community gardens as sites for environmental education and building community connections.
- Encourage best practice water and waste management in community gardens.
- Aspire to support new community gardens to start operating within a 12 month timeframe from receipt of application.

Community gardening groups managing community gardens on Council land must:

- Liaise with Council's Community Gardens Coordinator throughout the process of establishing a community garden.
- Ensure the group is incorporated and has the capacity to manage the garden.
- Design the garden for accessibility and ensure it is inclusive of a range of community groups and needs.

Community Gardens Policy



- Engage with the local community and communicate with neighbours to seek support for the garden.
- Ensure the community garden is open to the broader community on a regular basis and when gardeners are present.
- Develop a management plan for Council approval that includes procedures for responsible management of water and waste in the garden.
- Develop a Gardeners Code of Conduct and ensure it is shared amongst community garden members.
- Develop a safety plan for the garden to ensure appropriate safety measures are in place.
- Prepare a budget for the community garden and take responsibility for sourcing funding.
- Arrange appropriate insurances including public liability insurance.
- Obtain development approval for community garden structures or features as required before such structures are erected.
- Negotiate a ~~lease, license, or other formal agreement~~ Community Gardens Agreement with Council before using the land.
- Ensure community gardens remain visually appealing.

Roles and responsibilities of both Council and Community Gardening Groups will be outlined in each Community Gardens Agreement.

7. REFERENCES

- City of Marion Community Gardens Guidelines
- City of Marion Verge Development Guidelines
- ~~City of Marion Leasing and Licensing Policy~~
- City of Marion Tree Management Policy
- City of Marion Environmental Policy
- City of Marion Open Space Policy
- City of Marion Community Land Management Plans
- City of Marion Public Consultation Policy
- City of Marion Open Space by-laws

8. REVIEW AND EVALUATION

This policy will be reviewed once within the term of Council ~~2018—2021~~. The review will be scheduled by the Governance Department in coordination with the Environment Sustainability Team.

ALGA 2021 National General Assembly of Local Government - Call for Notices of Motions

Originating Officer	Governance Officer - Victoria Moritz
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager City Services - Tony Lines
Report Reference	GC210309R06

REPORT OBJECTIVE

To provide an opportunity for Council to develop motions for submission to the 2021 National General Assembly of Local Government (NGA), which complement or build on the policy objectives of state and territory associations for the benefit of local government nationally. The purpose of the report is to also determine if there is interest from members to attend the NGA and nominate a Council Member as delegate.

EXECUTIVE SUMMARY

The NGA will be held at the National Convention Centre in Canberra between 20 - 23 June 2021 and provides an opportunity for Council to contribute to the development of national local government policy by forwarding 'Notices of Motions' for consideration.

Proposed 'Notices of Motions' must meet certain criteria and be submitted to the Australian Local Government Association (ALGA) and received no later than 11.59pm on Friday 26 March 2021.

This report identifies the process that will be undertaken and the criteria to be met for submitting 'Notices of Motions' for consideration and inclusion in the NGA papers. It also includes information on attending the NGA to assist council in nominating a delegate if they choose to do so.

RECOMMENDATION

That Council:

- 1. Notes the report '*ALGA 2021 National General Assembly of Local Government - call for Notices of Motions*'**
- 2. Submits the following motions for consideration at the ALGA 2021 National General Assembly of Local Government to be held on 20-23 June 2021:**
 -
- 3. On submitting the Notices of Motions to the Australian Local Government Association, the Chief Executive Officer be authorised to amend the wording (without changing the meaning or purpose of the motion) if required.**
- 4. Nominates Councillor XX as the City of Marion voting delegate and Councillor XX to attend the Australian Local Government National General Assembly 2021.**

DISCUSSION

Background

The 2021 NGA is a major event on the annual local government calendar. This year, it will be held at the National Convention Centre in Canberra between 20 - 23 June 2021.



The NGA typically attracts more than 870 Mayors, Councillors and senior officers from councils across Australia. This event provides an opportunity for Council to contribute to the development of local government, receive updates and influence top policy issues facing local government at a national level by way of submitting one or several 'Notice/s of Motions'.

The theme for this year's event is '*Working Together for our Communities*'. This NGA will focus on working together for our communities and how local governments can achieve success through partnerships. It will consider how strategic partnerships can assist councils to address the challenges and opportunities we are facing today and tomorrow.

Proposed Motion/s

For a Motion to be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must align to the discussion paper (Attachment 1) and meet the following criteria:

1. Be relevant to the work of Local Government Nationally
2. Not be focussed on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic importance and should be discussed at a national conference
3. Be consistent with the themes of the NGA
4. Complement or build on the policy objectives of your state and territory local government association
5. Be submitted by a council which is a financial member of their state or territory local government association
6. Propose a clear action and outcome i.e. call on the Australian Government to do something
7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Elected Members were asked to forward any proposed 'Notices of Motions' to Administration by Wednesday 24 February 2021 for inclusion in this report and consideration at the General Council Meeting on 9 March 2021. Currently there have been no 'Notices of Motions' received.

Following endorsement of any 'Notices of Motions' by Council, Administration will provide these on the required form to the ALGA by 11.59pm on Friday 26 March 2021. An assessment will be made by ALGA and state/territory governments prior to inclusion in the NGA Papers.

Delegate and Attendance at the NGA

The City of Marion is not required to send a voting delegate to the NGA, however has resolved to do so on occasions.

At the General Council Meeting of 10 March 2020, Council nominated Councillor Shilling as the City of Marion voting delegate to attend the Australian Local Government NGA 2020. Due to COVID-19 the meeting was cancelled. Councillor Shilling has expressed his interest in attending this year.

Further details and information regarding this year's registration and accommodation cost is included as Attachment 2.

Virtual registration options are currently being explored by ALGA, however no further details are available to date.

Attendance at the NGA is in accordance with the Elected Members Professional Development Policy and will follow the Elected Members Professional Development Procedure.



Following attendance at a professional development activity, individual Elected Members are to prepare a report outlining the nature of the activity, the knowledge gained through attendance and any opportunities for application within the City of Marion. The reports prepared by individual Elected Members will be placed on the Agenda as soon as practicable after the completion of the training .

Conclusion

The NGA provides an opportunity for Council to participate and contribute to the future of local government at a national level by developing and submitting Notices of Motions and attending the conference.

Attachment

#	Attachment	Type
1	Attachment 1 - 2021 ALGA NGA Discussion Paper	PDF File
2	Attachment 2 - ALGA NGA Registration Details	PDF File

WORKING TOGETHER FOR OUR COMMUNITIES NGA21

Call for Motions

20 - 23 June 2021

National Convention Centre Canberra



AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

KEY DATES

16 November 2020
Opening of Call for Motions

26 March 2021
Acceptance of Motions Close

20 - 23 June 2021
National General Assembly

To submit your motion go to:
alga.asn.au

SUBMITTING MOTIONS

The National General Assembly of Local Government (NGA) is an important opportunity for you and your council to influence the national policy agenda.

The 2020 NGA “Working Together for Our Communities” was unfortunately cancelled due to COVID-19 but the ALGA Board has decided to retain the theme and emphasise the importance of partnerships to building and maintaining resilience in our councils and our communities.

To assist you to identify motions that address the theme of the 2021 NGA, the Australian Local Government Association (ALGA) Secretariat has prepared this short discussion paper. You are encouraged to read all the sections of the paper but are not expected to respond to every question. Your motion/s can address one or more of the issues identified in the discussion paper.

Remember that the focus of the NGA is on partnerships, working together, and resilience so your questions could focus on how local governments can work in partnership with the Australian Government to address the challenges our communities face, or the opportunities that are arising to build back better.

Criteria for motions

To be eligible for inclusion in the NGA Business Papers, and subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. be relevant to the work of local government nationally;
2. not be focussed on a specific location or region – unless the project has national implications. You will be asked to justify why your motion has strategic national importance and should be discussed at a national conference;
3. be consistent with the themes of the NGA;
4. complement or build on the policy objectives of your state and territory local government association;
5. be submitted by a council which is a financial member of their state or territory local government association;
6. propose a clear action and outcome i.e. call on the Australian Government to do something;
7. be a new motion that has not already been debated at an NGA in the preceding two years; and
8. not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

OTHER THINGS TO CONSIDER

Motions should generally be in a form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. Motions should commence as follows: This National General Assembly calls on the Australian Government to restore funding for local government Financial Assistance Grants to a level equal to at least 1% of Commonwealth taxation revenue.

To ensure efficient and effective debate where there are numerous motions on a similar issue, the ALGA Board NGA Subcommittee will group the motions together under an overarching strategic motion. The strategic motions have either been drafted by ALGA or are based on a motion submitted by a council which best summarises the subject matter. Debate will focus on the strategic motions. Associated sub-motions will be debated by exception only.

Motions should be lodged electronically using the online form available on the NGA website at: www.alga.asn.au. All motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and the endorsement of your council. Motions should be received no later than 11:59pm AEST on Friday 26 March 2021.

Please note that for every motion it is important to complete the background section on the form. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion. There is a word limit of 150 for the motion and 200 for the national objective and 300 for the key arguments.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-Committee, as well as by state and territory local government associations to determine their eligibility for inclusion in the NGA Business Papers. When reviewing motions, the Sub-Committee considers the importance and relevance of the issue to local government and whether the motions meet all the criteria detailed above.

Please note that motions should not be prescriptive in directing how the matter should be pursued.

With the agreement of the relevant council, motions may be edited before inclusion in the NGA Business Papers to ensure consistency. If there are any questions about the substance or intent of a motion, the ALGA Secretariat will raise these with the nominated contact officer.

Any motion deemed to be primarily concerned with local, state or territory issues will be referred to the relevant state or territory local government association and will not be included in the NGA Business Papers.

There is an expectation that any council that submits a motion will be present at the National General Assembly to move and speak to the motion.

INTRODUCTION

2020 has been a year like no other. A year that many individuals and organisations, including councils, would wish to forget. While the drought lessened its hold on parts of the country to be replaced by floods, more than 110 local government areas were severely impacted by the Black Summer (2019-20) bushfires - and no one was spared the effects of the battle against COVID-19. The 2020-21 storm and fire season may add to the sense that it was a year of disasters.

Friedrich Nietzsche said: "That which does not kill us, makes us stronger." So how can councils become stronger after 2020? How can we ensure that our communities are stronger and more resilient? How do we work together and with our partners to ensure that we build back better from the series of unprecedented events that have marked 2020?

COUNCIL RESILIENCE

In the first quarter of 2020, state and territory Governments closed facilities where people gathered in numbers to reduce the probability that hospitals would be overwhelmed by a rise in COVID-19 cases. This included a substantial number of council owned and operated revenue generating facilities which had flow-on effects for other revenue- generating enterprises such as paid parking. Major funding gaps rapidly emerged in many councils that typically generated significant amounts of own revenue.

Councils that cannot generate significant amounts of the own revenue are typically dependent on grant funding from other levels of government, including Financial Assistance Grants from the Australian Government. These councils tend to service rural, regional and remote communities that are often large in area but small in terms of population. The capacity of these councils to deliver all their required services and infrastructure can be severely strained at any time.

With local government funding under pressure across the nation, and other levels of government facing fiscal constraints, councils may need to do more with less in the near term and be innovative with both budgeting, service delivery, balancing competing demands and longer term financial planning. Services may need to be scaled down or delivered in innovative ways. Asset management and maintenance programs may need to be varied. Working collaboratively with neighbouring councils or forming alliances may be a way of achieving efficiencies and enhancing service delivery along with fostering innovation, cutting red tape, and working in partnership with third parties may be others.

Digital service delivery and working from home - adopted during the height of the pandemic - may become the new norm. This may increase opportunities for councils to innovate, work together and share resources, and fill long term skill gaps. New challenges may emerge including how staff are supported and how productivity, collaboration and motivation maintained. There may be significant consequences for local democracy and council's ability to engage authentically with their communities. Digital transformation and technology modernisation will be essential for some councils. Even already well-established adopters of digital technology may need to rethink their approach.

Can the Australian Government assist councils with efficiency measures that reduce the cost of services without a major change in service levels experienced by the community?

What opportunities are available to enhance the adaptive capacity of councils and its potential to 'weather the storm' through innovation and creativity? How can the Australian Government assist?

Apart from Financial Assistance Grants, how can the Australian Government assist councils to become more financially sustainable and able to better meet the needs of their communities? Are there new partnership programs or policy changes the Government

COMMUNITY RESILIENCE

Community resilience is the capacity of communities to respond to, withstand, and recover from adverse situations including natural disasters, persistent drought, pandemics, fluctuations in global trade, recession, and a rise in inequality. In some circumstances in response to these pressures and stresses, local communities are not able to recover to their previous state. Instead they need to adapt to cope with long term stresses. But ideally, we want all communities to not only survive but thrive.

Local governments play a critical role in building resilient and sustainable communities and helping to buffer people and places against social, economic, and environmental disruptions and overcome adversity. One critical area is through the provision of resilient infrastructure. Councils' infrastructure should meet the community's current and future demand, be built to contemporary standards, be affordable for both the council and the user, and be reliable with appropriate asset management practices in place to ensure maximum return on investment.

In addition to physical infrastructure, social infrastructure is also vital for resilience. Social infrastructure is broader than just buildings, it includes the individuals and groups, places, and institutions, including councils, that foster community cohesion and social support. Communities and individuals with good social networks and connections demonstrate greater resilience.

The loneliness epidemic is challenging social resilience. Research produced before the coronavirus pandemic revealed that one in four adult Australians are experiencing loneliness with over half the nation reporting they feel lonely for at least one day each week. In addition to its impacts on community resilience, feeling lonely can pose a bigger risk for premature death than smoking or obesity and can be associated with depression, poorer cardiovascular health and, in old age, a faster rate of cognitive decline and dementia.

Communities that are more vulnerable to shocks and disasters are often reliant on only one industry, have minimal redundancy or no backups for essential services and infrastructure such as only one source of water, one powerline or one access road. They also often only have few voluntary or charitable organisations working in the community. Often community leadership is weak or fails to inspire, engage, and unleash the power of other leaders and critical social networks.

Community resilience cannot be built and then left to its own devices. It needs to be strengthened continuously, not just in times of crisis. It involves people getting together to create sustainable links within their community and the community and its leaders having the ability to learn from experience and improve over time.

How can councils work in partnership with the other tiers of government to adopt a community development approach that builds resilience?

What are the best models available to councils to ensure that our communities thrive and focus on prevention and preparation rather than relief and recovery? How can the Australian Government partner with councils to ensure thriving communities?

What actions can councils take, in partnership with others including the Australian Government to promote community resilience and protect against external shocks such as industry closures or natural disasters? Are tools available to assist councils build community resilience or do we need new or different tools?

COLLABORATION AND PARTNERSHIPS

Creating a resilient community and ensuring a resilient and sustainable council requires partners. Councils can work with partners in different ways to find local solutions to local problems. They can partner with a wide range of organisations including other councils, other levels of government, the voluntary and community sector or business and research sector organisations. The aims of these partnerships are typically to improve services and deliver changes to benefit the local area.

Collaboration and partnerships with other councils and public or private organisations can also bring benefit from economies of scale in providing services or purchasing in bulk for example. Procurement partnerships have been a particularly successful example of this. Working in partnership can make a considerable contribution to efficiency improvements, such as through cost savings in back-office functions or sharing of plant and equipment.

Other benefits associated with partnerships and collaboration include opening the way for local communities to share ideas and connect with others. Partnerships enhance the ability of a council to access innovation, enhance skills development, work across council boundaries to address regional issues, and maximise competitive advantage in the delivery of major infrastructure projects.

Strategic collaboration is not just about savings and sharing resources. It is also about maximising capacity in addressing community expectations, or working with members of the community to overcome challenges and seize opportunities. For example, building and maintaining productive partnerships with Aboriginal and Torres Strait Islander people and communities is critical for councils committed to Closing the Gap and involving Aboriginal and Torres Strait Islander communities in decision-making and service development and delivery.

Collaboration and partnerships that work well are underpinned by good governance, an agreed purpose, and mutual benefit.

There is a long history of local government partnering with the Australian Government to deliver projects and programs that benefit local communities, achieve fairness and equity across the nation, and support local delivery of services and infrastructure. In the absence of constitutional change, how do we further build and strengthen this partnership with the Australian Government?

How do we encourage and incentivise councils to embrace partnerships and collaborative arrangements more enthusiastically including those which seek to ensure the development of economic development supporting infrastructure?

What are the obstacles to working in partnership with other councils or organisations? Can the Australian Government help overcome these?

How do councils, together with their communities, work in partnership to build resilience and entrench it into everyday life?



AUSTRALIAN
LOCAL GOVERNMENT
ASSOCIATION

AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION
8 Geils Court Deakin ACT 2600 PHONE (02) 6122 9400
EMAIL alga@alga.asn.au WEB www.alga.asn.au

2021 AUSTRALIAN LOCAL GOVERNMENT NATIONAL GENERAL ASSEMBLY REGISTRATION DETAILS**20-23 JUNE 2021**

General Assembly Registration Fees	
Registration Fees – Early bird (payment received by Friday 7 May 2021)	\$989

General Assembly Registration Includes:

- Attendance at all General Assembly sessions
- Morning tea, lunch and afternoon tea as per the General Assembly program
- One ticket to the Welcome Drinks (Sunday)
- General Assembly satchel and materials

Accompanying Partners Registration Fees	
Accompanying Partners Registration Fee	\$280.00

Accompanying Partners Registration Includes

- 1 ticket to the Welcome Reception, Sunday 14 June
- Day tour Monday 15 June
- Day tour Tuesday 16 June
- Lunch with General Assembly Delegates on Wednesday 23 June

Accommodation Details (as provided on the ALGA website)		
Crowne Plaza	Superior Room	\$325 per night
	Deluxe Room	\$375 per night
A by Adina	Studio Room	\$199 per night
	1 Bedroom Apartment	\$239 per night
Avenue Hotel	Superior King Room	\$285 per night
	1 Bedroom Apartment	\$335 per night
Nesuto Apartments	Studio Apartment	\$210 per night
	1 Bedroom Apartment	\$230 per night
The Sebel Canberra Civic	Superior Room	\$160 per night

Draft City Limits and Publications Policies

Originating Officer	Unit Manager Communications - Craig Clarke
Corporate Manager	Manager Customer Experience - Karen Cocks
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC210309R07

REPORT OBJECTIVE

The purpose of this report is to present the draft City Limits Publications Policy and the draft Publications Policy for Elected Members' consideration.

EXECUTIVE SUMMARY

The City Limits Publications Policy and the Publications Policy have been redrafted to reflect changes with how the City of Marion produces its publications.

City Limits is now 12 pages and produced six times a year. The Publications Policy aims to make the standard around publications clearer for Elected Members and, for the first time, staff.

RECOMMENDATION

That Council:

- 1. Adopts the City Limits Publications Policy.**
- 2. Adopts the Publications Policy.**

DISCUSSION

The City Limits Publications Policy and the Publications Policy guide how publications are produced at the City of Marion. Due to significant changes in the policies, both the previous policies and the proposed new policies have been included without track changes in the agenda.

City Limits Publications Policy

Council adopted a new format for the City Limits magazine (GC201208R11) with the first edition published in February this year. The following changes have been made to the City Limits Publications Policy to reflect the magazine's new look:

- The number of pages has been reduced from 24 to 12.
- The frequency has been increased from three editions a year to six.
- With the exception of a Mayoral column, no Elected Member columns will be included but Members' comments will be incorporated into stories.
- Contact details of all Elected Members will be published in each edition except during the caretaker period for local government elections.
- The community can submit news and sport stories for consideration.

Publications Policy

The Elected Members' Publications Policy has been replaced with a draft Publications Policy.



The proposed new policy covers the same areas that were in the previous document, however, it has been modernised to reflect the digital communications tools available. In addition, the draft policy has been broadened to include Administration at the City of Marion.

The areas covered include:

- The general principles that publications must adhere to: being accurate, compliant with all laws and not exposing Council to legal action.
- Elected Member publications and the adherence to the policy.
- Use of City of Marion logo and letterheads.
- Copyright protection for City of Marion publications.
- Electoral material

The policy also outlines that Administration will be required to obtain written consent to use a person's image in a Council publication, social media or the website. Elected Members are not bound by this requirement.

Attachment

#	Attachment	Type
1	Appendix A - Draft City Limits Publications Policy	PDF File
2	Appendix B - City Limits Publications-Policy	PDF File
3	Appendix C - Draft Publications Policy	PDF File
4	Appendix D - Elected-Members Publications Policy	PDF File

City Limits Publications Policy

1. RATIONALE

To communicate with residents and stakeholders to reinforce and promote the directions and strategies of the six themes within the *Community Vision – Towards 2040*.

2. POLICY STATEMENT

This policy provides guidance of the content, including articles, that will be published in *City Limits*.

3. OBJECTIVES

The primary objective of the policy is to ensure the community is provided with accurate and timely information in *City Limits*, that it is consistent with the strategies of the *Community Vision Towards 2040*, and adheres to the Publications Policy.

4. POLICY SCOPE AND IMPLEMENTATION

Scope

This policy applies to the *City Limits* publication. All staff and Council Members must comply with this policy.

Implementation

4.1. City Limits

General principles

City Limits **MUST**:

- Adhere to the Publications Policy

City Limits **MUST** contain information and statements that:

- comply with all applicable laws and Council policy and procedure
- are factually correct and accurate
- are free from copyright infringement
- are consistent with contemporary community standards and attitudes.

City Limits **MUST NOT** contain:

- an official announcement on behalf of the City or Marion unless authorised to do so
- confidential information or information subject to legal or professional privilege
- information or statements that may defame any person or group or expose the City of Marion to any potential legal action, including breach of privacy or copyright infringement.

City Limits Publications Policy

City Limits **MUST NOT** contain:

- Articles that promote:
 - Alcoholic drinks
 - Betting or gambling
 - Tobacco products or manufactures of tobacco products
 - Products of services of an intimate nature including adult stores, or sexual websites
 - Financial products or services that promote loans
 - Illegal activities or anti-social behaviour including use of illicit drugs or reckless driving
 - Violence

City Limits **MUST NOT**

- Portray people or depict material that discriminates against or vilifies a person or community group based on race, ethnicity, sex, age, sexual orientation, religion, disability or political belief

Branding and styling

City Limits complies with City of Marion branding and style guidelines to ensure a consistent brand.

Copyright

The City of Marion retains the intellectual property rights to any original material contained in City Limits (including but not limited to text, images, videos, graphics, drawings, plans, manuals). Written permission must be obtained from the Chief Executive Officer (or delegate) to use or reproduce any copyright material.

Permission to use personal images

Council will obtain a person's written consent prior to using any photographs or video footage containing their personal image. Images of people aged under 18 will require the consent of a parent or guardian. A person may revoke their consent in writing by requesting that Council cease using the images. Council will comply with the request.

Development of articles and content

<i>Criteria</i>	<ul style="list-style-type: none"> • Supports the <i>Community Vision – Towards 2040</i> • Newsworthiness of decisions arising from Council, new initiatives, events, consultations, announcements and educational stories • Community news, including business, sport, local residents, schools and community groups (groups are welcome to submit stories for potential publication)

City Limits Publications Policy

- Topicality
- Photographic opportunity
- Balance of subject matter
- Content of previous editions
- Adheres to the Publications Policy
- Articles do not promote:
 - Alcoholic drinks
 - Betting or gambling
 - Tobacco products or manufactures of tobacco products
 - Products of services of an intimate nature including adult stores, or sexual websites
 - Financial products or services that promote loans
 - Illegal activities or anti-social behaviour including use of illicit drugs or reckless driving
 - Violence

Articles must not:

- Portray people or depict material that discriminates against or vilifies a person or community group based on race, ethnicity, sex, age, sexual orientation, religion, disability or political belief

Council Member contributions

- Space will be reserved for a 200-word column from the Mayor in each edition
- The Mayor's column must adhere to the Publications Policy
- No columns will be published from other Council Members
- Comments from Council Members will be incorporated into stories where possible
- Council Member comments must adhere to the Publications Policy
- Comments from Council Members will not be published during a caretaker period for Local Government elections
- Contact details of all Council Members will be published in each edition except during a caretaker period for Local Government elections

City Limits Publications Policy

<i>Advertising</i>	<ul style="list-style-type: none"> - Does not contain paid advertising - May include adverts promoting Council events, services or initiatives at the discretion of the City of Marion where it is considered this will be a more effective approach than articles
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Format

<i>Pages</i>	- 12-pages
<i>Size</i>	- A4 size
<i>Appearance</i>	- Full- colour publication

Distribution

<i>Delivery and availability</i>	<ul style="list-style-type: none"> - Distributed free via letterbox drop six times per year - Available on the City of Marion website - Available at City of Marion venues, including the Administration Building, neighbourhood centres and libraries - Mailed to stakeholders outside the Council area
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5. DEFINITIONS

<i>Term</i>	<i>Definition</i>
<i>Adult store</i>	Premises that sells products or services of a sexual nature.
<i>Alcoholic drink</i>	<i>Any beer, wine, sprits or cider or other drinks of an intoxicating nature.</i>
<i>Article</i>	<i>Non-fictional journalistic account of events.</i>
<i>Community Vision – Towards 2040</i>	<i>City of Marion Strategic document that espouses six themes that represents the shared values and aspirations that will guide how our city develops.</i>

City Limits Publications Policy

<i>Term</i>	<i>Definition</i>
Copyright	Material including any photograph, graphic design, plan, chart, video or audio file commissioned by Council and used digitally or non-digitally (including in print)
Illicit drugs	Unlawful drugs and substances
Paid advertising	Attracting public attention to a product, service or business by purchasing paid space in the magazine.

6. ROLES AND RESPONSIBILITIES

<i>Team/person</i>	<i>Responsibility</i>
Communications Team	<ul style="list-style-type: none"> - Sourcing, writing, editing articles - Managing photography, production and distribution
Council Members	<ul style="list-style-type: none"> - Providing comment for articles they nominate of interest that adhere to the Publications Policy.
Mayor	<ul style="list-style-type: none"> - Providing 200-word column for each edition that adheres to the Publications Policy.

7. REFERENCES

City of Marion

- Publications Policy
- Caretaker Policy
- Elected Member Code of Conduct
- Privacy Policy
- Social Media Policy

Other

- Copyright Act 1968
- Defamation Act 2005
- Local Government Act 1999
- Local Government (Elections) Act 1999

8. REVIEW AND EVALUATION

The Unit Manager Communications reviews this Policy once during a term of Council (or earlier if required) in accordance with the City of Marion Policy Framework. Council approves this Policy.

City Limits Publications Policy

1. RATIONALE

To communicate with residents and stakeholders to reinforce and promote the directions and strategies of the six themes within the *Community Vision – Towards 2040* and not include information that is contradictory.

2. POLICY STATEMENT

This policy provides guidance of the content of advertising and the types of articles published in *City Limits*.

3. PRINCIPLES

In producing and publishing *City Limits*, the following principles are considered and applied:

City Limits:

- 3.1 Promotes the directions and themes of the *Community Vision – Towards 2040* and provides information to the community.
- 3.2 Aims to be free of discriminatory or defamatory content.
- 3.3 Articles should not expose Council to legal action.
- 3.4 Reporting and commentary should adhere to the highest standard of accuracy.
- 3.5 Is produced in accordance with the City of Marion Style Guide.
- 3.6 Adheres to the Publications Policy (Elected Members).
- 3.7 Is produced and distributed three times a year.
- 3.8 Articles should not portray people or depict material that discriminates against or vilifies a person or community group based on race, ethnicity, sex, age, sexual-orientation, religion, disability or political belief.
- 3.9 Articles will not promote:
 - 3.9.1 Alcoholic drinks
 - 3.9.2 Betting or gambling
 - 3.9.3 Tobacco products or manufacturers of tobacco products
 - 3.9.4 Products or services of an intimate nature including adult stores, or sexual websites
 - 3.9.5 Financial products or services that promote loans
 - 3.9.6 Illegal activities or anti-social behaviour including use of illicit drugs or reckless driving
 - 3.9.7 Violence

Development of Articles:

- 3.10 The selection criteria for articles includes:
 - 3.10.1 Supports the *Community Vision – Towards 2040*
 - 3.10.2 Newsworthiness

City Limits Publications Policy

- 3.10.3 Topicality
- 3.10.4 Photographic opportunity
- 3.10.5 Balance of subject matter
- 3.10.6 Content of previous editions

Format:

- 3.11 City Limits is a 24 page, A4 size full colour publication distributed three times a year.
- 3.12 Technical standards including font and layout will adhere to the City of Marion Style Guide.

Elected Member Contributions:

- 3.13 Space will be reserved for one column from the Mayor in each edition.
- 3.14 Space will be reserved for a column from every Ward Councillor in each edition.
- 3.15 Contributions will appear in ward alphabetical order (Coastal, Mullawirra, Southern Hills, Warracowie, Warriparinga, Woodlands).
- 3.16 Ward Councillor contributions will appear with their photograph and contact details.
- 3.17 Space will be reserved for 200 words for each Ward Councillor column.
- 3.18 A photograph relevant to content may be inserted in each Ward Councillor's column.
- 3.19 Ward Councillor contributions will not be published during a caretaker period for Local Government Elections.
- 3.20 Contributions must adhere to the Publications Policy (Elected Members).

Advertising:

- 3.21 *City Limits* does not include paid advertising.
- 3.22 Adverts promoting Council events, services or initiatives may be included at the discretion of the City of Marion where it is considered that this will be a more effective approach than articles.

Distribution:

- 3.23 *City Limits* is free.
- 3.24 Distribution of *City Limits* is via:
 - 3.24.1 Letterbox drop
 - 3.24.2 Made available at City of Marion facilities including the Administration Building, Libraries and neighbourhood centres
 - 3.24.3 Council's website.
 - 3.24.4 Mailed to stakeholders outside the Council area

City Limits Publications Policy

4. POLICY SCOPE AND IMPLEMENTATION

This policy applies to the City of Marion.

5. DEFINITIONS

The following terms apply to this policy;

Adult store	<i>A shop that provides services or products of a sexual nature.</i>
Advertising	<i>Attracting public attention to a product, service or business by purchasing paid space in the magazine.</i>
Alcoholic drinks	<i>Any beer, wine, spirits or cider or other drinks of an intoxicating nature.</i>
Article	<i>Non-fictional journalistic account of events.</i>
Community Vision – Towards 2040	<i>City of Marion Strategic document that espouses six themes that represents the shared values and aspirations that will guide how our city develops.</i>
Illicit drugs	<i>Unlawful drugs and substances.</i>

6. ROLES AND RESPONSIBILITIES

The Communications Team is responsible for the implementation and management of this policy.

7. REFERENCES

- Publications Policy (Elected Members)
- City of Marion *Community Vision – Towards 2040*

8. REVIEW AND EVALUATION

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

Publications Policy

1. RATIONALE

Council uses digital and non-digital publications to keep its community and stakeholders informed of policies, initiatives, activities, and news impacting the City of Marion. The community and stakeholders rely upon information in Council publications. It is vital that Council publications are of a consistently high quality and standard.

2. POLICY STATEMENT

Publications to the community and stakeholders contain information and statements that are accurate and appropriate; comply with applicable law; and reflect contemporary community standards and attitudes. Publications are of a consistently high quality and standard.

3. OBJECTIVES

The primary objective of the policy is to ensure the accuracy, quality, and consistency of all publications to the community and stakeholders.

4. POLICY SCOPE AND IMPLEMENTATION

Scope

This policy applies to all publications to the community and stakeholders, including electoral material. All Council Staff and Council Members must comply with this Policy.

Implementation

4.1. Council publications

General principles

Council Publications **MUST** contain information and statements that:

- comply with all applicable laws and Council policy and procedure
- are factually correct and accurate
- are free from copyright infringement
- are consistent with contemporary community standards and attitudes.

Council Publications **MUST NOT** contain:

- an official announcement on behalf of the City or Marion unless authorised to do so
- confidential information or information subject to legal or professional privilege
- information or statements that may defame any person or group or expose the City of Marion to any potential legal action, including breach of privacy or copyright infringement.

Publications Policy

Use of the City of Marion logo and Council letterhead

The City of Marion logo and Council letterhead are used for official Council business only. Council Staff and Council Members are not permitted to use the logo or Council letterhead for personal communications (e.g. emails or correspondence containing personal views or opinions).

Council branding and styling

Council Publications comply with City of Marion branding and style guidelines. Approved document templates are used (where available) to ensure a consistent brand, overall look, and quality to Council publications.

Copyright

The City of Marion retains the intellectual property rights to any original material contained in Council Publications (including but not limited to text, images, videos, graphics, drawings, plans, manuals). Written permission must be obtained from the Chief Executive Officer (or delegate) to use or reproduce any copyright material.

Permission to use personal images

Council uses its best endeavours to obtain a person's written consent prior to using any photographs or video footage containing their personal image in Council publications. A person may revoke their consent in writing by requesting that Council cease using photographs or video footage containing their personal image. Council will comply with the request.

4.2. Council Member publications

Council Members may produce publications containing information about Council services, facilities, and initiatives, as well as the work of individual Council Members in representing their Wards.

Council Member publications must comply with the requirements of the General Principles in Section 4.1 of this Policy as well as the *Elected Members Code of Conduct*. Council Members are not permitted to use the City of Marion logo in their publications.

Content submitted to City of Marion Council publications may be edited if, in the opinion of the Chief Executive Officer, it does not comply with the requirements of this Policy. Council will consult with the Council Member about any proposed edits and/or provide the Council Member with an opportunity to resubmit content prior to publication.

Council Members must clearly state any personal views in any Council and member publications.

4.3. Electoral material

The publication of electoral material occurs in accordance with the *Local Government (Elections) Act 1999* and associated regulations.

Publications Policy

Caretaker period

Council and Council Members comply with the requirements of the *Caretaker Policy* when producing publications.

Election comments

The Chief Executive Officer is responsible for any comments about local, state, and federal government elections that are made in Council Publications. An authorisation statement to this effect must be included in the relevant Council Publication.

5. DEFINITIONS

<i>Term</i>	<i>Definition</i>
<i>Council image</i>	Any photograph, video, audio file, graphic design, plan, sign, or chart produced or commissioned by the Council and used digitally or non-digitally.
<i>Council member publication</i>	Any publication that displays the name of a Member and is used for Council business is deemed to be a Council Member publication.
<i>Council publication</i>	Any publication (in digital or non-digital form) that exhibits the Council logo in any form is deemed to be a Council publication. Examples include but are not limited to: policies and procedures; manuals; letters; emails; magazines; flyers and newsletters; marketing and promotional material; website content; social media.
<i>Electoral material</i>	An advertisement, notice, statement, or representation calculated to affect the results of an election or poll.

6. ROLES AND RESPONSIBILITIES

<i>Role</i>	<i>Responsibility</i>
<i>Chief Executive Officer</i>	<ul style="list-style-type: none"> Review and accept ultimate responsibility for election comments in Council Publications. Approve edits to Council Member Publications to ensure they comply with this Policy. Provide approval for a person or group to use or reproduce City of Marion copyright material.
<i>Council Members</i>	<ul style="list-style-type: none"> Ensure all Council Member publications comply with the requirements of this Policy and are submitted to the Chief Executive Officer for review prior to publication. Not use the City of Marion logo on their publications.

Publications Policy

<i>Role</i>	<i>Responsibility</i>
	<ul style="list-style-type: none"> • Use Council letterhead for official business only. • Obtain permission from the Chief Executive Officer prior to using any City of Marion copyright material.
<i>Council Staff</i>	<ul style="list-style-type: none"> • Ensure all Council publications comply with the requirements of this Policy. • Obtain a person's written consent prior to using any photographs or video footage containing their personal image. • Use Council letterhead for official business only.

7. REFERENCES

City of Marion

- *Caretaker Policy*
- *City Limits Publications Policy*
- *Elected Member Code of Conduct*
- *Privacy Policy*
- *Social Media Policy*

Other

- *Copyright Act 1968*
- *Defamation Act 2005*
- *Local Government Act 1999*
- *Local Government (Elections) Act 1999*

8. REVIEW AND EVALUATION

The Unit Manager Communications reviews this Policy once during a term of Council (or earlier if required) in accordance with the City of Marion Policy Framework. Council approves this Policy.

POLICY STATEMENT

The City of Marion ("the Council") strives to keep its stakeholders informed through various publications, including City Limits, the Annual Report, specialist brochures, etc. These, and other Publications, provide the organisation, the community and other stakeholders with information relating to Council, its services and products, corporate performance, community awareness, community initiatives and facilitates community consultation.

Council Publications include any publication developed by, or on behalf of the Council and may be in the form of:

- any written material (such as the text of brochures, documents policy, Council agendas, letters on Council letterhead, catalogues, directories, lists, instruction manuals, newspapers and text on a website);
- Council images (eg photographs, drawings, graphs, charts, building plans), audio recordings, films, computer programs

All Council Publications aim to be free of any discriminatory, defamatory or potentially discriminatory or defamatory content.

The Council expects that comments made in Council Publications will not expose the Council to legal action. Any person making a contribution to a Council Publication must not include or will not be permitted (in accordance with this Policy) to include comments in any Council Publications that may in the opinion of the Chief Executive Officer (after taking legal advice) result in a potential for legal action against the Council.

DEFINITIONS

Council Publication - includes, but is not limited to, any publication developed by, or on behalf of, the Council and may be in the form of any written material (such as the text of brochures, documents policy, Council agendas, letters on Council letterhead, catalogues, directories, lists, instruction manuals, newspapers and text on a website); Council images (eg photographs, drawings, graphs, charts, building plans), audio recordings, films, and computer programs that are used to promote, consult, advise on Council services, products and/or community information.

Copyright - means the exclusive right of a creator/author to reproduce, publish, broadcast, communicate, adapt, distribute, perform, assign or license his or her work pursuant to the Copyright Act (Cth) 1968.

Electoral Material - includes any advertisement, notice, statement or representation calculated to affect the result of an election or poll (as defined by the Local Government (Elections) Act 1999).

Defamatory Content - means information that defames or has the potential to defame any person (natural or corporate) in the opinion of the Chief Executive Officer (after taking legal advice).

Stakeholders - means the groups and individuals who have an interest in the City of Marion region, including but not limited to, Marion residents and ratepayers, State and Federal Government Departments, Local Members of Parliament, local businesses, retail industry, community and sporting associations, visitors and tourists, other Local Councils, other agencies and Council members and employees.

INTERPRETATION

The manner in which this Policy is interpreted and applied in relation to any particular set of circumstances will be consistent with the provisions of the Local Government Act 1999, the role of the Council, the functions and duties of elected members, the roles and responsibilities of the Chief Executive Officer, and any other relevant legislation. Further, this Policy is subject to any express disclaimers that appear in relation to Council Publications.

PRINCIPLES

Council Publications

Publications are developed by the Council to provide its Stakeholders with information about and/or which identifies with the Council.

Any Publication that exhibits the Council logo (in any form, such as name only, name and design, design only) is deemed to be a Council Publication. A Council Publication will not contain the personal view of any Elected Member or officer unless authorised by the Council where that personal view may involve a breach of a Council or administrative policy, Code or decision or which otherwise places the Council at risk of legal action (eg defamation).

Information provided by Elected Members for inclusion in a Council Publication must be accurate and truthful.

The Council will endeavour to obtain a person's consent, in the first instance, to take a person(s) photograph and/or write an article which refers to that person(s). The Council will endeavour to only republish photographs and/or information that is relevant to the context in which they are used and with the consent of the copyright owner.

Privacy

The Council is not bound by the Privacy Act 1988 (Cth), the National Privacy Principles and the Information Privacy Principles, nor the Information Privacy Principles Instruction (Cabinet Administrative Instruction No 1 of 1989).

However, the Council recognises the importance of protecting the privacy of stakeholders and their personal information and is committed to a culture that protects privacy. The Council will endeavour to protect the personal information it collects, stores, discloses and uses in accordance with the standards set by the National Privacy Principles (or if the Council chooses, the Information Privacy Principles) and any Privacy Policy developed and adopted by the Council.

Copyright

Any original written material (such as the text of brochures, catalogues, instruction manuals, newspapers and text on a website), Council images (eg photographs, drawings, graphs, charts, building plans) developed by, or on behalf of the Council, is protected by Copyright laws. The Council retains all intellectual property rights subsisting in any Council Publication.

The production of City Limits is guided by the City Limits Publications Policy which details the objectives and principles of the magazine and includes guidelines for the development of articles, advertising, format, Elected Member contributions and distribution.

Written permission will be required from the Chief Executive of the Council if any person(s) or entity wants to use, reproduce or otherwise deal with all, or any substantial part, of a Council Publication.

Publication of Electoral Material

Any Publications may from time to time include information concerning the profiles of elected members and their achievements as a member of the current Council. However, in the Caretaker Period for a periodic election and from the close of nominations in a supplementary election the inclusion of any such information about individual Elected Members or articles written by Elected Members will be scrutinized by the Manager Governance in accordance with the requirements of the Local Government (Elections) Act and any relevant Regulations and be subject to Council's Elections Caretaker Policy.

Prior to the publication of any electoral material to be posted, affixed or erected on property under the care and control of Council, ETSA Utilities or Transport SA (TSA) for the purposes of candidate promotion in Federal, State or Local Government Elections, approval must be obtained from Council and is subject to Council's Control of Election Signs Policy.

Use of Council Letterhead

Council letterhead is only to be used for the specific purpose of conveying and transacting official Council business. A Council elected member must not use Council letterhead, the Council logos or any other related corporate logos or emblems for personal purposes, eg personal letters stating a personal viewpoint. Any elected member using Council letterhead for other than Council business may breach Council's Code of Conduct for Elected Members and this Policy.

REFERENCES

STRATEGIC PLAN

EG4.4

Managing and presenting information to Council, the community and other stakeholders in a manner that is transparent, balanced and adds value to decision-making.

PROCEDURE REFERENCE:

GP-23: Control of Election Signs

Code of Conduct for Elected Members

COUNCIL AGENDA REFERENCE:

GC 131211.

OTHER RELATED REFERENCES:

Local Governments & Copyright - A Practical Guide, Australian Copyright Council, March 2003

Endorsed by Council 23/3/04.

OWNER

Executive Officer, Council Business, Unit Manager Communications

Cove Football Club - Stronger Communities Funding Submission

Originating Officer	Unit Manager Sport and Recreational Community Facilities - Mark Hubbard
Corporate Manager	Manager City Property - Thuyen Vi-Alternetti
General Manager	General Manager City Development - Ilia Houridis
Report Reference	GC210309R08

REPORT OBJECTIVE

To seek landlord approval for the Cove Football Club (CFC) to install a new electronic scoreboard to be located at the Cove Sports and Community Club oval.

EXECUTIVE SUMMARY

The CFC have submitted an expression of interest to Amanda Rishworth MP to secure \$20,000 in funding from the Federal Governments Stronger Communities Program for the purchase and installation of an electronic scoreboard for the Cove Sports & Community Club oval. The scoreboard (3.84m wide x 1.92m high) is a full colour LED video board, the scoreboard and installation is expected to cost \$45,000. To qualify for the grant funding, CFC require landlord consent from Council.

RECOMMENDATION

That Council:

- 1. Notes the Cove Football Club have submitted an Expression of Interest to Amanda Rishworth MP for funding through the Federal Government Stronger Communities Program.**
- 2. Grants Landlord Consent for the installation of a new electronic scoreboard at Cove Sports & Community Club Oval subject to:**
 - Council receiving detail assessment and costs for all works to be undertaken.
 - 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, suits, losses etc. that may result from carrying out this work.
 - The scoreboard becoming a Council asset once installed.
 - Development approval and building rules consent (if required).
- 3. Delegates to the Unit Manager Land and Property, approval to authorise any relevant documents necessary to facilitate the installation and management of the work.**
- 4. Advises that the Cove Football Club will be responsible for any project related costs and will be responsible for all future maintenance and repairs of the scoreboard.**

DISCUSSION



The Cove Football Club contacted Council Administration on 28 January 2021 to indicate they would like to have a discussion on possible projects that could be funded through the Federal Governments Stronger Communities Programme (SCP). The SCP provides each of the 151 Federal electorates with \$150,000 to fund small capital projects which aim to improve local community participation and contribute to vibrant viable communities. Federal Members of Parliament (MPs) identify potential projects and invite applications from their electorate. Round 6 of the program was opened in December 2020 and will provide grants of between \$2,500 and \$20,000 for small capital works projects and some types of equipment.

In February 2021 the CFC proposed to Council an application for funding from the SCP towards the purchase and installation of a new electronic scoreboard, noting that the local Federal Member for Kingston (Amanda Rishworth MP) had opened an Expression of Interest (EOI) process for initial screening of applications which closed on 19 February 2021.

The scoreboard is a full colour LED Video Board (3840mm x 1920mm high) which can be used for football, cricket and community events held on the oval. The scoreboard provides users with the ability to input any message or content required such as club or sponsor videos. Attachment 1 provides further details on the scoreboard.

The proposed location for the scoreboard (refer to Attachment 2) is the north-eastern corner of the oval (option 1) or north-western corner (option 2) .

The SCP EOI application requires applicants to outline how a proposed project will be funded (co-contributions) and also seeks landowner consent if the applicant does not own the land.

The CFC submitted an EOI for the scoreboard to the SCP, noting they are seeking the necessary approvals from Council with regard to landowner consent, as well as a funding commitment.

The total project cost is estimated at \$45,000, made up of the following:

- Full colour LED Video Board \$23,490
- Structure \$7,890
- Laptop and connectivity \$3,850
- Delivery \$480
- Installation (estimate) \$9,290

Should Council support the installation, land owner 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 Cove Football Club.
- The City of Marion to have the right to reinstatement by Cove Football Club upon termination of the lease.
- The Cove Football Club responsible for ongoing maintenance and repairs. Council also reserves the right to undertake any necessary repairs and recover costs from the Cove Football Club.
- Any required Building Consent and Development Approval are obtained prior to commencing work.
- All works must comply with all relevant and applicable Legislation and all lawful conditions, requirements, notices and directives issued or applicable under any such Legislation.
- All works undertaken to comply with any applicable construction industry or public health and safety standards in relation to the works.
- The City of Marion is to be informed and provided with the opportunity to inspect the works during installation and once work has concluded.
- All works are to be completed to the satisfaction of Council and Council is to be provided with all as installed documentation and relevant certificates of compliance.



The proposed electronic scoreboard exceeds Councils normal provision standard and these ongoing risks would need to be addressed by the CFC, including:

- Higher than normal maintenance or repair costs
- Potential for damage caused by vandalism

It is also noted that Council is undertaking a feasibility study for the Cove Sporting Precinct to determine potential future uses and development of the site. Should the feasibility determine a change to the oval that impacts the location of the new scoreboard, it can be moved if required.

Attachment

#	Attachment	Type
1	Cove Sports LED Scoreboard	PDF File
2	CSCC Oval Aerial - Scoreboard Location	PDF File



AUSTRALIA

Electronic Signage Australia

P.O. Box 368,
Nunawading LPO, Vic, 3131Unit 10, 56 Norcal Road,
Nunawading, Vic, 3131

(03) 9894 1963

www.esignsaus.com • info@esignsaus.com

QUOTATION

02/02/2021

QUOTATION / ESTIMATE NUMBER: BM007360To: Cove Football Club Inc
LOT 174 Oval Rd, Hallett Cove SA 5158

	DESCRIPTION	TOTALS
LED Video Board (3840mm w X 1920mm h with a 10mm pitch)	Full Colour LED Video Board 3840mm wide X 1920mm high with a 10mm pitch	\$23,490.00
Steel Structure (4m w X 5m h)	Steel structure to engineers' specification (galvanised and 2-pack painted)	\$7,890.00
Laptop & sender box + remote connectivity	Laptop & sender box for video board control + Wireless nanobeam system for remote connectivity to the video board up to 1km	\$3,850.00
Installation	Please see page 3 for installation requirements	TBC
Electrical & Data work	Please see page 4 for detailed electrical and data work requirements	TBC
Delivery	Delivery of scoreboard to Hallett Cove	\$480.00
	Subtotal	\$35,710.00
	GST 10%	\$3,571.00
	TOTAL	\$39,281.00

Our quote is provided on a best endeavors basis and the customer agrees to meet the cost of any additional work, services or materials that are required to address any event or situation which arises during the works that was unexpected or was not known or disclosed by the customer at the time of the quote being prepared.



Payment Terms: 50% deposit required upon order / 40% required once video board is ready for delivery / 10% required upon commissioning
Lead Time: 4-6 weeks from deposit date



Electronic Signage Australia

P.O. Box 368,
Nunawading LPO, Vic, 3131Unit 10, 56 Norcal Road,
Nunawading, Vic, 3131

(03) 9894 1963

www.esignsaus.com • info@esignsaus.com



Video Board size 3840mm X 1920mm (Pitch 10mm)



A screen with a
10mm pitch has
a pixel density of
10,000 dots/m2



Electronic Signage Australia

P.O. Box 368,
Nunawading LPO, Vic, 3131Unit 10, 56 Norcal Road,
Nunawading, Vic, 3131

(03) 9894 1963

www.esignsaus.com • info@esignsaus.com

Video Board Inclusions:

- Laptop controller
- Electronic Signage Australia scoring software for AFL including:
 - Screen 1 – Gameplay mode**
 - Screen 2 – Sponsor display**
 - Screen 3 – Player display**
 - Screen 4 – Full screen mode**
- Electronic Signage Australia scoring software for cricket
- Video board compatibility for **MyCricket – score straight from your iPad, iPhone or Tablet**
- Ability for users to input any message or content required (club/sponsor videos, etc.)
- Electronic Signage Australia 3D Animations (automatically played following a goal in AFL and following a 4, 6, wicket or duck in cricket).
- Scoreboard setup (includes calibration with control system)
- On-site training and operator instruction manual

Servicing:

- 24 hour on-call support (phone and email)
- 24-month warranty on all equipment supplied and works performed by ESA
- Inspections for repairs to be attended to within 1-3 business days of first call-out
- Repairs to be performed within 3-5 business days of first inspection
- Cost of replacement LED panels depends on size of area needing replacement

Installation Requirements:

The following is what is needed for installation of the scoreboard

- Building permit (including permit fee) to council requirements
- Soil test at proposed scoreboard location
- Engineering certification and documentation for steel structure
- Excavation for and concreting of footings
- HD Bolts installation into footings
- Installation of steel structure and video board
- Crane truck & boom lift hire
- Temporary fencing to be positioned around worksite



Electronic Signage Australia

P.O. Box 368,
Nunawading LPO, Vic, 3131Unit 10, 56 Norcal Road,
Nunawading, Vic, 3131

(03) 9894 1963

www.esignsaus.com • info@esignsaus.com

Electrical & Data Requirements:*The following electrical and data works are required and can be priced on assessment*

- Any works required to upgrade the power at the source of supply
- Running of power and data from the proposed scoreboard location to the source of power
- Electrical and data works at scoring location, that is where the scoreboard will be operated from
- Supply and fitting of power distribution box and comms box on scoreboard structure
- Fitting off and connecting power and data to video board once installed

Note: A scoreboard size of 4m wide X 2m high requires 32 amps upon in-rush (start-up) and D-Curve circuit breakers to allow for start-up current. A certificate of electrical safety must be provided upon completion of all electrical works.

Terms

- This quotation is valid for a period of 30 days and is subject to our trading Terms and Conditions as displayed on our website (www.esignsaus.com)
- Payment terms are 50% deposit required upon order / 40% required once video board is ready for delivery / 10% required upon commissioning

PREFERRED SUPPLIER OF

Kind Regards

Nick Birrell
General Manager
nick@esignsaus.com
0423 009 665





COVE SPORTS AND
COMMUNITY COMPLEX

(COVE FOOTBALL CLUB INC
/ CITY OF MARION)

STRONGER COMMUNITIES GRANT PROGRAM
ELECTRONIC SCOREBOARD PROPOSAL

SWBMX - Funding Deed - Majors Road Access

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	GC210309R09

REPORT OBJECTIVE

The purpose of this report is to seek Council's approval for the execution of the Funding Deed between Council and the Minister Infrastructure and Transport and affix the Common Seal for the \$250,000 towards construction of access from Majors Road to the Sam Willoughby BMX Facility.

EXECUTIVE SUMMARY

Following a request from the Mayor of the City of Marion, the Department for Infrastructure and Transport has committed providing \$250,000 towards construction of access from Majors Road to the Sam Willoughby BMX (SWBMX) Facility. Administration has received the Funding Deed between the City of Marion and the Minister for Infrastructure and Transport for execution.

The Crown Solicitors Office has provided advice that the Funding Deed is to be executed with the Common Seal affixed.

This report seeks Council approval to authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the documentation necessary to execute the Funding Deed for site access to the SWBMX Facility from Majors Road.

RECOMMENDATION

That Council:

- 1. Notes that the Department for Infrastructure and Transport has allocated \$250,000 towards the construction of site access from Majors Road to the Sam Willoughby BMX Facility, increasing the project budget to \$6.05 million.**
- 2. Pursuant to Section 37 of the Local Government Act 1999, authorises the Mayor and Chief Executive Officer to sign and affix the common seal to the documentation necessary to execute the Funding Deed for Site Access to the Sam Willoughby BMX Facility from Majors Road.**

GENERAL ANALYSIS

Background

On 18 December 2019, the Mayor Kris Hanna, wrote to the Premier of South Australia seeking a funding contribution of \$250,000 towards the Majors Road access works to meet the SWBMX project's shortfall in funding (see Attachment One).

The Department for Transport and Infrastructure (DIT) confirmed that the \$250,000 had been allocated for the Majors Road access works in October 2020 (Attachment Two). The Crown Solicitors Office prepared the Funding Deed between the City of Marion and the Minister for Infrastructure and Transport to formalise the agreement (Attachment Three).



The budget for the SWBMX project has been increased by \$250,000 to \$6.05 million to reflect the additional funding received from DIT.

Discussion

In January 2021, Administration received the Funding Deed for execution. At the time, DIT confirmed that the Deed was not required to be executed under the Common Seal as under section 36 of the Local Government Act 1999, the Chief Executive Officer has delegation to sign without the seal. The Deed was executed by Adrian Skull and returned to DIT on 28 January 2021 for co-signing by the Minister.

Administration received advice from DIT and the Crown Solicitors Office on 2 March 2021, advising that the Funding Deed is required to be executed under Common Seal in accordance with Section 41 of the Law of Property Act 1936. The documentation has been returned to Council for execution.

To formalise the agreement, Council approval is sought to authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal to the Funding Deed between City of Marion and the Minister Infrastructure and Transport to enable payment of the \$250,000 towards construction of access from Majors Road to the Sam Willoughby BMX Facility.

Proposed Future Budget Allocation:

The \$250,000 contribution brings the total project budget to \$6.05 million for the delivery of the Sam Willoughby BMX Facility

Attachment

#	Attachment	Type
1	Letter from Mayor to Premier re SWBMX Site Access Funding Contribution	PDF File
2	Letter from DIT confirming SWBMX Access Funding	PDF File
3	Funding Deed City of Marion - SWBMX	PDF File

OFFICE OF THE MAYOR

18 December 2019

Hon Stephen Marshall
Premier of South Australia
Office of the Premier
GPO Box 2343
ADELAIDE SA 5001

PO Box 21, Oaklands Park
South Australia 5046

245 Sturt Road, Sturt
South Australia 5047

T (08) 8375 6600

F (08) 8375 6699

E council@marion.sa.gov.au

Dear Premier *Stephen*,

PROPOSED BMX FACILITY – O'HALLORAN HILL RECREATION PARK

As its meeting on the 10th of December 2019, the City of Marion resolved to progress with the \$5.8 million Sam Willoughby BMX facility (SWBMX) at Majors Road, O'Halloran Hill.

The State Government is providing \$3.3 million specifically for the Union Cycliste Internationale track, which will seek to attract both national and international events to South Australia. In a unique joint venture, Marion Council is putting up \$1.75m and Onkaparinga is contributing \$750,000.

Traffic modifications on Majors Road

Since the project's commencement, there have been several delays to the project. A solution to the last of these delays, concerning the development of traffic management solutions for access to the SWBMX facility from Majors Road with Department of Planning, Transport and Infrastructure (DPTI) and Department for Environment and Water (DEW) has now been finalised.

Council staff have worked closely with DPTI to resolve the impact that future traffic modifications on Majors Road (potential on/off ramps to the Southern Expressway) may have on site access to the SWBMX facility. Studies undertaken by Council and DPTI have concluded that future modifications to enable the duplication of on/off ramps to the Southern Expressway can be achieved without encroaching on or critically restricting the SWBMX facility.

A safe and cost effective Majors Road traffic management solution has been developed, utilising the former Southern Expressway duplication project site entry. DPTI has supported the design which includes necessary modifications to improve the intersection from Majors Road. The cost estimate to deliver this traffic solution is \$360,000 (GST exclusive). This has resulted in a budget overrun of \$250,000.

Funding

To meet the shortfall, City of Marion staff have discussed a potential funding contribution from DEW towards the traffic management intersection works. The SWBMX access could also be utilised to provide improved and safer access to the O'Halloran Hill trail bike car park, as the existing entrance to the DEW site is not approved by DPTI.

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



Council is requesting a \$250,000 funding contribution by the State Government to address site access from Majors Road to both the SWBMX facility and the O'Halloran Hill trail bike car park. I appreciated the opportunity two weeks ago to discuss this issue, among others, with you and the Hon David Speirs.

Marion Council hopes to continue collaboration with the State Government - we both benefit and, most importantly, together we can deliver a BMX facility for the community of Southern Adelaide.

Yours faithfully,


Kris Hanna
Mayor

CC:

Hon. Corey Wingard, Minister for Recreation, Sport and Racing

Hon. David Speirs, Minister for Environment and Water

Mayor Erin Thompson, City of Onkaparinga



Government of South Australia

Department for Infrastructure
and Transport

*Enquiries to Wayne Buckerfield
Telephone 0401 124 293*

**TRANSPORT PLANNING
AND PROGRAM
DEVELOPMENT**

77 Grenfell Street
Adelaide SA 5000

GPO Box 1533
Adelaide SA 5001

B463656

ABN 92 366 288 135

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

RECEIVED
CITY OF MARION

06 NOV 2020

RECORD NUMBER

Dear Mayor,

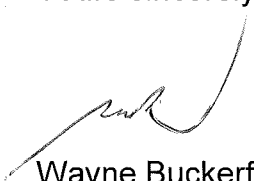
Thank you for your letter regarding the proposed BMX facility at the O'Halloran Hill Recreation Park.

Firstly, I apologise for the delay in responding to your letter.

The Department for Infrastructure and Transport has allocated \$250 000 towards the site access from Majors Road to both the Sam Willoughby BMX facility and O'Halloran Hill trail bike car park, as requested.

Please liaise with Ms Gemma Kernich directly on 7109 7104 to progress this grant.

Yours sincerely


Wayne Buckerfield
Executive Director

30 October 2020

FUNDING DEED under **CYCLING AND PEDESTRIAN SAFETY AND PARTNERSHIPS**

(Construction of site access from Majors Road, O'Halloran Hill to the new Sam Willoughby BMX Facility and O'Halloran Hill Recreation Park bike trail car park)

Between

MINISTER FOR INFRASTRUCTURE AND TRANSPORT

(Minister)

And

THE COUNCIL NAMED IN THE SCHEDULE

(Council)

DEED dated the day of

PARTIES:

MINISTER FOR INFRASTRUCTURE AND TRANSPORT, a body corporate pursuant to the *Administrative Arrangements Act 1994*.....(**Minister**)

And

THE COUNCIL NAMED IN THE SCHEDULE a body corporate under the *Local Government Act 1999*.....(**Council**)

It is agreed:

1. FUNDING

- 1.1 Subject to this deed, the Minister will pay the Council up to the amount of money specified in the Schedule (**Funding**).
- 1.2 The Council must only use the Funding for the **Purpose** set out in clause 3 of the Schedule.
- 1.3 For the purposes of this deed, the **Funding Period** is the period commencing on the Start Date and, subject to funding being available, will continue until the End Date. The **Start Date** and **End Date** are set out in the Schedule.
- 1.4 The Funding is payable by way of a lump sum in accordance with the Schedule. During the Funding Period, the Council is entitled in accordance with the conditions set out in the Schedule to invoice the Minister for the payment of the Funding.
- 1.5 At the end of the Funding Period the Council must provide a report on the level of any unexpended Funding.
- 1.6 The Council must repay any part of the Funding which is unexpended at the end of the Funding Period to the Minister, unless the Minister gives written approval for the Council to retain the money.

2. GST

- 2.1 In addition to any amounts payable by the Grantor as part of the Funding (**Base Payment**), the grantor must, if in relation to a Taxable Supply for which the grantor has received a Tax Invoice, pay to the Council an additional amount (**GST Payment**) calculated by multiplying the Base Payment by the rate at which GST is levied at the time of this deed.
- 2.2 The GST Payment is payable at the same time and subject to the same conditions as the Base Payment. "*Taxable supply*", "*GST*" and "*Tax Invoice*" have the meaning attributed under the *A New Tax System (Goods and Services Tax) Act 1999*.

3. ADMINISTRATION OF DEED

- 3.1 Any power or discretion exercisable by the Minister under this deed may be exercised by the person (**Minister's Representative**) for the time being in the position within the Department for Infrastructure and Transport (**Department**) set out in the Schedule.
- 3.2 Any power or discretion exercisable by the Council under this deed may be exercised by the person (**Council's Representative**) for the time being in the position within the Council set out in the Schedule.

4. PROVISION OF FINANCIAL INFORMATION

- 4.1 The Council must provide the Minister with appropriate and regular information, records and reports as the Minister may request from time to time about:
- 4.1.1 the administration and financial affairs of the Council;
 - 4.1.2 the progress of and any change to the authorised scope of the Purpose;
 - 4.1.3 any significant changes to the nature and scope of the activities conducted by the Council;
 - 4.1.4 any other matter relevant to the granting of assistance;
 - 4.1.5 any other funding or financial assistance promised or received from any source other than the Minister;
 - 4.1.6 the Council's management of the Funding, including, but not limited to, the economic and efficient use of resources to achieve the outcomes of the Purpose; and
 - 4.1.7 the performance of the Council's undertakings and obligations under this deed.
- 4.2 The information provided by the Council must be sufficient for the Minister to make an informed judgement about:
- 4.2.1 the Council's ongoing financial position and its resources and expertise in relation to the Purpose;
 - 4.2.2 the Council's performance in managing public moneys, acquiring and using resources economically and efficiently and in achieving specified objectives in relation to the Purpose;
 - 4.2.3 the overall effectiveness of the Funding throughout the Funding Period;
 - 4.2.4 compliance with legislation and generally accepted accounting principles; and
 - 4.2.5 compliance with the Council's constitution and the conditions of this deed.
- 4.3 The Council must permit any officer authorised by the Minister:
- 4.3.1 to enter the Council's premises and to have access to all accounting records, equipment, documents and information in possession of the Council; and
 - 4.3.2 to interview employees of the Council on matters pertaining to the operations of the Council.

5. OBLIGATIONS OF THE COUNCIL

The Council must:

- 5.1 ensure that any works undertaken towards the Purpose are undertaken in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited;
- 5.2 maintain accounting records of the Funding in accordance with generally accepted accounting principles;

- 5.3 ensure that any activity carried out by the Council in connection with the Council's use of the Funding complies with the laws from time to time in force in South Australia;
- 5.4 comply with its constitution;
- 5.5 comply with the reporting requirements set out in the Schedule;
- 5.6 prepare financial statements in accordance with Australian Accounting Standards at the end of the Funding Period and submit the financial statements, signed by a senior office holder of the Council, to the Minister no later than one calendar month after the expiry of the Funding Period; and
- 5.7 where requested by the Minister, provide to the Department management accounts, annual reports, financial statements and any other information or documents relevant to the Council's operations.

6. **TERMINATION**

- 6.1 If the Council fails to comply with this deed, the Minister may:
 - 6.1.1 require the Council to repay either the whole or a portion of the Funding (whether expended or not);
 - 6.1.2 withhold all future funding from the Council;
 - 6.1.3 pursue any legal rights or remedies which may be available to the Minister; and
 - 6.1.4 terminate or curtail any program or project conducted by the Minister of which the Purpose conducted by the Council is part.
- 6.2 The Minister may review any decision made pursuant to this clause if the Council is able to satisfy the Minister within a period of 30 days from the decision that the Council has complied with the conditions of this deed.
- 6.3 Nothing in this deed is to be taken to limit the Minister's discretion to determine whether and how any program or project of the Minister is to be conducted, except if and to the extent that the Minister gives an express undertaking in that regard.

7. **INSURANCE**

The Council warrants that it is a member of the Local Government Association Mutual Liability Scheme (**Scheme**) and is bound by the Scheme pursuant to section 142 and Schedule 1, Part 2 of the *Local Government Act 1999* (SA) (**Act**) and in the event that the Council ceases to be a member of the Scheme it will forthwith, pursuant to Section 142(1) of the Act and the regulations under that Act, take out and maintain insurance to cover its civil liabilities at a minimum level of cover of AUD \$50 million.

8. **ACKNOWLEDGEMENTS**

The Council acknowledges that the Funding represents a one-off contribution by the Minister towards the Purpose, and the Council agrees that any request for subsequent funding will require a new application to the Minister.

The Minister is under no obligation to agree to pay any subsequent funding to the Council.

The Council further acknowledges and agrees that the Minister will not be liable to reimburse the Council for any losses (or cost over runs) that may result from the operation of this Agreement or the carrying out of the Purpose or a Project.

9. **INDEMNITY**

The Council acknowledges and agrees that it remains at all times solely responsible for the conduct of the Purpose and any Project and it releases and indemnifies the Minister, the Commissioner of Highways and the Crown in right of the State of South Australia together with their employees, contractors and agents (**those indemnified**) from and against any loss or liability incurred or suffered by any of those indemnified as a result of any claim, suit, demand, action or proceeding brought by any person against any of those indemnified in respect of the works to carry out the Purpose and/or a Project or otherwise caused by any breach or default of the Council under this Agreement.

10. **AUDIT**

The Minister may direct the Council to arrange for the financial accounts relating to the Funding to be audited at the Council's expense. The Minister may specify the minimum qualifications to be held by a person appointed to conduct the audit.

11. **ASSIGNMENT**

The Council must not assign, novate or encumber any of its rights or obligations under this deed.

12. **PUBLICITY**

The Council must not make or permit a public announcement or media release to be made about any aspect of this deed without first obtaining the Minister's consent.

13. **CONSENT**

If the Council requires the Minister's consent under this deed, the Minister may, in its absolute discretion, give or withhold its consent and if giving consent, the Minister may impose any condition on that consent that it considers appropriate. The Minister's consent will not be effective unless it is in writing and signed.

14. **ENTIRE DEED**

This deed incorporates any attached schedules and annexures. This deed contains the entire agreement between the parties with respect to its subject matter and supersedes any prior agreement, understanding or representation of the parties on the subject matter.

15. **PROPER LAW**

The laws in force in South Australia apply to this deed.

16. **JURISDICTION OF COURTS**

The courts of South Australia have non-exclusive jurisdiction to determine any proceeding in relation to this deed. Any proceeding brought in a Federal Court must be instituted in (and remain with) the Adelaide Registry of that Federal Court.

17. **COMPLIANCE WITH LAWS**

The Council must comply with the laws in force in South Australia in the course of performing its obligations under this deed.

18. **NOTICES**

A notice is properly given or served if the party delivers it by hand, posts it or transmits it by electronic mail or facsimile, to the address of the Representative of the

other party. A notice is taken to be received:

- 18.1 if sent by post, at the time it would have been delivered in the ordinary course of the post to the address to which it was sent;
- 18.2 if sent by electronic mail, only in the event that the sender receives confirmation that the e-mail has been successfully transmitted to the correct e-mail address; or
- 18.3 if delivered by hand, the party who sent the notice holds a receipt for the notice signed by a person employed at the physical address for service.

19. **WAIVER**

Any waiver of any provision of this deed is ineffective unless it is in writing and signed by the party waiving its rights. A waiver by either party in respect of a breach of a provision of this deed by the other party is not a waiver in respect of any other breach of that or any other provision. The failure of either party to enforce any of the provisions of this deed at any time must not be interpreted as a waiver of that provision.

20. **VARIATION**

Any variation of this deed must be in writing and signed by each party (or its Representative).

Any request by the Council for agreement to vary the Funding or the Purpose must be accompanied by sufficient details explaining the reasons for the requested variation to enable the Minister to have regard to its merits.

21. **READING DOWN AND SEVERANCE**

In the event that any provision (or portion of any provision) of this deed is held to be unenforceable or invalid by a Court of competent jurisdiction, the validity and enforceability of the remaining provisions (or portions of such provisions) of this deed shall not be adversely affected.

The offending provision or part of a provision shall be read down to the extent necessary to give it legal effect, or shall be severed if it cannot be read down, and the remaining part and provisions of this deed shall remain in full force and effect.

22. **AUDITOR GENERAL**

Nothing in this deed derogates from the powers of the Auditor-General under the *Public Finance and Audit Act 1987* (South Australia). Without limiting this clause, the Council acknowledges the Auditor General's obligations and powers under sections 32 and 34 of the *Public Finance and Audit Act 1987* (South Australia).

23. **PUBLIC DISCLOSURE**

The Minister may disclose this deed and/or information relating to this deed in both printed or electronic form and either generally to the public or to a particular person as a result of a specific request. Nothing in this clause derogates from the Council's obligations under any provision of this deed or the provisions of the *Freedom of Information Act, 1991*.

24. **ADDITIONAL CONDITIONS**

The additional conditions set out in the Schedule (if any) form part of this deed.

SCHEDULE

1. THE COUNCIL

Legal Name: City of Marion

Trading Name: City of Marion

Site Address: 245 Sturt Road, STURT SA 5047

Postal Address: PO Box 21, Oaklands Park SA 5046

ABN: 37 372 162 294

2. REPRESENTATIVES

Minister's Representative

Name: Mr Scott Cooper

Position: Director, Transport Project Planning

Address: Level 7, 77 Grenfell Street, ADELAIDE SA 5000

Telephone: 8343 2844

Fax: -

E-mail: scott.cooper@sa.gov.au

Council's Representative

Name: Ms Carla Zub

Position: Project Manager Strategic Projects

Address: 245 Sturt Road, Sturt SA 5047

Telephone: 8375 6715

Fax: -

E-mail: Carla.zub@marion.sa.gov.au

3. PURPOSE

The Funding is provided for the Purpose of the Council undertaking (within the Funding Period) the **Project** described below (and in the proposal and plans attached to this deed) in accordance with (and to the standard required by) any applicable Standards published by Austroads and Standards Australia Limited.

Description of Project

Installing an intersection on Majors Road utilising the former Southern Expressway duplication site compound entry to provide access to the new SWBMX facility and O'Halloran Hill Recreation Park bike trail car park as per Drawing Set 3044

4. FUNDING PERIOD

Start Date: December 2020

End Date: December 2021

5. FUNDING

Amount (AUD): \$250,000 AUD (GST exclusive)

6. MANNER & CONDITIONS OF PAYMENT

Limit on payments

The Funding of \$250,000 (GST exclusive) is the maximum total amount the Minister may be liable to pay the Council under this deed.

Invoice

The Minister is **not** obligated to pay an invoice unless properly rendered. An invoice is properly rendered if it:

- (a) is issued in respect of a payment for which the Council is entitled to invoice for under this deed;
- (b) quotes the relevant purchase order number allocated by the Minister;
- (c) reflects the correct amount for payment under this deed; and
- (d) is a valid Tax Invoice in accordance with GST Law.

Payment Term

Provided that the total amount of the Funding has not been (or will be) exceeded, the Minister must pay the amount of a properly rendered invoice for the Funding within 30 days of receiving the Council's invoice.

7. **ADDITIONAL REPORTING REQUIREMENTS**

Report (Title)	Frequency (By when)	Requirements (Information and applicable standard)
Project Report	June 2021 and September 2021 or 7 days from request.	<ul style="list-style-type: none"> The progress of the Project and scheduling of works. Updated Expenditure forecasts during the term of the funding period The management of the Funding (i.e. break down of expenditure of the Funding). Any changes to the authorised scope of the Project. Any significant changes to the nature and scope of the activities conducted by the Council. Any operational matters requested from time to time by the Minister for inclusion in the Project Report.
Financial Statements (As referred to in clause 5)	Within 30 days from the expiry of the Funding Period.	Financial Statements prepared in accordance with Australian Accounting Standards setting out in detail the Council's expenditure of the Funding (with invoices attached from any contractors engaged for the Purpose) and signed by a senior office holder of the Council.

9. **SPECIAL CONDITIONS****Alteration to DIT Roads or other Assets**

If the Project requires any traffic management, alteration to (or effect on) a road or other asset that is under the care, control and management of (or is otherwise the responsibility of) the Commissioner of Highways or is the responsibility of the Department for Infrastructure and Transport ("**DIT**") the Council must seek the written approval of the appropriate DIT Regional Manager prior to commencing any work.

Traffic Control Devices

The installation of Traffic Control Devices must comply with the requirements outlined in the Manual of Legal Responsibilities and Technical Requirements for Traffic Control devices – Part 2 – Code of Technical Requirement – February 2012.

CORPORATE REPORTS FOR INFORMATION/NOTING - Nil

WORKSHOP / PRESENTATION ITEMS - Nil

MOTIONS WITH NOTICE

Shopping Trolley By-law

Elected Member Councillor Bruce Hull

Report Reference: GC210309M01

Motion:

“That Council be provided with a draft Shopping Trolley By-law to consider for adoption that embodies the substance of the previously Council endorsed By-law (as rejected by State Parliament 17.2.21) with the deletion of any reference to penalties applicable to retailers being the owners of the shopping trolleys. That the new By-law focus be on the warnings, education and penalties for perpetrators who dump and litter our streets and reserves with shopping trolleys.”

Supporting Information:

Council has invested significant time and resources on this matter with the community consulted a number of times. The message from our community is very clear, they want us to address this shopping trolley problem. By removing the reference to penalties for retailers, I am hopeful for the bylaw to have safe passage through the Legislative Review Committee and ultimately State Parliament.

Response Received From: Sharon Perin, Unit Manager Community Health and Safety

Corporate Manager Manager Development and Regulatory Services - Warwick Deller-Coombs

General Manager General Manager City Development - Ilia Houridis

Staff Comments:

A new By-law to deal with trolleys abandoned in the community could be re-drafted, which does not include penalties for retailers in any circumstances. Such a By-law could retain the enforceability and penalties against individuals who remove trolleys from shopping centre precincts or dump trolleys that were previously proposed by Council in endeavouring to create a trolley By-law.

Any new By-law would be required to undergo the By-law making process including the 21-day community consultation and reports to the Legislative Review Committee (LRC). Based on our previous processes through the LRC, there is a possibility the By-law could be disallowed by Parliament.

The State Government, through the Environmental Protection Authority, is considering including shopping trolleys be dealt with under the Local Nuisance and Litter Control Act, 2016. If the State Government was to amend the Local Nuisance and Litter Control Act, Council would be the administering and enforcing authority to deal with trolleys. The Local Government Association has been asked to consult with Councils on this review.

Council can consider the following three options:

Option 1



Re-draft a new By-law in keeping with the Motion, to put the onus on individuals who remove trolleys from retail precincts and focus on the warnings, education and penalties for perpetrators of dumping trolleys on streets and reserves, and that does not have an enforceable and punitive effect on retailers.

Option 2

Further consider the best approach to dealing with the issue of abandoned trolleys (including potentially creating a new By-law) as part of Council's review of all By-laws noting the upcoming discussion at the 16 March 2021 Elected Member Forum.

Option 3

Wait for the State Government to consider including changes to the Local Nuisance and Litter Control Act to deal with the issue of abandoned trolleys.

BMX Facility

Elected Member Councillor Ian Crossland

Report Reference: GC210309M02

Motion:

That Council:

1. Acknowledges Councils contribution of \$58,000 (\$3000 to the Native Vegetation Council and \$55,000 to the Significant Environmental Benefits (SEB) Grants) which will fund the on-ground restoration of native vegetation in South Australia including Glenthorne National Park.
2. Acknowledges that Council will be planting an additional 230 native trees on the BMX site, and an additional 115 native trees on the Football (Soccer) site as well as significant revegetation within and around each site.
3. Acknowledges that DEW is providing the land to construct the BMX and the Football (soccer) facilities at no cost to the City of Marion.
4. Acknowledges that we will be contribute \$10,000 per annum (\$5,000 per site) to the Department of Environment and Water (DEW) Conservation Dividend fund which will assist in the revegetation of Glenthorne National Park Precinct and that this amount will increase annually by CPI (SA); noting that this amount will form part of the future lease/license negotiations with the Happy Valley and The Cove BMX clubs as well as The Cove FC (Soccer).
5. Notes the presence of a significant tree in the area identified to be used as car parking for the BMX facility and confirms that this tree will be retained, and the car park will be redesigned to ensure the ongoing health of the tree.
6. Notes the importance of a public toilet at the BMX/Pump Track facility and proposes that public toilet facilities within the BMX building will be available between the hours of 8am and 9pm daily (8am and 8pm during daylight savings) as a part of the lease agreement with DEW. This arrangement will continue until an alternative public toilet facility is constructed in the nearby vicinity.
7. Notes that the cost to maintain and clean the public accessible toilets within the BMX facility will form part of the future lease/license negotiations with both Happy Valley and The Cove BMX clubs.
8. Requests that Administration provide the final building designs to the Minister for Environment and Water for approval and notify the Minister and the Department for Environment and Water of Council's resolution.

Supporting Information:

Nil

Response Received From: Project Manager Strategic Projects - Carla Zub

Corporate Manager Manager City Activation - Greg Salmon

General Manager General Manager City Development - Ilia Houridis

Staff Comments:

Over the last 18 months, the City of Marion has sought to negotiate with the Minister for Environment and Water, through the Department for Environment and Water (DEW), for access to the land and a long term lease agreement. To date the terms and conditions for the Southern Soccer Facility has been resolved with the Licence to Construct executed. The Minister for Environment and Water is refusing to execute the agreement and has sought additional conditions to be included both within the design and lease agreement.

Throughout the design of both facilities, DEW has been consulted and involved in the monthly stakeholder meetings on the project's progress and design of the facilities. Documentation sought from DEW including the landscaping design, facility concept designs and development approvals have been provided.

In consideration of the motion, the following is provided:

- Council to contribute \$10,000 per annum (\$5,000 per site) to the Department of Environment and Water (DEW) Conservation Dividend fund which will assist in the revegetation of Glenthorne National Park Precinct and that this amount will increase annually by CPI (SA);
 - As part of the requirement to construct within the National Park, approval to clear the native vegetation was required from DEW's Native Vegetation Branch. The approval was provided on 14 October 2020 for the clearance of the sites with the City of Marion having already paid the \$58,000 (\$3000 to the Native Vegetation Council and \$55,000 to the Significant Environmental Benefits (SEB) Grants) to fund the on-ground restoration of native vegetation in South Australia including Glenthorne National Park.
 - The project is also planting 345 native trees across both sites to offset the clearance and revegetation of the national park.
 - In addition, under the terms and conditions of the drafted lease agreement, the Soccer Club through the City of Marion is required to provide \$5,000 pa (annually indexed by CPI) to DEW's Conservation Dividend fund (should the Club's annual revenue be over \$300,000) to assist in the re-vegetation of Glenthorne National Park.
 - The Minister is now seeking that this condition is included within the BMX Lease Agreement and paid annually by Council no matter how much revenue is earned by the clubs.
 - This amount will form part of the future lease/license negotiations with the Happy Valley and The Cove BMX clubs as well as The Cove FC (Soccer).
- *Notes the presence of a significant tree in the area identified to be used as car parking for the BMX facility and confirms that this tree will be retained, and the car park will be redesigned to ensure the ongoing health of the tree.*
 - The tree in question is a regulated tree.
 - The project team can assess the retention of this tree and make the necessary changes
- *Notes the importance of a public toilet at the BMX/Pump Track facility and proposes that public toilet facilities within the BMX building will be available between the hours of 8am and 9pm daily (8am and 8pm during daylight savings) as a part of the lease agreement with DEW. This arrangement will continue until an alternative public toilet facility is constructed in the nearby vicinity.*
- *Notes that the cost to maintain and clean the public accessible toilets within the BMX facility will form part of the future lease/license negotiations with both Happy Valley and The Cove BMX clubs.*
 - The additions to address the above capital changes to the BMX scope are estimated to cost \$82,000 and are as follows:
 - Capital improvements to the existing toilets to allow for public use.
 - Particular trees to be retained across the construction site including one tree located within the area of the car park.

- Trail walking path connection.
- Additional fencing around expanded car park.
- Relocation of trail head signage to northern end of car park expansion
- Furthermore up to \$30,000 per annum in annual operating expenditure will be required for cleaning, security and hygiene services.
- *Requests that Administration provide the final building designs to the Minister for Environment and Water for approval and notify the Minister and the Department for Environment and Water of Council's resolution.*
 - Administration have previously provided this information to the Department of Environment and Water as part of the project governance structures leading into submission for natural vegetation removal approvals that were granted and prior to submission for Development Approval by the CAP that was also granted.
 - The request to directly provide this information to the Minister has been progressed by Administration, with the final building designs and Development Approval Submission being forwarded directly to the Minister.

Potential impacts to the project

It is difficult to provide an estimate of the timing and cost impacts of this delay. Suffice to say the contract does offer remedies to the contractor in the form of daily penalty rates.

The delays also put at risk pricing and quoting on materials, which in the current market are scarce and have seen pricing increases of between 7 to 10%. This would likely result in six-figure impacts to the budget if these remedies were sought in full.

The impact of DEW not providing the approvals that had previously been negotiated, due to the new and previously unflagged additional requirements are a series of penalties for the project and the City of Marion. These include:

- \$1,465 per day, delay costs for wages in the order from Partek Constructions.
- Subcontractors no longer available to undertake their scope of works.
- Renegotiation of contracts with the trades and increased costs to the project from Partek to deliver components of the projects. The order of costs depending on the time needed to resolve access to the site may be in the order of \$100,000s to the capital program.
- Partek could also penalise the project for loss of opportunities of winning other contracts as this project has been delayed – cost penalty unknown.
- Extension of time for the program of works.
- Inclement weather delays as a result of the later start and timing with autumn and winter rains
- Extended program may impact on consultant fees and Partek site costs
- Cancellation of the construction contract could potentially result in costs incurred by Council of up to \$250,000 as Partek has procured trades to mobilise.

The current state puts at risk the development of a precinct that has long been in negotiation and for all intents and purposes is ready to commence construction on site.

Extended delay will likely result in significant impacts to the project and all parties involved.

Communication to the Minister for Environment and Water on the above matters with a request for the Minister to execute a Licence to Construct and Lease for the Majors Road projects should be sought as part of the outcomes from this report, to enable construction to progress in the most timely manner possible.



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.