

His Worship the Mayor
Councillors
CITY OF MARION

NOTICE OF GENERAL COUNCIL MEETING

Council Chamber, Council Administration Centre
245 Sturt Road, Sturt

Tuesday, 11 May 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.



Tony Harrison
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 27 April 2021**

Originating Officer Governance Officer - Angela Porter

Corporate Manager Manager Corporate Governance - Kate McKenzie

Report Reference: GC210511R01

RECOMMENDATION:

That the minutes of the General Council Meeting held on 27 April 2021 be taken as read and confirmed.

ATTACHMENTS:

#	Attachment
1	GC210427 - Final Minutes



MINUTES OF THE GC210427 - GENERAL COUNCIL MEETING
Tuesday, 27 April 2021 at 06:30 PM

Council Administration Centre, 245 Sturt Road, Sturt



PRESENT

His Worship the Mayor Kris Hanna

Councillor Ian Crossland
Councillor Maggie Duncan

Councillor Tim Gard
Councillor Matthew Shilling
Councillor Raelene Telfer

Councillor Bruce Hull (from 6.38pm)
Councillor Kendra Clancy
Councillor Sasha Mason

Councillor Jason Veliskou
Councillor Joseph Masika

In Attendance

Chief Executive Officer – Tony Harrison
General Manager City Services Tony Lines
General Manager Corporate Services – Sorana Dinmore
Acting General Manager City Development – Greg Salmon
Manager Corporate Governance – Kate McKenzie
Unit Manager Governance and Council Support – Victoria Moritz

OPEN MEETING

The Mayor opened the meeting at 06:31 PM

KAURNA ACKNOWLEDGEMENT

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

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.

CONFIRMATION OF MINUTES

Confirmation of the minutes for the General Council Meeting held on 23 March 2021 and Special General Council Meeting 8 April 2021

Report Reference: GC210427R01

Moved Councillor – Maggie Duncan

Seconded Councillor - Raelene Telfer

That the minutes of the General Council Meeting held on 23 March 2021 and Special General Council Meeting held on 8 April 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).

COMMUNICATIONS

Mayoral Communication Report

Name of Elected Member: Mayor - Kris Hanna

Report Reference: GC210427R02

Date	Event	Comments
11 March 2021	Club Marion Committee meeting	
13 March 2021	South Road Cricket Club- "WhitesNight"	
20 March 2021	Ganesha Temple Harmony Week Celebrations	
20 March 2021	Migrant Resource Centre Nowruz (New Year) Event	
20 March 2021	Mitchell Park Netball Club	Presented cheque for Mayor's donation to the Club
21 March 2021	Citizenship ceremonies (x3)	
25 March 2021	CoastFM radio interview	
26 March 2021	Plympton Glenelg RSL Luncheon	
27 March 2021	Central Avenue Reserve Opening	
27 March 2021	5MBS Strategic Planning Day	
27 March 2021	Warradale Park Tennis Club Presentations	
28 March 2021	Glenelg Rebels Softball Club Presentation Night	
29 March 2021	Special Citizenship Ceremony	
29 March 2021	Multicultural Event for the Business Community	
30 March 2021	Industry Briefing- Tourism	
31 March 2021	Southern Waste Resource Authority Recycling Facility Event with Prime Minister	
31 March 2021	Headspace Marion Facility Opening	
31 March 2021	Woodend Primary School Annual General Meeting	
8 April 2021	Meeting with Police Credit Union employees Amanda Woodroffe, Branch Manager and Ben Gibson, Regional Manager SA+NT	
11 April 2021	Oaklands Estate Residents Association Annual Barbecue	
12 April 2021	Roundtable discussion with Edwardstown Football and Bowls Clubs' Committee Members	
14 April 2021	LGA Sector Briefing with Premier Marshall, the Attorney- General and Minister for	

	Environment and Water	
15 April 2021	Community Leadership Program Launch	
16 April 2021	Morphettville Residential Stables Rezoning Discussion with trainers, the SA Jockey Club and SA Racing	
16 April 2021	Rotary District 9510 Conference	Gave welcoming speech
20 April 2021	Meeting with Graeme Botting, Hallett Cove Lions	
21 April 2021	Marion Historical Society AGM	
In addition, the Mayor has met with Members of the Legislative Council, the CEO and Council staff regarding various issues.		

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

That the Communications reports be moved en bloc.

Carried Unanimously**Moved Councillor – Raelene Telfer****Seconded Councillor – Matthew Shilling**

That Council:

1. Receives and notes the Mayoral Communication Report.

Carried Unanimously**Deputy Mayor Communication Report****Name of Elected Member:** Councillor - Nathan Prior**Report Reference:** GC210427R03

Date	Event	Comments
19 March 2021	Digital Space Expo at Cove Business Hub	Opened event
24 March 2021	Meeting with Adam Luscombe, Councillor Hull and Ilia Houridis at Marion Aquatic Centre	
15 April 2021	Community Leadership Program Launch	Attended

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

That Council:

1. Receives and notes the Deputy Mayor Communication Report.

Carried Unanimously**CEO and Executive Communications Report****Date of Council Meeting:** 27 April 2021**Report Reference:** GC210427R04

Date	Activity	Attended By
24 March 2021	Meeting Council Ready Governance	Tony Lines

Minutes of the General Council Meeting held on 27 April 2021.

	Group	
25 March 2021	AMIS RFP - Assetic Australia Demonstration	Sorana DinmoreRay Barnwell Tony Lines
25 March 2021	AMIS RFP - Infor Demonstration	Sorana DinmoreRay Barnwell Tony Lines
25 March 2021	LG CEO's - Rating of Universities & New State Govt Developments Claire Mockler - City Of Adelaide held in CEO's Office, Adelaide Town Hall	Sorana Dinmore
26 March 2021	SMRF (SRWRA) JV Committee - Construction Project Meeting	Sorana Dinmore
26 March 2021	Harrison McMillan Big BBQ invited by Alison Surjan - HME Executive	Sorana Dinmore
29 March 2021	Mayor's Multicultural Event for the Business Community	Ilia Houridis
29 March 2021	LGA and Dog & Cat Management Forum - 29 March Melissa Dahmen LGA held in LGA Boardrooms Adelaide	Sorana Dinmore
29 March 2021	Finance System Demo - Agilyx	Sorana DinmoreRay Barnwell
29 March 2021	Satalyst Roadmap Discovery kickoff meeting Tiodd Elliott (Satalyst) CoM Project team	Sorana Dinmore
30 March 2021	Meeting Renewal SA re Tonsley WSUD review	Tony Lines
30 March 2021	Industry Board Room Lunch Meeting Tourism & Visitor Economy	Ilia Houridis
30 March 2021	Finance System Demo - Dialog	Sorana DinmoreRay Barnwell
31 March 2021	Budgeting Demo - Agilyx	Sorana DinmoreRay Barnwell
31 March 2021	SRWRA Event with Nicolle Flint MP Held at SRWRA	Sorana DinmoreRay Barnwell
1 April 2021	AWU EA Meeting	Tony Lines
1 April 2021	SRC JV Advisory Committee Meeting SRWRA Held at IWS Wingfield	Sorana Dinmore

Minutes of the General Council Meeting held on 27 April 2021.

7 April 2021	Meeting Asset Management Cross Council Collaboration - Cities of Marion, Charles Sturt and Pt Adelaide Enfield	Tony Lines
7 April 2021	Field River Taskforce Inspection Minister David Speirs Hallett Cove Boatshed	Sorana Dinmore
7 April 2021	Meeting Satalyst (Todd Elliott) CoM	Sorana Dinmore
8 April 2021	Meeting with Minister Speirs reBMX/Soccer	Ilia Houridis Sorana Dinmore
8 April 2021	CRM Project: WS018 High Level System Design and Integration Workshop CoM IT Vision Ennovative City of Charles Sturt	Sorana Dinmore
8 April 2021	SRWRA Board Meeting	Sorana Dinmore Ray Barnwell
9 April 2021	Meeting DTP Overview Nicole Rantanen (Public Trustee) Sorana Dinmore	Sorana Dinmore
12 April 2021	Meeting re: Governance Review: Peter Auhl (EQI Consulting) Sorana Dinmore	Sorana Dinmore
12 April 2021	Infor Reference Check - Whitehorse City Council: Jonathan Merrett (Whitehorse City Council) CoM Project Panel	Sorana Dinmore Ray Barnwell
12 April 2021	Infor Reference Check - City of Port Adelaide Enfield: Simon Davis (City of PAE) CoM Project Panel	Sorana Dinmore Ray Barnwell
12 April 2021	Assetic Reference Check - City of Tea Tree Gully: Rhyss Cook (CoTTG) CoM Project Panel	Sorana Dinmore Ray Barnwell
12 April 2021	Coaching Session: Judith Sellick Sorana Dinmore	Sorana Dinmore
13 April 2021	Internal Audit Plan Stakeholder meeting - David Castine (KPMG) Sorana Dinmore (CoM)	Sorana Dinmore
13 April 2021	Meeting: Alison Surjan (Harrison McMillan Recruitment) Sorana Dinmore (CoM)	Sorana Dinmore
13 April 2021	Field River Linear Park Taskforce: Meeting 2	Sorana Dinmore

14 April 2021	Meeting Adrian Skull, SoranaDinmore and Judith Sellick re: 360 degree feedback	Sorana Dinmore
14 April 2021	LGA Briefing with Premier StevenMarshall, Attorney General VickieChapman and Minister David Speirs	Sorana Dinmore
15 April 2021	Meeting: ICT Strategy - JulianneCirson (Director Corp Services Dept for Energy and Mining) Sorana Dinmore (CoM)	Sorana Dinmore
16 April 2021	Assetic Reference Checks: CityOf Adelaide (Nishant Maingi & Jean-Pierre Koekemoer)	Sorana DinmoreRay Barnwell
16 April 2021	Cross Council Collaborative ICT Program Board Meeting Cites ofPort Adelaide Enfield, Charles Sturt and Marion	Sorana Dinmore
16 April 2021	Management Framework with Toni Prior: Abby Dickson (City ofPort Adelaide Enfield) Donna Dunbar (City of Charles Sturt) Sorana Dinmore (City of Marion)	Sorana Dinmore
16 April 2021	SCRMG meeting - Third and finalphase of state-wide changes to the planning system will commence (EPA Boardroom)	Sorana Dinmore
20 April 2021	Event Greater strategic impact and alignment through modern team collaboration practices heldat Allied Health Building, Lot 14, North Terrace, Adelaide	Sorana Dinmore
20 April 2021	KPMG Asset Management closeout meeting	Tony Lines
20 April 2021	Meeting Living Kurna Cultural Centre Management with PwC and Southern Cultural Immersion	Tony Lines
21 April 2021	Meeting: Todd Elliott (Satalyst) Sorana Dinmore (CoM)	Sorana Dinmore
21 April 2021	Meeting to discuss CX Mgr recruitment: Nicole Metcalfe (Harrison McMillan Recruitment) Sorana Dinmore	Sorana Dinmore
21 April 2021	Local Government Reform Implementation CEO Forum	Sorana Dinmore

22 April 2021	Local Government Information Framework (LGIF) - ReferenceGroup	Sorana Dinmore
23 April 2021	SMRF JV Committee - Construction Project Meeting	Sorana Dinmore
27 April 2021	Meeting: Yasmine Johnston (EGMPartners) Sorana Dinmore (CoM)	Sorana Dinmore

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

That Council:

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

Carried Unanimously**ADJOURNED ITEMS****Adjourned Item - Marion Cultural Centre Plaza****Report Reference:** GC210427F01**Moved Councillor – Joseph Masika****Seconded Councillor – Matthew Shilling**

That Council:

1. Adjourn this item to the General Council Meeting to be held on 22 June 2021.
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the attachments to the 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**Order of Agenda Items - Adjourned Item - Draft City Limits and Publications Policies**

The Mayor sought and was granted leave of the meeting to vary the order of the agenda and consider the item *Adjourned – Draft City Limits Publications Policies* at the end of the agenda and with the item *Rescission Motion - City Limits Magazine*.

DEPUTATIONS - Nil**PETITIONS - Nil**

COMMITTEE RECOMMENDATIONS**Moved Councillor – Matthew Shilling****Seconded Councillor – Maggie Duncan**

That the following items be moved en bloc:

- Confirmation of the minutes for the Asset and Sustainability Committee meeting held on 6 April 2021 (Report Reference: GC210427R06)
- Confirmation of the minutes for the Special Finance and Audit Committee Meeting held on 13 April 2021 (Report Reference: GC210427R07)

Carried Unanimously**Confirmation of the minutes for the Asset and Sustainability Committee meeting held on 6 April 2021.****Report Reference: GC210427R06****Moved Councillor – Matthew Shilling****Seconded Councillor – Maggie Duncan**

That Council:

1. Receives and notes the minutes of the Asset and Sustainability Committee Meeting held on 6 April 2021.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Asset and Sustainability Committee.

Carried Unanimously**Confirmation of the minutes for the Special Finance and Audit Committee Meeting held on 13 April 2021****Report Reference: GC210427R07****Moved Councillor – Matthew Shilling****Seconded Councillor – Maggie Duncan**

That Council:

1. Receives and notes the minutes of the Special Finance and Audit Committee Meeting held on 13 April 2021.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Finance and Audit Committee.

Carried Unanimously**Order of Agenda Items**

The Mayor sought and was granted leave of the meeting to vary the order of agenda items and consider the item *Youth Collective Committee (YCC) – update* next on the agenda.

Youth Collective Committee (YCC) - update**Report Reference:** GC210427R12

6.38pm Councillor Hull entered the meeting

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

That Council:

1. Note the Youth Collective Committee Progress report April 2021,
2. Endorses the Youth Collective Committee continuing from July 2021 to June 2023 (Two Years), including a 0.4 FTE coordinator on a contract basis at a cost of \$35,647 per annum,
3. Requests a quarterly detailed email update be given to Council,
4. Requests the Youth Collective Committee feedback on projects be provided to Council,
5. Requests an annual report of the Youth Collective Committee be presented to Council and an annual presentation from a YCC Member or Coordinator at an Elected Member Forum,
6. Council appoint Councillor Matthew Shilling as the Youth Collective Committee Liaison Officer,
7. The Youth Collective Committee will be reviewed in April 2023.

Carried Unanimously**Procedural Motion****Moved Councillor – Raelene Telfer****Seconded Councillor – Sasha Mason**

That the Confidential cover reports to move into confidence be moved en bloc.

Carried Unanimously

7.02 pm Councillor Shilling left the meeting

CONFIDENTIAL ITEMS**Cover Report - Confirmation of the confidential minutes for the Special General Council Meeting held on 8 April 2021****Report Reference:** GC210427F02**Moved Councillor – Raelene Telfer****Seconded Councillor – Sasha Mason**

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders that all persons present be excluded from the meeting as the Council receives and considers information relating to CEO Recruitment, 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 recruitment of a Chief Executive Officer.

Carried Unanimously

7.03pm Councillor Shilling re-entered the meeting

Cover Report - Confirmation of the confidential minutes for the Special Finance and Audit Committee Meeting held on 13 April 2021
Report Reference: GC210427F03

Moved Councillor – Raelene Telfer

Seconded Councillor – Sasha Mason

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, Acting General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Corporate Governance, Manager City Activation, Project Director Urban Renewal, Manager Finance, Acting Unit Manager Communications and Acting Unit Manager Governance and Council Support, be excluded from the meeting as the Council receives and considers information relating to Confirmation of confidential minutes of the Special Finance and Audit Committee Meeting held on 13 April 2021, 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 minutes of a committee meeting held in confidence.

Carried Unanimously

Cover Report - Edwardstown Urban Renewal Project - Prudential Report
Report Reference: GC210427F04

Moved Councillor – Raelene Telfer

Seconded Councillor – Sasha Mason

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, Acting 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 Statutory Finance and Payroll, Unit Manager Communications and Unit Manager Governance and Council Support, be excluded from the meeting as the Council receives and considers information relating to Edwardstown Urban Renewal Project - Prudential Report, 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.

Carried Unanimously

Cover Report - Question with Notice - Edwardstown Urban Renewal Project
Report Reference: GC210427Q01

Moved Councillor – Raelene Telfer

Seconded Councillor – Sasha Mason

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 Statutory Finance and Payroll, Unit Manager Communications and Unit Manager Governance and Council Support, be excluded from the meeting as the Council receives and considers information relating to Edwardstown Urban Renewal Project, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to confidential commercial information including preliminary concept plans and financial figures.

Carried Unanimously

Cover Report - LKCC Management Model - SCI Submission**Report Reference:** GC210427F05**Moved Councillor – Raelene Telfer****Seconded Councillor – Sasha Mason**

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 City Property, Manager City Activation, Manager Corporate Governance, Manager Strategic Procurement Services, Unit Manager Land and Property, Unit Manager Communications, Unit Manager Governance and Council Support and Governance Officer be excluded from the meeting as the Council receives and considers information relating to LKCC Management Model, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to the current EOI process for the management of the Living Kaurua Cultural Centre.

Carried Unanimously**Cover Report - Edwardstown Soldiers Memorial Recreation Ground (ESMRG) 100 Percent Profit Share Model Revision****Report Reference:** GC210427F06**Moved Councillor – Raelene Telfer****Seconded Councillor – Sasha Mason**

That pursuant to Section 90(2) and (3)(b)(i) and (ii) and (3)(g) 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 and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Edwardstown Soldiers Memorial Recreation Ground 100% Profit Share Model, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to a profit share model and a current confidential order is in place over previous reports, attachments and minutes to which this report relates.

Carried Unanimously

Confirmation of the confidential minutes for the Special General Council Meeting held on 8 April 2021

Report Reference: GC210427F02

7.03pm the meeting went into confidence

Moved Councillor – Bruce Hull

Seconded Councillor – Ian Crossland

That:

1. The confidential minutes of the Special General Council Meeting held on 8 April 2021 be taken as read and confirmed.
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999, the Council orders that this report, and the attachments arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential, except for Manager Governance and Manager People and Culture 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

7.06pm the meeting came out of confidence

Confirmation of the confidential minutes for the Special Finance and Audit Committee Meeting held on 13 April 2021

Report Reference: GC210427F03

7.07pm the meeting went into confidence

Moved Councillor – Raelene Telfer

Seconded Councillor – Maggie Duncan

That Council:

1. Receives and notes the confidential minutes of the Special Finance and Audit Committee Meeting held on 13 April 2021.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Finance and Audit Committee.
3. In accordance with Section 91(7) and (9) of the Local Government Act 1999, orders that this report and the attachments 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 Unanimously

7.18pm the meeting came out of confidence

Edwardstown Urban Renewal Project - Prudential Report**Report Reference:** GC210427F04

7.19pm the meeting went into confidence

Procedural Motion**Moved Councillor - Ian Crossland****Seconded Councillor - Sasha Mason**

That formal meeting procedures be suspended to discuss the item

Carried Unanimously

7.19pm formal meeting procedures suspended

7.59pm formal meeting procedures resumed

Moved Councillor – Ian Crossland**Seconded Councillor – Joseph Masika**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999, orders that this report, the attachments to this report and any 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

8.11pm the meeting came out of confidence

Question with Notice - Edwardstown Urban Renewal Project**Report Reference:** GC210427Q01**Moved Councillor – Jason Veliskou****Seconded Councillor – Tim Gard**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999, orders that the report attachments and any 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

8.16pm the meeting came out of confidence

LKCC Management Model - SCI Submission**Report Reference:** GC210427F05

8.16pm the meeting went into confidence

8.24pm Councillor Mason left the meeting

8.26pm Councillor Mason re-entered the meeting

Procedural Motion**Moved Councillor – Matthew Shilling****Seconded Councillor – Maggie Duncan**

That formal meeting procedure be suspended to discuss the item

Carried Unanimously

8.35pm formal meeting procedures suspended

9.08pm formal meeting procedures resumed

Moved Councillor – Ian Crossland**Seconded Councillor – Sasha Mason**

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999, orders that this report, the attachments to this report and any 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

9.18pm the meeting came out of confidence

Moved Councillor – Jason Veliskou**Seconded Councillor – Matthew Shilling**That the Meeting be extended until the conclusion of all items up to and including the item *Funding of Driveway Crossovers Report Reference: GC210427R14*)**Carried**

9.19pm Councillor Crossland left the meeting

9.21pm meeting extended

9.21pm Councillor Crossland re-entered the meeting

9.21pm Councillor Hull left the meeting and did not return

Edwardstown Soldiers Memorial Recreation Ground (ESMRG) 100 Percent Profit Share Model Revision

Report Reference: GC210427F06

9.22pm the meeting went into confidence

Procedural Motion

Moved Councillor – Jason Veliskou,

Seconded Councillor – Tim Gard

That formal meeting procedures be suspended to discuss the item

Carried Unanimously

9.22pm formal meeting procedures suspended

9.34pm formal meeting procedures resumed

Moved Councillor – Sasha Mason

Seconded Councillor – Joseph Masika

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

9.34pm the meeting came out of confidence

The Mayor vacated the Chair

9.35pm the Mayor left the Meeting and did not return

In the absence of the Mayor, the previous Deputy Mayor – Councillor Shilling (as the current Deputy Mayor was absent) resumed the Chair.

CORPORATE REPORTS FOR DECISION

Draft Annual Business Plan 2021-22 and Long Term Financial Plan for Public Consultation

Report Reference: GC210427R08

Moved Councillor – Maggie Duncan

Seconded Councillor – Tim Gard

That Council:

1. Endorses the Framework and Key Assumptions noted in this report which have formed the basis for the development of the Draft 2021-22 Annual Business Plan and Draft Long Term Financial Plan.
2. Endorses for inclusion in the Draft Annual Business Plan 2021-22 and Draft Long Term Financial Plan for public consultation the 2021-22 new initiatives noted in this report, including the use reserve funds totalling \$750k to fund council's contribution to the State Heritage Coach House Restoration project, subject to any changes proposed at this meeting.

3. Endorses the City of Marion Draft Annual Business Plan 2021-22 and Draft Long Term Financial Plan (Attachment 1) to proceed for public consultation, subject to the following changes:

- Page 112 – Financial ratios – include a brief explanation of each ratio
- Page 101 – regarding Marino Hall – change to replace instead of improve
- Page 101 – Marion Golf Club should read Marion Golf Park
- Page 113 – McConnell Avenue Reserve description amend irrigation to include broader aspects e.g. recreational facilities.
- Page 127 – Include a comment regarding CPI when talking about rates indexation (include what the adopted indexation rate is for council rates)
- adding three items to the "new projects" listed on page 101 of the GC agenda.
 1. Developing and costing a plan for an animal pound for use by the City of Marion, preferably in collaboration with nearby Councils (noting that the RSPCA facility at Lonsdale may not be available to Council in the long term).
 2. Initiating and completing a Planning and Design Code Amendment which would change the stables zoning in Morphetville to the same zone as adjacent residential areas, subject to community consultation and Ministerial approval.
 3. Initiating a Planning and Design Code Amendment for the Marion Road Corridor to substantially implement the changes proposed to Marion Road zoning which were included in Council's previous Housing Diversity Development Plan Amendment, noting that community consultation and Ministerial approval will be required.
- The removal of the 'Missed Bin Corporate KPI'
- Staff Engagement Corporate KPI – amend to include 'with at least 50% employee participation per SLT department'.
- Page 114 of the agenda, Property/Building Works Program, change this to read Morphetville Park Tennis Club not Marion Tennis Club.
- Review and Update the suburb and ward allocations for capital works program (p113)

9.41pm Councillor Masika left the meeting

9.43pm Councillor Masika re-entered the meeting

Carried Unanimously

Heritage Interpretation signage proposal

Report Reference: GC210427R09

Moved Councillor – Ian Crossland,

Seconded Councillor – Jason Veliskou

That Council:

1. Defer a decision about the heritage interpretative signs for 12 months and align this component of the project with any decision about the museum/exhibition space as part of unfunded initiatives in the next financial year (April 2022).

Carried Unanimously

By-law Review**Report Reference:** GC210427R10**Moved Councillor – Jason Veliskou****Seconded Councillor – Sasha Mason**

That Council:

1. Notes that the current By-Laws expire on 1 January 2022 and each By-law must be remade.
2. Commence the review of the six (6) current by-laws and with the following changes:
 1. By-law No. 1 Permits and Penalties 2014
 - a) No proposed changes
 2. By-law No. 2 Moveable Signs 2014
 - a) No substantive changes; and any other changes will be subject to the review process
 3. By-law No. 3 Local Government Land 2014
 - a) Amend the advertising provisions to include the display of election signs on Local Government land; and any other changes will be subject to the review process
 4. By-law No. 4 Dogs 2014
 - a) No substantive changes but minor changes to reflect updates to Dog and Cat Management Act
 5. By-law No. 5 Roads 2014
 - a) Amend the advertising provisions to include the display of election signs on structures on a road; and any other changes will be subject to the review process
 6. By-law No. 6 Cats 2014
 - a) Create options for a cat curfew in the cat by-law (based on the City of Mount Barker By-law), and
 - b) Minor changes to reflect updates to Dog and Cat Management Act.
3. Draft a by-law to primarily deal with noisy birds (e.g. roosters) by preventing or limiting the number of relevant animals that can be kept per property, noting that different options will be presented to Council.
4. Draft a new by-law to prevent and manage nuisance caused by shopping trolleys abandoned in the community, pending a response to the Mayor's email to the Premier on the matter.

Carried Unanimously**Community Bus - additional vehicle****Report Reference:** GC210427R11**Moved Councillor – Ian Crossland****Seconded Councillor – Raelene Telfer**

That this item be deferred until after the Annual Budget Process for 2021/22 has concluded and brought back to the General Council meeting to be held on 27 July 2021

Lost

Moved Councillor – Jason Veliskou,**Seconded Councillor – Maggie Duncan**

That Council:

1. Notes the impact of COVID-19 during 2020 on the Community Bus Program.
2. Extend the trial of a third community bus for a period of 1 year with the option for an extension for a further year and includes the cost of \$33,500 into the 2021/22 annual budget process.

Carried**Funding support for City of Unley litigation****Report Reference: GC210427R13****Moved Councillor – Ian Crossland****Seconded Councillor – Joseph Masika**

That Council

1. Approves the request to support \$1,707.00 + GST to the LGA for the City of Unley litigation and authorises that a letter be sent by the Chief Executive Officer advising them of the decision.

Carried Unanimously**Funding of Driveway Crossovers****Report Reference: GC210427R14****Moved Councillor – Raelene Telfer****Seconded Councillor – Tim Gard**

That Council:

1. Continues to fund 50% of the crossover replacement cost when a landowner requests a new crossover as part of the scheduled/budgeted footpath replacement program, subject to landowners paying the other 50% of the crossover cost.
2. Funds 100% of driveway crossover replacements in scheduled/budgeted footpath programs where Council deems a replacement is required as part of the construction program.
3. Notes that the funding of these crossover replacements will be managed within existing annual capital works program budgets.
4. Notes that a report will be presented to Council in April 2022 to provide the outcomes of the fully implemented crossover incentive opportunity as part of the 2021/22 new/upgraded footpath program.

Carried Unanimously

MEETING CLOSURE - Meeting Declared Closed at 10:14PM

CONFIRMED THIS 11th DAY OF MAY 2021

.....
CHAIRPERSON

The following items were not considered:

- Policy Review - Final Climate Change Policy (Report Reference: GC210427R15)
- Economic Development - Six Monthly Update (Report Reference: GC210427R16)
- Work Health & Safety - Monthly Performance Report - March 2021 (Report Reference: GC210427R17)
- Finance Report - March 2021 (Report Reference: GC210427R18)
- Questions Taken on Notice Register (Report Reference: GC210427R19)
- Adjourned Item - Draft City Limits and Publications Policies (Report Reference: GC210427R05)
- Rescission Motion - City Limits Magazine (Report Reference: GC210427M01)
- Vinall Street Reserve - Irrigation (Report Reference: GC210427M02)
- Flu Vaccine for Elected Members (Report Reference: GC210427M03)
- Waste from City of Marion skips and bins (Report Reference: GC210427Q02)

ADJOURNED ITEMS

Adjourned Item - Draft City Limits and Publications Policies

Originating Officer Unit Manager Communications - Craig Clarke

Corporate Manager Acting Manager Customer Experience - Vicky Travers

General Manager General Manager Corporate Services - Sorana Dinmore

Report Reference GC210511R02

Confidential ☐

REPORT OBJECTIVE

The item 'Draft City Limits and Publications Policies' GC210309R07 (Attachment 1) was adjourned at the 9 March 2021 General Council Meeting until the General Council Meeting to be held on 27 April 2021. The item was further deferred during the meeting of the 27 April to be considered at the end of the meeting and with the item *Rescission Motion - City Limits Magazine*. The meeting concluded before these items were considered and therefore it has been added to the agenda for the General Council Meeting on 11 May 2021.

EXECUTIVE SUMMARY

In accordance with the Local Government (Procedures at Meetings) Regulations, the debate on an adjourned item will resume and continue at the point it was adjourned. The amended motion for this item was Moved by Councillor Tim Gard and Seconded by Councillor Maggie Duncan.

RECOMMENDATION

The amended motion as Moved and Seconded is below.

That Council:

1. **Adopts the City Limits Publications Policy subject to the following amendment:**
 - fifth dot point under "*articles that promote*" to read "Financial products or services that promote loans and investments".
2. **Adopts the Publications Policy.**

Attachment

#	Attachment
1	Attachment 1 - GC210309R07 - Draft City Limits and Publications Policies - Adjourned Item

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)

Policy Ref/Security Classification:

Category: Public

Owner: Unit Manager Communications

Authorisation Date: xx/xx/xx

Review Date: xx/xx/xx

Page 2 of 5

City of Marion

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The online version of this document is the current version. This document is 'Uncontrolled if PRINTED'.

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

PUBLIC SUBMISSION ITEMS

Public submissions on the Draft Annual Business Plan 2021-2022

Originating Officer	Strategic Planner - Sheree Tebyanian
Corporate Manager	Manager Corporate Governance - Kate McKenzie Manager Finance- Ray Barnwell
General Manager	General Manager City Services - Tony Lines General Manager Corporate Services- Sorana Dinmore
Report Reference	GC210511R03

Confidential ☐

REPORT OBJECTIVE

This report provides the opportunity for members of the public to make a submission or ask questions at the Council meeting being held on 11 May 2021 regarding Council's Draft Annual Business Plan (Draft ABP 2021-2022).

RECOMMENDATION

That Council:

- 1. Notes feedback provided by any public representations on the Draft Annual Business Plan 2021-2022 and that a further report on the results of public consultation will be presented to Council at the meeting to be held on 8 June 2021.**

DISCUSSION

Consideration of community feedback about Council's business plans is an important step in the setting of Council's rating policy and key priorities for the period of the plans. Section 123(4) of the *Local Government Act 1999*, requires Council to invite interested persons to attend a Council meeting to make a submission or ask questions regarding Council's draft Annual Business Plan and Budget. Council must leave this opportunity open for at least 1 hour.

The [Draft ABP 2021-22](#) has been available from Council's website during the public consultation period (Friday, 30 April to Friday, 21 May 2021).

Respondents who have notified the City of Marion in advance of their intent to provide a verbal submission will be heard in the first instance. Each speaker will be allocated a maximum of 5 minutes to make their submission.

In addition to the above opportunity, community members can also participate in the consultation of the Plans at [Making Marion](http://www.makingmarion.com.au/annual-business-plan-2021) (www.makingmarion.com.au/annual-business-plan-2021).

Council will be presented with a full report on the results of the public consultation at its meeting on 8 June 2021. Feedback from the Finance and Audit Committee meeting to be held on 18 May 2021 will be taken into consideration for Council's deliberation of the Draft ABP 2021-22 on 08 June 2021.

DEPUTATIONS

Mitchell Park Sports & Community Club Management Model

Originating Officer Elected Member Support Officer - Tom Matthews

Corporate Manager Manager Corporate Governance - Kate McKenzie

General Manager General Manager City Services - Tony Lines

Report Reference: GC210511D01

Confidential Report ☐

SPEAKER:

John Gumley

ORGANISATION:

Mitchell Park Sports & Community Club

COMMENTS:

Mitchell Park Sports & Community Club have requested to make a deputation regarding the Management Model for the redeveloped Sports & Community Centre.

PETITIONS - Nil**COMMITTEE RECOMMENDATIONS****Confirmation of the minutes for the Review and Selection Committee Meeting held on 4 May 2021**

Originating Officer Manager People and Culture - Steph Roberts

Corporate Manager Manager People and Culture - Steph Roberts

General Manager N/A

Report Reference GC210511R04

Confidential ☐

REPORT OBJECTIVE

The purpose of this report is to facilitate the receiving and noting of the minutes from the Review and Selection Committee meeting held on 4 May 2021.

EXECUTIVE SUMMARY

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

Confidential Items

- Staff Movements and Exit Survey Data
- Council Assessment Panel Recruitment Process

Reports for Discussion

- CEO Probation Performance Review Timeline and Approach 2021

Reports for Noting

- Workforce of the Future
- Corporate and CEO KPI Report Quarter Three 2020/21
- City of Marion Organisational Culture Study Results
- Use of Recruitment Agencies

RECOMMENDATION

That Council:

- 1. Receives and notes the minutes from the Review and Selection Committee meeting held on 4 May 2021.**
- 2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.**

Attachment

#	Attachment
1	RSC210504 - Final Minutes

MINUTES OF THE RSC210504 - REVIEW AND SELECTION COMMITTEE - 4 May2021

Tuesday, 04 May 2021 at 06:00 PM

Council Administration Centre, 245 Sturt Road, Sturt



PRESENT

His Worship the Mayor – Kris Hanna
Councillors – Tim Gard, Maggie Duncan

In Attendance:

Chief Executive Officer – Tony Harrison
Manager People and Culture – Steph Roberts
General Manager Corporate Services – Sorana Dinmore
Manager Corporate Governance – Kate McKenzie
Manager Finance – Ray Barnwell
Team Leader Planning – Alex Wright

OPEN MEETING

The Mayor opened the meeting at 06:03 PM

KAURNA ACKNOWLEDGEMENT

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

ELECTED MEMBERS DECLARATION (if any)

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

CONFIRMATION OF MINUTES

Confirmation of the minutes for the Special Review and Selection Committee Meeting held on 23 March 2021

Report Reference: RSC210504R01

Moved Councillor Duncan, Seconded Councillor Gard

That the minutes of the Special Review and Selection Committee Meeting held on 23 March 2021 be taken as read and confirmed.

CARRIED UNANIMOUSLY

BUSINESS ARISING**CONFIDENTIAL ITEMS**

Cover Report - Staff Movements and Exit Survey Data

Report Reference RSC210504F01

Moved Councillor Gard, Seconded Councillor Duncan

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Committee orders that all persons present with the exception of the following persons, Chief Executive Officer, Manager People and Culture, General Manager Corporate Services and Manager Corporate Governance, be excluded from the meeting as the Committee receives and considers information relating to Staff Movements and Exit Survey Data, upon the basis that the Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to past and present employees of the City of Marion.

CARRIED UNANIMOUSLY

6.05pm the meeting went into confidence

Moved Councillor Duncan, Seconded Councillor Gard

1. In accordance with Section 91(7) and (9) of the Local Government Act 1999, the Council orders that this report, the attachments and any minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2021.

CARRIED UNANIMOUSLY

6.38pm the meeting came out of confidence

REPORTS FOR DISCUSSION

CEO Probation Performance Review Timeline and Approach 2021

Report Reference RSC210504R02

The Committee discussed:

- Consideration in aligning to the 4-year election cycle
- 1-year planning coincides with the budget
- Carry the KPIs through to 30 June 2022, then assess/reset that would see through the next 4-year Council cycle
- Employee costs KPI and the impact on requiring additional resourcing, ensuring good sound rationale

Moved Councillor Gard, Seconded Councillor Duncan

That the Review and Selection Committee recommends to Council:

1. that the proposed approach and timeline for the CEO's probation performance review as outlined in Appendix 1 is endorsed subject to the following amendments:
 - Removal of reference to probation period KPIs

CARRIED UNANIMOUSLY

7.02pm Alex Wright joined the meeting

Council Assessment Panel Recruitment Process

Report Reference RSC210504R03**Moved Councillor Gard, Seconded Councillor Duncan**

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Committee orders that all persons present with the exception of the following persons, Chief Executive Officer, Manager People and Culture, Team Leader Planning, General Manager Corporate Services and Manager Corporate Governance, be excluded from the meeting as the Committee receives and considers information relating to Council Assessment Panel Recruitment, upon the basis that the Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to past and present employees of the City of Marion.

CARRIED UNANIMOUSLY**Moved Councillor Gard, Seconded Councillor Duncan**

That:

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

CARRIED UNANIMOUSLY

7.04pm the meeting went into confidence

7.20pm the meeting came out of confidence

7.20pm Alex Wright left the meeting

REPORTS FOR NOTING**Workforce of the Future****Report Reference RSC210504R04**

The Committee discussed:

- what is currently in place and where the focus will be in developing a future of work strategy/approach
- Benchmarking in Local Government and beyond would be useful
- Adaptation to new systems and the importance of incorporating into the workforce planning
 - how the workforce plan will embrace this
 - preservation of productive communication
- High priority
 - Defining and developing a workforce strategy, to be a live document, updated regularly, integrated with budget and organisational performance
- Area of risk for jargon:

- For example, 'employer of choice'
- Review the terminology used in the strategy
- 9 box grid / performance discussion
 - Importance of starting the discussion early
 - Performance development plans clearly articulated expectations and performance
 - Cascading of the expectations through the organisation

Moved Councillor Duncan, Seconded Councillor Gard

That the Review and Selection Committee:

1. Notes the report and information contained within the attachments.

CARRIED UNANIMOUSLY

7.48pm Ray Barnwell joined the meeting

Corporate and CEO KPI Report Quarter Three 2020/21

Report Reference RSC210504R05

The Committee discussed:

- The Lost Time Injury (LTI) KPI and noted that it is important Council continues to aim for zero injuries.
 - Administration have requested the Local Government Workers Compensation Scheme for some benchmarking statistics.
- Metrics that matter will be included in the collaborative cross Council data work through the newly appointed Chief Data Officer.
- Wage cost, 4.07% increase is per original adopted 2020/21 budget, which is well aligned at present.
 - Total number of employees is a point in time indicator.
 - Total employee costs minus Council positions approved to meet resourcing requirements is 2.04%, which is within the core target

The draft Annual Business Plan has progressed to public consultation with the following amendments to the KPI's for 2021/2022:

- Removing the LTIFR KPI for 2021/2022. A monthly report will still be provided to Council.
- Carbon neutrality is listed to be included in the 2021/2022 KPIs.
- Staff engagement participation rate by SLT area will be included.
- Monitoring of bin collection to be assessed outside of KPIs.

Moved Councillor Gard, Seconded Councillor Duncan

That the Review and Selection Committee:

1. Notes this report and information contained within the attachments for Quarter Three.

CARRIED UNANIMOUSLY

8.02pm Ray Barnwell left the meeting

City of Marion Organisational Culture Study Results

Report Reference RSC210504R06

The Committee discussed:

- The culture is good and positive overall
- Balanced culture is healthy
- Disparity between departments is not counterproductive to the whole
- We will have the opportunity to compare results with other participating Councils
- Important to continue to pursue a continuous improvement approach
- Staff turnover will potentially shift the culture.

Moved Councillor Duncan, Seconded Councillor Gard

That the Review and Selection Committee:

1. Notes the report and information contained within the attachments.

CARRIED UNANIMOUSLY

Use of Recruitment Agencies

Report Reference RSC210504R07

The Committee discussed:

- Staff costs include contractor staff.
- The cost benefit of an internal resource compared to utilising recruitment firms. It is planned to conduct this assessment once we have the Human Resources Information System (HRIS) in place and understand the system capability.
- The HRIS capability and benefits.
- Once we have data available with the assistance of technology/systems, we will prepare a regular 1 pager of Human Resources demographic data.

ACTION

- Administration to provide the retention rate to the Review and Selection committee.

Moved Councillor Gard, Seconded Councillor Duncan

That the Review and Selection Committee:

1. Notes the report.

CARRIED UNANIMOUSLY

WORKSHOP / PRESENTATION ITEMS

OTHER BUSINESS

MEETING CLOSURE - Meeting Declared Closed at 08:23 PM

CONFIRMED THIS 3RD DAY OF AUGUST 2021

.....

CHAIRPERSON

CONFIDENTIAL ITEMS**Cover Report - Confirmation of the confidential minutes for the Review and Selection Committee Meeting held on 4 May 2021**

Originating Officer Manager People and Culture - Steph Roberts

Corporate Manager Manager People and Culture - Steph Roberts

General Manager N/A

Report Reference GC210511F01

Confidential ☐

RECOMMENDATION

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders that all persons present with the exception of the following persons, Chief Executive Officer, Manager People and Culture, Manager Corporate Governance, and Governance Administration Officer be excluded from the meeting as the Council receives and considers information relating to confirmation of the confidential minutes for the Review and Selection Committee Meeting held on 4 May 2021, 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 past and present employees of the City of Marion.

Confirmation of the confidential minutes for the Review and Selection Committee Meeting held on 4 May 2021

CONFIDENTIAL

Reason For Passing This Resolution

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

CONFIDENTIAL ITEMS**Cover Report - Review and Selection Committee - Appointment of Independent Council Assessment Panel (CAP) Members**

Originating Officer	Team Leader - Planning - Alex Wright
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
General Manager	Acting General Manager City Development - Greg Salmon
Report Reference	GC210511F02

Confidential ☐

RECOMMENDATION

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders that all persons present with the exception of the following persons, Chief Executive Officer, Manager People and Culture, Manager Corporate Governance, and Governance Administration Officer be excluded from the meeting as the Council receives and considers information relating to the appointment of Independent Council Assessment Panel (CAP) Members, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to information concerning personal affairs.

Review and Selection Committee - Appointment of Independent Council Assessment Panel (CAP) Members

CONFIDENTIAL

Reason For Passing This Resolution

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

Cover Report - Edwardstown Future Management Model

Originating Officer Unit Manager Sport and Recreational Community Facilities - Mark Hubbard

Corporate Manager Manager City Property - Thuyen Vi-Alternetti

General Manager Acting General Manager City Development - Greg Salmon

Report Reference GC210511F03

Confidential ☐

RECOMMENDATION

That pursuant to Section 90(2) and (3)(b)(i) and (ii) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: 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, Manager Finance and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Edwardstown Future Management Model, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to a profit share model and a current Confidential order is in place over previous reports, attachments and minutes to which this report relates.

Edwardstown Soldiers Memorial Recreation Ground - Future Management Model**CONFIDENTIAL****Reason For Passing This Resolution**

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

Cover Report - Westminster Reserve - Confidential Appendix

Originating Officer Land Asset Officer/Registered Conveyancer - Heather Carthew

Corporate Manager Manager City Property - Thuyen Vi-Alternetti

General Manager Acting General Manager City Development - Greg Salmon

Report Reference GC210511F04

Confidential ☐

RECOMMENDATION

That pursuant to Section 90(2) and (3)(b)(i) and (ii) and (g) 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 Land & Property, Unit Manager Communications, Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Westminster Reserve, 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 previous resolutions of Council containing commercial information including financial figures currently held in confidence.

Westminster Reserve - Confidential Appendix**CONFIDENTIAL****Reason For Passing This Resolution**

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

Local Government Act (SA) 1999 S 90 (2) 3(g) : matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty.

CORPORATE REPORTS FOR DECISION**Westminster Reserve and Kenton Avenue Reserve - Revocation of Community Land Classification**

Originating Officer Land Asset Officer/Registered Conveyancer - Heather Carthew

Corporate Manager Manager City Property - Thuyen Vi-Alternetti

General Manager Acting General Manager City Development - Greg Salmon

Report Reference GC210511R05

Confidential ☐

REPORT OBJECTIVE

To provide Council with the outcomes from the public consultation under section 194(2)(b) of the *Local Government Act 1999* for the potential disposal of approximately 957 square metres of land at Oaklands Park being the whole of Westminster Reserve (the Reserve). A map of the reserve is provided as Attachment 1.

The report also seeks approval to progress the revocation of the community land classification with the Minister for Planning to enable the disposal to occur.

EXECUTIVE SUMMARY

Prior to the re-alignment of the Sturt River, Council owned a reserve as shown in red on the attached map (Attachment 2). After the Sturt River channel was re-aligned, SA Water acquired portion of the Council reserve. In 1980, SA Water lodged a plan with the Lands Titles Office. At this time, portion of the reserve was vested in SA Water. This vesting severed the Council reserve, leaving a portion of the reserve on the northern side of the Sturt Channel as shown in Attachment 2. This portion of land became known as Westminster Reserve (the Reserve).

The Reserve is classified as Community Land under the *Local Government Act 1999*. The Reserve is located in the rear corner of the Westminster School playing fields and is bounded by the Sturt River, the rail corridor and Westminster School.

The Reserve and nearby Kenton Avenue Reserve are comprised in Allotment 107 in Filed Plan 11413. The two reserves are separated by the Sturt River and it is proposed to formally divide the reserves by land division. Immediately upon completion of the land division, Kenton Avenue Reserve will automatically be reinstated as an open space reserve and community land.

The revocation of the community land classification will enable the disposal of Westminster Reserve to an adjoining land owner. The net proceeds from the sale will be paid into the Open Space Reserve Fund for the development of open space as provided by Council.

Community consultation commenced on 25 February 2021 and concluded on 25 March 2021. Postcards were delivered to 322 residents and public notices were published in the Government Gazette and The Advertiser. A survey was made available online at Making Marion.

13 responses were received; 7 respondents support or strongly support the proposal, 3 respondents do not support or strongly do not support the proposal, and 3 were undecided.

Administration is recommending that the proposal to dispose of the Reserve at portion of Lot 107 in Filed Plan 11413, portion of Certificate of Title Volume 3776 Folio 21 is submitted for approval to the Minister for Planning in accordance with Section 194 of the Local Government Act.

If Council wishes to discuss the previous Council resolutions referenced in this report as Appendix 3, it is recommended that Council move into confidence in accordance with the following resolution:

That pursuant to Section 90(2) and (3)(g) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Corporate Governance, Manager City Property, Unit Manager Land & Property, Unit Manager Communications, Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Westminster Reserve, 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 current Confidential orders which are placed over previous reports, attachments and minutes to which this report relates.

RECOMMENDATION

That Council:

1. Notes the outcome of the community consultation process undertaken for the revocation of the community land classification for Westminster Reserve and Kenton Avenue Reserve, Oaklands Park at Lot 107 FP11413, Certificate of Title Volume 3776 Folio 21 and for the potential disposal of approximately 957 square metres of land known as Westminster Reserve.
2. Declares that the retention of the land does not contribute to Council's strategic objectives and is surplus to Council's requirements.
3. Authorises the lodgement of the proposal to dispose of Westminster Reserve to the Minister for Planning in accordance with Section 194 of the *Local Government Act 1999*:
 - with a report on all submissions made as part of the public consultation process;
 - a request to approve the revocation of the Community Land Classification on the basis that the Community Land Classification will automatically be reinstated over Kenton Avenue Reserve which is being retained by Council, upon the two reserves being separated by a land division.
4. Notes a further report will be presented to Council upon receipt of the determination from the Minister for Planning in relation to the revocation. Subject to Ministerial approval, the net proceeds from the sale will be paid into the Open Space Reserve Fund for the development of open space as provided by Council.

Engaged: Community consultation for the Community Land Classification under Section 194(2)(b) of the Local Government Act 1999 concluded on 25 March 2021.

Legal / Legislative / Policy: The Community Land Classification must be revoked under the Local Government Act 1999 to enable the residential allotment to be created for disposal. This will satisfy the requirements of the Real Property Act 1886.

DISCUSSION

Background

Council has previously considered reports on this matter on the following dates, recommendations and resolutions from these meetings are provided as Attachment 3 in Confidential Report GC210511F04:

- 14 May 2019
- 11 June 2019
- 23 June 2020
- 22 September 2020

Following Council's decision in June 2020, Administration met with the Principal of the school to progress further negotiations for the transfer of Westminster Reserve. At the meeting a number of options were discussed consistent with current and previous Council's decisions, these options were:

- Option 1 - Purchase at a revised value

- Option 2 - Lease
- Option 3 - Scholarship
- Option 4 - Council reclaim the land

The Principal indicated that the School Board still retained an interest in purchasing the reserve from Council, including the cost of transfer and conveyancing, and indicated that they have maintained the reserve at their own costs for a number of years.

Administration had also explored opportunities with SA Water and DPTI Rail on their interests to acquire the reserve from Council. Unfortunately both indicated that they have no interest in acquiring the reserve.

On 22 September 2020 (GC200922F03) Council considered a further report and resolved:

- 1. Declares that the Reserve described as Allotment 107 in File Plan 11413 in Certificate of Title Volume 3776/21 is surplus to requirements and approves administration to commence with the revocation of the Reserve in accordance with Section 194 of the Local Government Act.*
- 3. A further report be presented to Council following the consultation period to consider any submissions received and to decide whether to proceed with the sale.*

A summary of the Council Resolutions is provided as Attachment 3 in Confidential Report GC210511F04.

Consultation

Public consultation pursuant to Section 194(2)(b) for the revocation of the community land classification for Kenton Avenue Reserve and Westminster Reserve was undertaken in accordance with Council's Public Consultation Policy. Community consultation commenced on 25 February 2021 and concluded on 25 March 2021.

Community engagement and consultation included:

- A hard copy postcard delivered to approximately 322 households within roughly a 400m radius of the reserve outlining the period of consultation. The postcards were distributed between 25 February 2021 and 2 March 2021;
- An on site sign was not installed on the reserve due to the lack of access to the reserve by Council and the community;
- Notices were published in the Government Gazette and The Advertiser;
- Notices were posted to the Service Authorities;
- A website was set up to ensure the community could access information; and
- Relevant information was available at Council's Administration Centre, City Services building and Council's libraries at Hallett Cove, Oaklands Park, and Park Holme.

The consultation set out to determine the community's level of support of the proposal.

A total of 13 responses were received. The participation rate was very low at less than 4%. Of the responses received:

- 3 participants objected to the proposal (23%)
- 7 participants supported the proposal (54%)
- 3 participants were undecided (23%)

The method of receipt for the 13 responses received included:

- 12 online
- 1 e-mail

The key issues raised in the feedback are:

Development and Infill

The development of land by land division and/or the construction of any facilities may be subject to the development application and approval process.

Noting the location of the land, it is considered that any potential future development would have limited impact on nearby residents.

Trees

There are several mature native gum trees on the northern boundary (adjacent the rail corridor). Several of these trees may be Regulated.

Anyone who proposes to carry out pruning or other tree damaging activity (other than maintenance pruning) to a regulated or significant tree must receive development approval before commencing any work.

A copy of the Community Engagement Report is attached (Attachment 4).

Contamination

Westminster Reserve has been used and maintained by the Westminster School for many years and Council does not have easy access to the reserve for the purpose of having contamination investigations undertaken. Council is not aware of the land being contaminated. The site is adjacent to the rail corridor, similar to the adjacent land also owned by the school.

Community Impact

Westminster Reserve has been maintained and used by the adjoining Westminster School. It is deemed that the disposal of the land will not have any affect on the community. Kenton Avenue Reserve will be retained as open space.

Community Land Classification Revocation Process

Section 194 of the *Local Government Act 1999* requires Council to prepare and make publicly available a report on the proposal (a Section 194 Report) and states the community land classification cannot be revoked unless the Minister approves the revocation of the classification.

The following diagram illustrates Council's approval process to revoke the community land classification:

Authorisation to undertake consultation under Section 194(2)(b) of the Local Government Act 1999	Completed - GC200922F03 (Report 1)
Consideration of the submissions made in response to the public consultation and authorisation for Ministerial consideration of revocation	Current (for Council consideration) GC210427R0 (Report 2)
Revocation of Community Land Classification on receipt of Ministerial approval (Final report)	Yet to commence (Report 3)

A Section 194 Report has been prepared for the Reserve (Attachment 5).

On Council's direction, a request for the revocation of the community land classification will be lodged with the Minister for Planning for approval, based on the Section 194 Report with such amendments as required by Council as a result of any submissions.

Upon receipt of the determination of the Minister for Planning, a further report will be submitted to Council for the purpose of passing a resolution revoking the classification of the land as community land, if approved.

Disposal of Land and Assets Policy

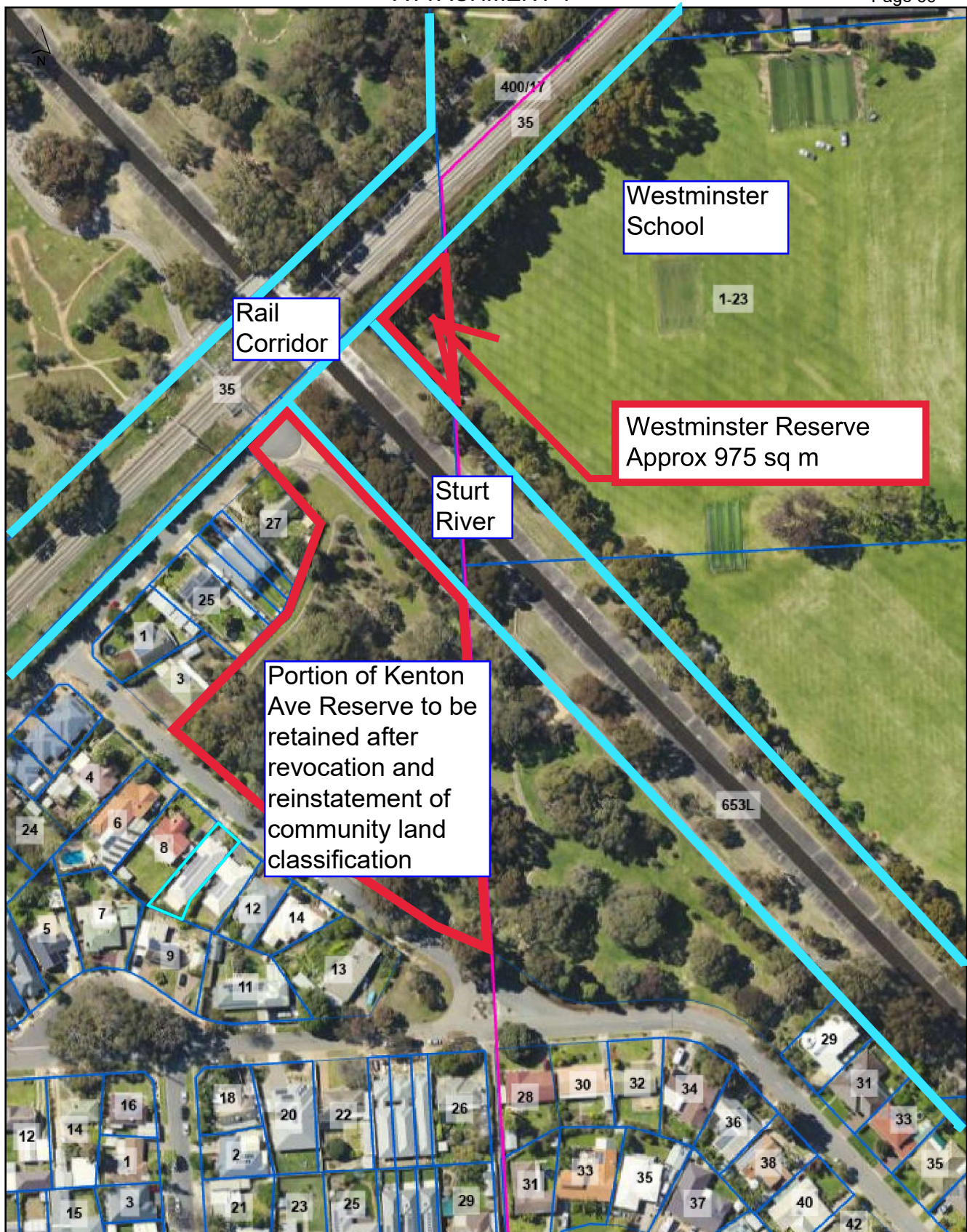
To consider the disposal of the Reserve, Council needs to consider that the retention of the Reserve does not contribute to Council's objectives and that it is surplus to Council's requirements. The criteria and other requirements for disposal of land is set out in Council's Disposal of Land and Assets Policy. Extracts from the policy are attached (Attachment 6).

Financial

Subject to Ministerial approval, the net proceeds from the sale will be paid into the Open Space Reserve Fund for the development of open space as approved by Council.

Attachment

#	Attachment
1	Attachment 1 Map showing Westminster Reserve location
2	Attachment 2 Map prior to SA Water acquisition
3	Attachment 4 Consultation Findings Report
4	Attachment 5 S194_Report
5	Attachment 6 Disposal of Land and Assets Policy Extracts

**About this Document**

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

Disclaimer

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

City of Marion Web Map Printout**Ward Labels**

Marion Council Boundary

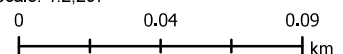
SA Council Boundaries

House No. Label

Applications



Created by svc.ArcGIS
28/01/2021 12:23 PM
Coordinate System:
WGS 1984 Web Mercator Auxiliary Sphere
Scale: 1:2,257







**Westminster Reserve
And
Kenton Avenue Reserve**

Revocation of Community Land Classification

Community Consultation Findings

March 2021

Introduction

Council is seeking to revoke the community land classification for Allotment 107 in Filed Plan 11413. This comprises two separate reserves known as Kenton Avenue Reserve and Westminster Reserve, Oaklands Park.

The two reserves are separated by the Sturt River. Westminster Reserve is bounded by the Sturt River, the rail corridor and Westminster School.

It is proposed to formally divide the reserves by land division. Immediately upon completion of the land division, the land known as Kenton Avenue Reserve will automatically be reinstated as a reserve and community land. Kenton Avenue Reserve will be retained as open space.

The remaining reserve known as Westminster Reserve is being considered for potential disposal to an adjoining land owner.

A Report was considered on 22 September 2020 for the revocation of the community land classification of Westminster Reserve. On 22 September 2020 (GC200922F03) Council resolved:

1. Declares that the Reserve described as Allotment 107 in File Plan 11413 in Certificate Title Volume 3776/21 is surplus to requirements and approves administration to commence with the revocation of the Reserve in accordance with Section 194 of the Local Government Act.
3. A further report be presented to Council following the consultation period to consider any submissions received and to decide whether to proceed with the sale.

This report summarises community consultation on the proposed disposal of Westminster Reserve, Oaklands Park (the Reserve).

1. Consultation Program

Public consultation pursuant to Section 194(2)(b) of the Local Government Act 1999 for the revocation of the community land classification for four weeks from 25 February 2021 to 25 March 2021 in accordance with Section 194 of the Local Government Act 1999 and Council's Community Consultation Policy.

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

The survey was made available online at makingmarion.com.au/westminster-reserve-revocation

Residents were informed about the survey in the following ways:

- **Postcard** - A hard copy postcard was delivered to approximately 322 households within roughly a 400m² radius of the reserve outlining the period of consultation. The postcards were distributed between 25 February 2021 and 2 March 2021.
- **Onsite sign** - An onsite sign was not installed at the reserve due to the lack of access to the reserve by Council and the community
- **Publication of notices** in the Government Gazette and the Advertiser

- **Notices** to Service Authorities
- **More information was available** at Council's Administration Centre, City Services building and Council's libraries at Hallett Cove, Oaklands Park and Park Holme.

2. Consultation Overview

Residents were invited to provide feedback on the proposed disposal and boundary realignment for Reserve through the online survey via Making Marion or in writing to Land and Property, City of Marion.

In total, during this 4 week consultation period Council received a total of 13 submissions:

- A total of 61 visits were recorded to the Making Marion web page where residents could access the Section 194 report and details of the proposal.
- 61 visitors made 12 submissions to the Making Marion survey.
- One submission was received by email.
- One submission was received from SA Power Networks after the consultation period ended. SA Power Networks do not have any infrastructure that would be impacted by the proposal. SA Power Networks have no requirements/objections to the disposal of this land.
- No other submissions were received from Service Authorities.
- A full summary of all responses to each survey question and relevant customer event feedback is provided within this report. Responses have been listed as worded by the respondent. For privacy reasons, respondents' details have not been included.

3. Consultation Findings

Respondents were asked to indicate their level of support of the proposal –

- Strongly support
- Support
- Undecided
- Do not support
- Strongly do not support

In summary –

- 3 respondents indicated that they do not support or strongly do not support the proposal
- 7 respondents indicated that they support or strongly support the proposal
- 3 respondents are undecided

The number of responses per suburb is:

Marion	3
Oaklands Park	7
Seaview Downs	2
Seacombe Heights	1

4. Summary of feedback received

Refer to Attachment 1 for a summary of the feedback received. The table below identifies some of the concerns and items raised regarding the proposed boundary realignment and disposal of the Western Reserve.

The triangular shaped land known as the Westminster Reserve, (bordered by the railway line, the Sturt River and Westminster School) as far as I am aware is not currently accessible by the general public and is therefore of no use to ratepayers. I have lived in Kenton Ave since 1979 and this is the first I have been made aware of the existence of the Westminster Reserve! I assume it was part of the bigger Kenton Ave Reserve before a portion of the reserve was sold off to cater for the installation of the Sturt River Stormwater Drain and suggest that it would have been prudent to sell it to Westminster School at that time. In summary, I assume the land is of no use to anyone except Westminster School, so sell it and put the proceeds to good use.

I support the decision by council to disposal of Westminster Reserve, as long as the sale of the land is worthy of current land values?

because you have not explained what the land is to be used for and I am concerned about more dense living in that area or other possible uses that may be detrimental to the people already living there, the school and the environment.

The small parcel of land to be sold is already being maintained and used by Westminster school and is not easily accessible by the public. The Kenton Rd reserve will continue to be public land and this is well utilised by the community

ATTACHMENT 1

WESTMINSTER RESERVE
AND
KENTON AVNUE RESERVE

SUMMARY OF FEEDBACK

Survey Responses

30 August 2011 - 29 March 2021

Westminster Reserve revocation

Making Marion

Project: Westminster Reserve - Land Revocation



VISITORS

17

CONTRIBUTORS

12

RESPONSES

12

2

Registered

0

Unverified

10

Anonymous

2

Registered

0

Unverified

10

Anonymous

**Respondent No:** 1**Login:** Anonymous**Email:** n/a**Responded At:** Feb 25, 2021 19:13:02 pm**Last Seen:** Feb 25, 2021 19:13:02 pm**IP Address:** n/a

Q1. **Overall, do you support Council's proposal to** Support
sell the land at Westminster Reserve

Q2. **Please tell us why**

It's position makes it generally not accessible by the general public. My only concern is if it is used for any reason that could change the general ambience of the area. (an example would be a large mobile phone tower or other visually unsuitable building)

Q3. **Please tell us your name**

[REDACTED]

Q4. **Please tell us your email**

[REDACTED]

Q5. **What street do you live on?**

Bowden Grove

Q6. **What suburb do you live in?**

OAKLANDS PARK, SA

Q7. **How do you rate the way we have consulted**
with you about this?

happy

**Respondent No:** 2**Login:** Anonymous**Email:** n/a**Responded At:** Feb 26, 2021 12:37:39 pm**Last Seen:** Feb 26, 2021 12:37:39 pm**IP Address:** n/a

Q1. **Overall, do you support Council's proposal to sell the land at Westminster Reserve** Strongly do not support

Q2. **Please tell us why**

Green space in our area is continually being eroded by development and infill. We need to save our natural environment. I am amazed at how people in power don't get this!

Q3. **Please tell us your name**

[REDACTED]

Q4. **Please tell us your email**

[REDACTED]

Q5. **What street do you live on?**

Bowden Grove

Q6. **What suburb do you live in?**

OAKLANDS PARK, SA

Q7. **How do you rate the way we have consulted with you about this?**

neutral

**Respondent No:** 3**Login:** Anonymous**Email:** n/a**Responded At:** Feb 28, 2021 19:10:52 pm**Last Seen:** Feb 28, 2021 19:10:52 pm**IP Address:** n/a

Q1. **Overall, do you support Council's proposal to** Support
sell the land at Westminster Reserve

Q2. **Please tell us why**

The triangular shaped land known as the Westminster Reserve, (bordered by the railway line, the Sturt River and Westminster School) as far as I am aware is not currently accessible by the general public and is therefore of no use to ratepayers. I have lived in Kenton Ave since 1979 and this is the first I have been made aware of the existence of the Westminster Reserve! I assume it was part of the bigger Kenton Ave Reserve before a portion of the reserve was sold off to cater for the installation of the Sturt River Stormwater Drain and suggest that it would have been prudent to sell it to Westminster School at that time. In summary, I assume the land is of no use to anyone except Westminster School, so sell it and put the proceeds to good use.

Q3. **Please tell us your name**

[REDACTED]

Q4. **Please tell us your email**

[REDACTED]

Q5. **What street do you live on?**

[REDACTED] Kenton Avenue

Q6. **What suburb do you live in?**

OAKLANDS PARK, SA

Q7. **How do you rate the way we have consulted**
with you about this?

neutral

**Respondent No:** 4**Login:** Anonymous**Email:** n/a**Responded At:** Mar 01, 2021 14:08:41 pm**Last Seen:** Mar 01, 2021 14:08:41 pm**IP Address:** n/a

Q1. **Overall, do you support Council's proposal to** Support
sell the land at Westminster Reserve

Q2. **Please tell us why**

I support the decision by council to disposal of Westminster Reserve, as long as the sale of the land is worthy of current land values?

Q3. **Please tell us your name**

[REDACTED]

Q4. **Please tell us your email**

[REDACTED]

Q5. **What street do you live on?**

Johnstone Road

Q6. **What suburb do you live in?**

MARION, SA

Q7. **How do you rate the way we have consulted**
with you about this?

happy

**Respondent No:** 5**Login:** Anonymous**Email:** n/a**Responded At:** Mar 02, 2021 08:59:11 am**Last Seen:** Mar 02, 2021 08:59:11 am**IP Address:** n/a

Q1. **Overall, do you support Council's proposal to** Do not support
sell the land at Westminster Reserve

Q2. **Please tell us why**

because you have not explained what the land is to be used for and I am concerned about more dense living in that area or other possible uses that may be detrimental to the people already living there, the school and the environment.

Q3. **Please tell us your name**

[REDACTED]

Q4. **Please tell us your email**

[REDACTED]

Q5. **What street do you live on?**

[REDACTED] Parsons, St

Q6. **What suburb do you live in?**

OAKLANDS PARK, SA

Q7. **How do you rate the way we have consulted**
with you about this?

unhappy

**Respondent No:** 6**Login:** [REDACTED]**Email:** [REDACTED]**Responded At:** Mar 02, 2021 13:03:16 pm**Last Seen:** Mar 01, 2021 02:20:17 am**IP Address:** 49.176.251.113

Q1. **Overall, do you support Council's proposal to** Strongly support
sell the land at Westminster Reserve

Q2. **Please tell us why**

The small parcel of land to be sold is already being maintained and used by Westminster school and is not easily accessible by the public. The Kenton Rd reserve will continue to be public land and this is well utilised by the community

Q3. **Please tell us your name**

[REDACTED]

Q4. **Please tell us your email**

[REDACTED]

Q5. **What street do you live on?**

Minchinbury Tce

Q6. **What suburb do you live in?**

MARION, SA

Q7. **How do you rate the way we have consulted**
with you about this?

happy

**Respondent No:** 7**Login:** Anonymous**Email:** n/a**Responded At:** Mar 03, 2021 08:52:52 am**Last Seen:** Mar 03, 2021 08:52:52 am**IP Address:** n/a

Q1. **Overall, do you support Council's proposal to** Strongly support
sell the land at Westminster Reserve

Q2. **Please tell us why**

The land cannot be used for anything else due to its site and situation. There is no access from any public road or thoroughfare. It is landlocked by the Westminster School. Who have maintained the land in good faith since 1974.

Q3. **Please tell us your name**

[REDACTED]

Q4. **Please tell us your email**

[REDACTED]

Q5. **What street do you live on?**

[REDACTED] Alison Avenue

Q6. **What suburb do you live in?**

MARION, SA

Q7. **How do you rate the way we have consulted**
with you about this?

happy

**Respondent No:** 8**Login:** [REDACTED]**Email:** [REDACTED]**Responded At:** Mar 14, 2021 10:30:51 am**Last Seen:** Mar 13, 2021 23:06:13 pm**IP Address:** 1.121.190.130

Q1. **Overall, do you support Council's proposal to** Strongly support
sell the land at Westminster Reserve

Q2. **Please tell us why**

My "Strong Support" is conditional. It is quite obviously inaccessible to the rate payer/public and hard to access for maintenance purposes by the council. I have ridden pass here hundreds of times and the same so by train and had no idea it was council land. I would imagine that the primary interest here would be from Westminster. It would seem that they have been utilising it as the aerial photo shows. My only concern here, as a rate payer, is that a price is obtained that is consistent with the cost of close to 1,000sqm of land within the suburb of Marion. A quick glance at the real estate prices for the area would put it at about \$900,000. Frankly, looking at it's past and by the amount of construction I've observed on Alison Ave recently, it is my opinion that Westminster, as a private organisation, is not short of a quid (some of that being taxpayers funds) and can afford it. It would also pay rent for past utilisation. That money could then be spent on council projects that benefit all and sundry.

Q3. **Please tell us your name**

[REDACTED]

Q4. **Please tell us your email**

[REDACTED]

Q5. **What street do you live on?**

[REDACTED] Alpine Road

Q6. **What suburb do you live in?**

SEACOMBE HEIGHTS, SA

Q7. **How do you rate the way we have consulted**
with you about this?

happy

**Respondent No:** 9**Login:** Anonymous**Email:** n/a**Responded At:** Mar 17, 2021 11:50:53 am**Last Seen:** Mar 17, 2021 11:50:53 am**IP Address:** n/a

Q1. **Overall, do you support Council's proposal to** Undecided
sell the land at Westminster Reserve

Q2. **Please tell us why**

There's a HUGE old eucalyptus tree just inside the Reserve just beside an area recently surrounded by smaller native plants. A friend used to take her son there to the Wishing tree. I took my family there recently, we couldn't link hands around it but we could make a wish and to look up into the canopy is an unforgettable experience. Whatever decision is made PLEASE legislate to protect our Wishing tree for future generations. Thank you.

Q3. **Please tell us your name**

[REDACTED]

Q4. **Please tell us your email**

[REDACTED]

Q5. **What street do you live on?**

Eyre street

Q6. **What suburb do you live in?**

SEAVIEW DOWNS, SA

Q7. **How do you rate the way we have consulted**
with you about this?

happy

**Respondent No:** 10**Login:** Anonymous**Email:** n/a**Responded At:** Mar 22, 2021 21:29:27 pm**Last Seen:** Mar 22, 2021 21:29:27 pm**IP Address:** n/a

Q1. **Overall, do you support Council's proposal to sell the land at Westminster Reserve** Strongly do not support

Q2. **Please tell us why**

This parcel of land has some very large eucalyptus trees on it and to see more of these destroyed would be such a terrible shame, which I'm sure will happen, if this land falls into private hands. Also, due to the electrification of the rail line, the re-development of the Oaklands Park Train Station (Part 1 and then 2) the massive trees along this whole corridor of land that abuts the rail line was absolutely decimated. I believe some of the younger trees were planted in honour of our fallen soldiers from WW2. Such a shame that they had to die too. The ancient trees that pre-date white settlement no longer there for us to be inspired by and all the wildlife, insects and birds denied a home. There are just so many trees and shrubs being wiped out, gone forever. This parcel of land should remain as it is to enhance, support and strengthen the vegetation and wildlife that needs it.

Q3. **Please tell us your name** not answered

Q4. **Please tell us your email** not answered

Q5. **What street do you live on?** Basten Ave

Q6. **What suburb do you live in?** SEAVIEW DOWNS, SA

Q7. **How do you rate the way we have consulted with you about this?** unhappy

**Respondent No:** 11**Login:** Anonymous**Email:** n/a**Responded At:** Mar 23, 2021 16:22:08 pm**Last Seen:** Mar 23, 2021 16:22:08 pm**IP Address:** n/a

Q1. **Overall, do you support Council's proposal to** Undecided
sell the land at Westminster Reserve

Q2. **Please tell us why**

My husband & I prefer it to remain as green space, so if it is to be sold, this should be a condition of the sale.

Q3. **Please tell us your name**

[REDACTED]

Q4. **Please tell us your email**

[REDACTED]

Q5. **What street do you live on?**

[REDACTED] ST

Q6. **What suburb do you live in?**

OAKLANDS PARK, SA

Q7. **How do you rate the way we have consulted**
with you about this?

happy

**Respondent No:** 12**Login:** Anonymous**Email:** n/a**Responded At:** Mar 25, 2021 04:39:28 am**Last Seen:** Mar 25, 2021 04:39:28 am**IP Address:** n/a

Q1. **Overall, do you support Council's proposal to** Undecided
sell the land at Westminster Reserve

Q2. **Please tell us why**

I don't understand what it will be potentially used for, there is no road access so I assume it will be sold to the school? If not I would be opposed Why is Kenton Reserve highlighted in your other map?

Q3. **Please tell us your name**

[REDACTED]

Q4. **Please tell us your email**

[REDACTED]

Q5. **What street do you live on?**

Kenton Avenue

Q6. **What suburb do you live in?**

OAKLANDS PARK, SA

Q7. **How do you rate the way we have consulted**
with you about this?

unhappy

Heather Carthew

From: [REDACTED]
Sent: Thursday, 25 February 2021 5:17 PM
To: Heather Carthew
Subject: Westminster Reserve

Heather

I was delivered a flyer today regarding the disposal of the Westminster Reserve to an adjoining landowner, the first time I have ever become aware that the school did not own it already

I was somewhat perplexed by this proposal;

- This land has been utilised by Westminster School for decades, since its inception I believe
- There is no public access to this land other than through the school which is now locked out of hours
- Who else could possibly have an interest in this "Reserve" other than the school

Isn't this consultation process a bit of a waste of money considering the amount of time the school has had use of the land and the fact that it is not accessible to the public.

I speak with some background knowledge as a local resident of 30 years and a previous Property Manager at the school for nearly 10 years, are they seriously going to pay for this land?

Regards

[REDACTED]
Kenton Ave
Oaklands Park
SA 5046

[REDACTED]

ATTACHMENT 5

**REVOCATION OF COMMUNITY LAND
THE WHOLE OF RESERVE LAND AT LOT 107 IN FILED PLAN 11413 KNOWN AS
KENTON AVENUE RESERVE AND WESTMINSTER RESERVE, OAKLANDS PARK
AND DISPOSAL OF PORTION OF APPROXIMATELY 975 SQUARE METRES OF
LOT 107 IN FILED PLAN 11413 AND KNOWN AS
WESTMINSTER RESERVE, OAKLANDS PARK**

Report required under Section 194(2)(a) of the Local Government Act 1999

Description of the land:

The land comprises two reserves known as Kenton Avenue Reserve at Lot 107 Kenton Avenue Oaklands Park and Westminster Reserve Oaklands Park which is bounded by the Sturt River, the rail corridor and Westminster School.

The land is known as Allotment 107 in Filed Plan 11413 and is the whole of the land in Certificate of Title Volume 3776 Folio 21.

Westminster Reserve is approximately 975 square metres and is outlined in red on the attached plan and is portion of Allotment 107 in Filed Plan 11413 and portion of the land in Certificate of Title Volume 3776 Folio 21.

Reason for the proposal:

Westminster Reserve bounded by the Sturt River, the rail corridor and Westminster School. The reserve is maintained and used by the adjoining Westminster School.

Dedication, reservation or trust to which the land is subject:

The land is not subject to a dedication, reservation or trust. Council owns the land in fee simple.

No Government financial assistance was provided to acquire the land.

Intention of Council once revocation has occurred:

Kenton Avenue Reserve and Westminster Reserve are comprised in one single allotment. It is proposed to divide the reserves by land division. Immediately upon completion of the land division the land known as Kenton Avenue Reserve will automatically be reinstated as a reserve and community land.

Subject to due process Council intends to then sell the Westminster Reserve to an adjoining land owner. There are only three potential purchasers of the Reserve, being the three adjoining land owners - SA Water, the Minister for Infrastructure and Transport and Westminster School.

The net proceeds from the sale will be paid into the Open Space Reserve Fund for the development of open space facilities or other facilities as approved by Council.

Affect on the Community:

Westminster Reserve has been maintained and used by the adjoining Westminster School. It is deemed that the disposal of the land will not have any affect on the community. Kenton Avenue Reserve will be retained as open space.

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City of Marion Web Map Printout

Ward Labels

House No. Label

Wards

Property (Linked)

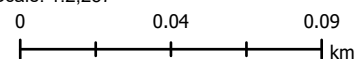
Marion Council Boundary

Applications

SA Council Boundaries



Created by svc.ArcGIS
28/01/2021 12:23 PM
Coordinate System:
WGS 1984 Web Mercator Auxiliary Sphere
Scale: 1:2,257



ATTACHMENT 3

South Australia

CERTIFICATE OF TITLE



Register Book,

Vol. 3776 Folio 21

New Certificate of Title for portion of the Land in Vol.2739 Folio 58

THE CORPORATION OF THE CITY OF MARION of 670 Marion Road Park Holme 5043

is the proprietor of an estate in fee simple

subject nevertheless to such encumbrances liens and interests as are notified by memorial underwritten or endorsed hereon in THAT PIECE of land containing three acres two roods and twenty three perches or thereabouts situated in the COUNTY OF ADELAIDE being FIRSTLY PORTION OF ALLOTMENT 1 of the subdivision of portions of Section 144 and other land in the HUNDREDS OF ADELAIDE AND NOARLUNGA laid out as OAKLANDS ESTATE WHICH said Allotment is bounded as appears in the plan deposited in the Lands Titles Registration Office No.2334 and SECONDLY PORTION OF ALLOTMENT 28 of the subdivision of other portion of the said Section and other land in the HUNDRED OF NOARLUNGA laid out as OAKLANDS ESTATE WHICH said Allotment 28 is bounded as appears in the plan deposited in the Lands Titles Registration Office No.3541 WHICH said piece of land is more particularly delineated and bounded as appears in the plan in the margin hereof and therein colored ^{green}pink and marked Reserve SUBJECT nevertheless to the right of way and easement granted by Memorandum of Transfer No.3201862 to The Honourable Geoffrey Thomas Virgo as Minister for Local Government in and over portion of the said land as delineated in the said plan and therein marked Easement

Which said Section is delineated in the public map of the said Hundreds deposited in the Land Office at Adelaide.

In witness whereof I have hereunto signed my name and affixed my seal this 7th day of July 1971

Signed the 7th day of July 1971, in the presence of *W. Spear*

F.P.
114-13
APPROVED

Registrar-General



REGISTRAR-GENERAL'S CAVEAT No.4686891
PORTION OF
OVER THE WITHIN LAND
ENTERED 19.2.1981 AT 11.20 am
(INCLUDING OTHER LAND)



A2 474 9320

Caveat No. 4686891 is
withdrawn this 20.11.1981 at 11 am



ACQUISITION No. 4799320
WHEREBY portion of
Part lot 1 (Lot 104 & 1112)
THE WITHIN LAND IS VESTED IN
Minister of Water Resources
PRODUCED 21.10.1981 at 11.00 am
(DUP CT not prod)

CANCELLED AS REGARDS LAND IN
ACQUISITION No. 4799320 AND NEW
CERTIFICATE OF TITLE ISSUED VOL.487
FOLIO 148

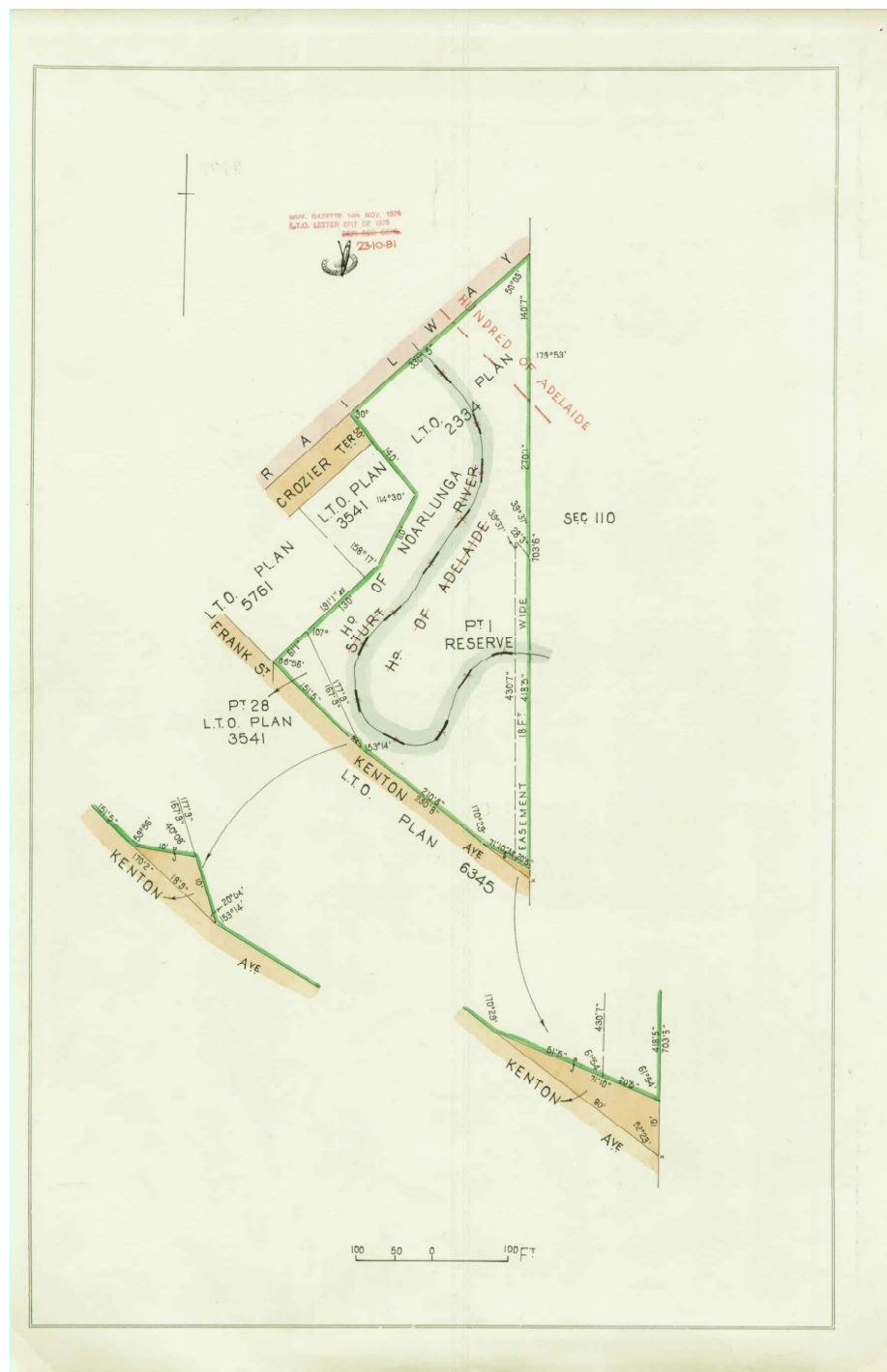


See CD - re colour - should be green

28.73

ATTACHMENT 3

VOL 3776 FOL 21
SHEET No. 2



ATTACHMENT 6

DISPOSAL OF LAND AND ASSETS POLICY**EXTRACTS****EXEMPTIONS FROM THIS POLICY**

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

Council will use a disposal method that considers:

- the number of known potential purchasers of the land
- the original intention for the use of the land
- the current and possible preferred future use of the land
- the opportunity to promote local economic growth and development
- responsibility, operation efficiency and urgency of the disposal
- the total estimated value of the disposal
- easement requirements, access to land, existing or future infrastructure needs and service authority requirements.
- compliance with statutory and other obligations

Council will, where appropriate and through the use of appropriate delegations, dispose of land through one of the following methods:

- expressions of interest - seeking expressions of interest for the land
- select tender - seeking tenders from a selected group of persons or companies
- open tender or market sale - openly seeking bids through tenders or market sale methods, including public auction
- by negotiation – with owners adjoining land or others with a pre-existing interest in the land, or where the land is to be used by a purchaser whose purpose for the land is consistent with the Council's strategic objectives for the land

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

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

Environment Protection Authority Board - nominations sought

Originating Officer	Elected Member Support Officer - Tom Matthews
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager City Services - Tony Lines
Report Reference	GC210511R06

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REPORT OBJECTIVE

The purpose of this report is to seek a nomination for election to the Environment Protection Authority Board.

EXECUTIVE SUMMARY

The Environment Protection Authority (EPA) Board is a statutory corporation/body corporate to which the provisions of the *Environment Protection Act 1993* apply.

The Board is responsible for the governance, strategic planning and pursuit of the Authority's objective, namely to protect human health and the environment by reducing the harmful effects of pollution and waste.

The Local Government Association (LGA) is seeking nominations from suitably qualified council members, or employees of a council or other local government entity, to fill a position with a term of 3 years commencing 8 August 2021.

There are two LGA nominated positions on the EPA Board currently held by Dr Helen McDonald (Clare and Gilbert Valleys) and Mark Withers (Port Adelaide Enfield). Mr Withers' term expires on 7 August 2021, and he is eligible for re-appointment.

RECOMMENDATION

That:

- 1. Council notes the report Nominations Sought for Environment Protection Authority Board.**
- 2. Council nominates Councillor/s XXX as candidate/s for the Environment Protection Authority Board.**
- 3. Administration forwards the above nomination/s to the Environment Protection Authority Board by COB Monday 24 May 2021.**

GENERAL ANALYSIS

The Board meets eleven (11) times per year, generally on the morning of the 2nd Tuesday of the month, at the EPA offices in Victoria Square, Adelaide (on-line attendance available). Sitting fees of \$24,000 pa are paid.

The *Environment Protection Regulations 2009* requires the LGA to provide a panel of three nominees from which the Minister will select the appointee. In accordance with section 36A of the *Acts Interpretation Act 1915*, the panel of nominees must include at least one male and one female.

In accordance with the *LGA Appointments and Nominations to Outside Bodies Policy* (Policy), the Nominations Committee of the LGA Board of Directors may undertake preliminary consideration of nominees and make recommendations to the LGA Board of Directors. In this case it may undertake interviews and request the details of referees of short listed candidates.

LGA nominations on Outside Bodies will, unless determined otherwise by the LGA Board of Directors, be currently serving council members or employees of a council or other local government entity. Only nominations submitted by a council, following a resolution of council, will be considered.

The Policy also enables the LGA Secretariat to maintain a Nominees Database, which will record the details of nominees who agree to be considered for other vacancies for a period of 12 months based on the nominee's preferences. The *Nomination Form* (Part B below) asks nominees whether they want to be listed on the database.

The nominee and council are required to address the requirements in the *EPA Board Call for Nominations (Part A)* listed as Attachment 1 and complete the *Nomination Form* (Part B) - Attachment 2 and forward to nominationscoordinator@lga.sa.gov.au by **COB Monday 24 May 2021**.

An up-to-date Curriculum Vitae and a response to the selection criteria (no more than 2 pages) must be supplied by the nominee – these may be submitted with the Nomination Form or forwarded separately by **COB Monday 24 May 2021**.

Following a request to Council Members via email, Councillor Crossland has expressed an interest in nominating.

Attachment

#	Attachment
1	Attachment 1 - Environment-Protection-Authority-Board-Call-for-Nominations-Part-A
2	Attachment 2 - Environment-Protection-Authority-Board-Nomination-Form-Part-B-1

PART A

LGA Appointments and Nominations to Outside Bodies — Call for Nominations

Environment Protection Authority Board	
Governing Statute (if applicable)	Section 14B <i>Environment Protection Act 1993</i>
Purpose/Objective	The Board, amongst other things, is responsible for the governance, strategic planning and pursuit of the Authority's objective, namely to protect human health and the environment by reducing the harmful effects of pollution and waste.
Administrative Details	<p>Eleven (11) meetings held per year generally on the morning of the 2nd Tuesday of the month.</p> <p>Meetings are held at the EPA offices in Victoria Square, Adelaide with on-line attendance available.</p> <p>Annual remuneration is \$24,000.</p>
Selection Criteria (<i>to be addressed by applicant</i>)	<ul style="list-style-type: none"> • Local government knowledge and experience • Senior officer or well-connected elected member • A working knowledge of the Litter and Nuisance Control Act and EPA operations relevant to local government • Proposed approach to engaging with the LGA as a local government nominee to an outside Board.
<p><i>In accordance with the LGA Appointments and Nominations to Outside Bodies Policy, selection for appointment or nomination to this Outside Body may include the conducting of interviews and checking of referees by the LGA. By applying, the applicant accepts that the LGA may request an interview and/or the details of referees.</i></p>	
<p>Liability and indemnity cover</p> <p><i>The LGA requires that persons appointed to Outside Bodies be appropriately insured throughout the period of their appointment and seeks to collect details of the insurances provided by the Outside Body on an annual basis.</i></p>	
<p>For more information contact: LGA Nominations Coordinator at nominationscoordinator@lga.sa.gov.au or 8224 2031</p>	

PART B

LGA Appointments and Nominations to Outside Bodies — Nomination Form

Instructions

This form:

- Must be submitted by a council
- Must be emailed in PDF format to nominationscoordinator@lga.sa.gov.au
- Receipt of nomination will be acknowledged by return email
- CV and response to selection criteria (if applicable) may be emailed separately by the nominee and will be treated confidentially

This nomination form fulfils the requirements of the LGAs Appointments and Nominations to Outside Bodies Policy, [available here](#).

SECTION 1 to be completed by Council, SECTION 2 to be completed by Nominee.

Please refer to the **Call for Nominations** information sheet (Form: PART A) for details of the Outside Body and the selection criteria to be met by the nominee.

SECTION 1: COUNCIL to complete

Environment Protection Authority Board	
Council Details	
Name of Council submitting the nomination	
Contact details of council officer submitting this form	Name: Position: Email: Phone:
Council meeting minute reference and date	
Nominee Full Name	
elected member <input type="checkbox"/> OR employee of council <input type="checkbox"/> OR employee of local government entity <input type="checkbox"/>	
<i>Note: by submitting this nomination council is recommending the nominee is suitable for the role.</i>	

PART B

SECTION 2: NOMINEE to complete

Environment Protection Authority Board			
Nominee Details			
Name in full			Gender
Home / Postal Address			
Phone		Mobile	
Personal email			
Why are you interested in this role?			
CV	attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Response to selection criteria (if applicable) <i>Please refer to the Call for Nominations information sheet for the selection criteria to be addressed.</i>	<i>Nominee to provide response to selection criteria (of no more than 2 pages) for consideration by the LGA Board of Directors.</i> attached <input type="checkbox"/> OR forwarding separately <input type="checkbox"/>		
Do you agree for your details to be retained on the LGA Nominees Database for a period of 12 months in order to be considered for other vacancies on Outside Bodies? Yes <input type="checkbox"/> OR No <input type="checkbox"/> If Yes, please list any fields of interest or Outside Bodies of interest: • _____			
Undertaking: <i>The LGA Board resolved in January 2015 to ensure that appointees to external Boards and Committees remain current local government members or officers. If you leave local government for any reason during the term of your appointment, are you prepared to resign your appointment if requested to do so by the LGA?</i> Yes <input type="checkbox"/> No <input type="checkbox"/> Signature of Nominee: _____			

Policy Review - Final Climate Change Policy

Originating Officer	Unit Manager Environment and Sustainability - Ann Gibbons
Corporate Manager	Manager Engineering, Assets and Environment - Mathew Allen
General Manager	General Manager City Services - Tony Lines
Report Reference	GC210511R07

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REPORT OBJECTIVE

The purpose of this report is to:

- Provide Council with the public consultation feedback relating to the DRAFT Climate Change Policy (Attachment 1); and
- Present a final Climate Change Policy for endorsement (Attachment 2).

A final Climate Change Policy was presented to the General Council Meeting on 27 April 2021, however was not considered due to time constraints and has been added to the General Council Meeting Agenda for 11 May 2021 for endorsement.

EXECUTIVE SUMMARY

At the 9 February 2021 General Council meeting, Council passed the following resolution endorsing the DRAFT Climate Change Policy for public consultation (GC210209R05).

1. *Notes the revised Climate Change Policy provided as Attachment 1 to this report.*
2. *Endorses the revised Climate Change Policy for public consultation during February 2021.*
3. *Notes that the final Climate Change Policy and summary of public consultation findings will be brought to Council for consideration and endorsement in April 2021.*

A public consultation process was conducted via the Making Marion website from 11 February 2021 until 12 March 2021. There were 426 visits to the Making Marion page and 36 respondents completed the online survey (Attachment 1).

A Making Marion e-newsletter was distributed to 2,237 registered participants with an open rate of 41.3%. The consultation was also promoted via the February edition of the Green Thymes e-newsletter to 854 local environment group members and other interested residents. A post on the City of Marion Facebook page on 9 March 2021 reached 975 people.

Additional comments received via Making Marion have been reviewed and amendments made to the Policy.

A FINAL Climate Change Policy (Attachment 2), with tracked changes, is presented for endorsement.

RECOMMENDATION

That Council:

1. **Notes the public feedback received on the DRAFT Climate Change Policy (Attachment 1).**
2. **Endorses the revised Climate Change Policy (Attachment 2).**

GENERAL ANALYSIS

A DRAFT Climate Change Policy was endorsed for public consultation at the 9 February 2021 General Council meeting (GC210209R05). A public consultation process was conducted via the Making Marion website from 11 February. We experienced a technical error with a link distributed in our communications. Based on feedback we received, the consultation period was extended to Friday 12 March. The consultation went live on the 11 February 2021 so, with the extension, this allowed a month for consultation.

A Making Marion e-newsletter was distributed to 2,237 registered participants which had an open rate of 41.3%. The consultation was also promoted via the February edition of the Green Thymes e-newsletter to 854 local environment group members and other interested residents. A post on the City of Marion Facebook page on 9 March 2021 reached 975 people.

There were 426 visits to the Making Marion page and 36 people participated in the online survey (Attachment 1).

Key findings from the 36 responses received include (refer to graph in Attachment 1 for further detail):

- **47%** 'agreed' or 'strongly agreed' that the draft Policy objectives clearly state how the City of Marion will respond to climate change while **30%** 'disagreed' or 'strongly disagreed'.
- **36%** 'agreed' or 'strongly agreed' that the scope of the draft Policy is appropriate for the City of Marion while **39%** 'disagreed' or 'strongly disagreed'.

Many of the respondents who did NOT agree that the draft Policy objectives clearly state how the City of Marion will respond to climate change and/or did NOT agree that the scope of the draft Policy is appropriate for the City of Marion indicated in their comments that they were looking for more detail on the actions Council would be taking in response to climate change. The City of Marion's Policy Framework endorsed in 2018 states that '*a policy is a high-level strategic directive that establishes a philosophical principle-based approach to a subject*' that sets the Council's commitment to a particular matter, with detailed actions or measures contained within supporting procedures, guidelines and action plans.

Some of the actions respondents were looking for are covered in various reports and Council plans including the Carbon Neutral Plan 2020 - 2030, the Coastal Climate Change Adaptation Study 2018, the Remnant Native Vegetation Plan, and the Tree Management Framework. Other suggested actions are governed by the South Australian Planning and Design Code established under the Planning, Development and Infrastructure Act 2016 or addressed through the Power Line Environment Committee that supports implementation of the Electricity Act 1996.

A number of respondents who indicated support for the Policy statements commented that they were looking for more guidance on which emission scenarios Marion is aligning with to prioritise actions and make decisions, and/or were also seeking more detail on specific actions and measures.

In response to public comments the following amendments have been made to the Policy (amended text is underlined):

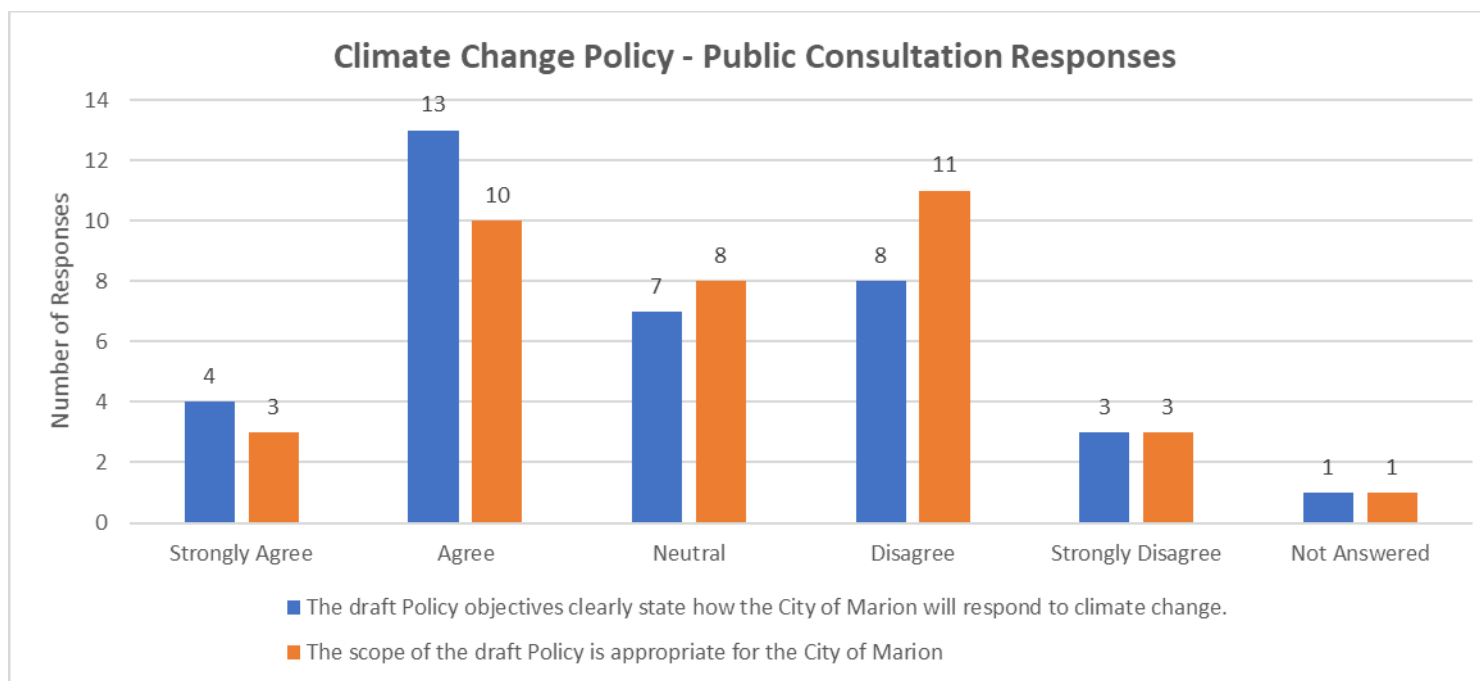
- Scope expanded to clarify what is covered: This Policy sets Council's commitment to respond to climate change and applies to all Council strategic and operational activity. This includes but is not limited to management of Council assets, urban greening and tree management, planning and development, community support, and economic development.
- Clarification added to clause 4.1 **Evidence-based strategic and operational activity** (founded on the most recent International Panel on Climate Change (IPCC) assessment reports, whilst recognising the need for flexibility to adapt as scientific knowledge and climate models improve) to address climate change, support informed decision-making, and facilitate a change to a low carbon economy in support of global targets to limit global warming to 1.5^o Celsius.
- Amendments to Clause 4.3 **Community support** through:
 - support services to vulnerable members of the community
 - education initiatives that raise awareness about climate risks, hazards and opportunities
 - supporting volunteers and community groups to deliver projects that build resilience to climate change.
- Mitigation definition changed to: Taking action to reduce or prevent emission of greenhouse gases and/or to increase the amounts of greenhouse gases removed from the atmosphere. Can also be referred to as 'Abatement'.
- Reference to the Carbon Neutral Plan 2020 - 2030 included in Section 7 of the Policy.

A FINAL Climate Change Policy (Attachment 2), with tracked changes, is presented for endorsement.

Attachment

#	Attachment
1	GC210427R - Attachment 1 - Climate Change Policy - public comments 2021
2	GC210427R - Attachment 2 - Climate Change Policy - Final tracked changes

GC210427R – Climate Change Policy – Attachment 1: Public Consultation Feedback



	The draft Policy objectives clearly state how the City of Marion will respond to climate change.	The scope of the draft Policy is appropriate for the City of Marion	Do you have any comments or feedback to add?	Response
				* Text highlighted in yellow indicates amendments or added text in the Policy.
1	Not answered	Not answered	<i>Via email</i> 1. The policy seems too weak and vague to give any guarantee of effectiveness - how strongly it is implemented, how well it is integrated at all levels of council, how it is prioritised financially	1. A policy is a high-level strategic directive that establishes a philosophical principle-based approach to a subject and sets Council's commitment to a particular matter, with detailed actions or measures contained within supporting procedures, guidelines and action plans ⁱ . Detailed actions, including timeframes for delivery and financial impacts, contained in the Carbon Neutral Plan 2020 – 2030 .

	The draft Policy objectives clearly state how the City of Marion will respond to climate change.	The scope of the draft Policy is appropriate for the City of Marion	Do you have any comments or feedback to add?	Response
			<p>and how seriously it is considered will determine if anything changes. So whilst I support the policy in principal, I worry that it will not necessarily be followed or "enforced".</p> <p>2. I suggest broadening the definition of <i>mitigation</i> to additionally include activities that seek to reduce the level of GHGs in the atmosphere. For example, sequestering CO2 from the atmosphere through changes to terrestrial or marine environments. Taking inspiration from NSW, the new definition could be something like: <i>Mitigation: Taking action to reduce or prevent emission of greenhouse gases, or to increase the amounts of greenhouse gasses removed from the atmosphere. Can also be referred to as 'Abatement'.</i></p> <p>This would broaden the scope of potential council activities covered by this policy.</p> <p>Thank you for all your work!</p>	<p>* Text highlighted in yellow indicates amendments or added text in the Policy.</p> <p>2. Mitigation definition changed to: Taking action to reduce or prevent emission of greenhouse gases and/or to increase the amounts of greenhouse gases removed from the atmosphere. Can also be referred to as 'Abatement'.</p>
2	Strongly Agree	Strongly Agree	Not answered	No change to the Policy required.
3	Agree	Agree	Does the Council currently use electric vehicles? A good time to "mitigate" GHG's.	<p>Addressed in Carbon Neutral Plan 2020 – 2030 (2.2 Zero Emissions Fleet)</p> <p>Reference to the Carbon Neutral Plan 2020 – 2030 included in Section 7 of the Policy.</p>
4	Neutral	Neutral	I think the policy has some room for improvement with more specific actions.	A policy is a high-level strategic directive that establishes a philosophical principle-based approach to a subject and sets Council's commitment to

	The draft Policy objectives clearly state how the City of Marion will respond to climate change.	The scope of the draft Policy is appropriate for the City of Marion	Do you have any comments or feedback to add?	Response * Text highlighted in yellow indicates amendments or added text in the Policy.
			And how can council engage with the community to encourage participation at individual level as well.	<p>a particular matter, with detailed actions or measures contained within supporting procedures, guidelines and action plans. ⁱ</p> <p>Amendments to Scope to clarify purpose: This Policy sets Council's commitment to respond to climate change and applies to all Council strategic and operational activity. This includes but is not limited to management of Council assets, urban greening and tree management, planning and development, community support, and economic development.</p> <p>Detailed actions contained in the Carbon Neutral Plan 2020 – 2030 and being delivered via the Resilient South Regional Climate Partnership.</p> <p>Community education included in 4.3 and 4.4 of the Policy.</p> <p>Reference to the Carbon Neutral Plan 2020 – 2030 included in Section 7 of the Policy.</p>
5	Disagree	Disagree	It is full of motherhood statements but very little on targets and how they will be achieved in practical terms.	<p>A policy is a high-level strategic directive that establishes a philosophical principle-based approach to a subject and sets Council's commitment to a particular matter, with detailed actions or measures contained within supporting procedures, guidelines and action plans. ⁱ</p> <p>Amendments to Scope to clarify purpose: This Policy sets Council's commitment to respond to climate change and applies to all Council strategic and operational activity. This includes but is not limited to management of Council assets, urban greening and tree management, planning and development, community support, and economic development.</p> <p>Detailed actions contained in the Carbon Neutral Plan 2020 – 2030 and being delivered via the Resilient South Regional Climate Partnership.</p> <p>Reference to the Carbon Neutral Plan 2020 – 2030 included in Section 7 of the Policy.</p>

	The draft Policy objectives clearly state how the City of Marion will respond to climate change.	The scope of the draft Policy is appropriate for the City of Marion	Do you have any comments or feedback to add?	Response
				* Text highlighted in yellow indicates amendments or added text in the Policy.
6	Agree	Disagree	Scientists are basing their estimates on wrongcasts that the Bureau of meteorology is notorious for. The cycle of Adelaide weather has not changed for years.	No change to the Policy required.
7	Neutral	Neutral	Not answered	No change to the Policy required.
8	Agree	Neutral	A step in the right direction may be to use a 'green energy' company. Diamond energy supply's my electricity. They are rated by Choice (Australian Consumers Association) as the best green energy supplier for South Australia. Their policy is to sell energy produced from renewable resources. Not rocket science but certainly, a step in the right direction.	Addressed in Carbon Neutral Plan 2020 – 2030 (3. Switch to Renewable Electricity) Reference to the Carbon Neutral Plan 2020 – 2030 included in Section 7 of the Policy.
9	Disagree	Disagree	There are no concrete measures described how Mariaon will mitigate climate risk. Build own solar plants? Fund privates? Install wind power? etc.	Addressed in Carbon Neutral Plan 2020 – 2030 (3. Switch to Renewable Electricity) Reference to the Carbon Neutral Plan 2020 – 2030 included in Section 7 of the Policy.
10	Agree	Agree	Great work to City of Marion in setting this policy. It's great to see a high level document that directs all of the Council's operational activities on this important issue. A few comments - * "Evidence-based" in 4.1 is bit unclear - is this referring to evidence of climate change? Surely planning would also be based on theoretical models? * We know that there are lots of different future scenarios that we could be	The Climate Risk Governance Assessment completed in 2018 recommended that Council's Climate Change Policy should align to specific IPCC climate change scenarios and suggested a high emissions scenario of RCP8.5 (Representative Concentration Pathway) as a minimum. More recently, an international team of climate scientists, economists and energy systems modellers have built a range of new 'pathways' that examine how global society, demographics and economics might change over the next century. They are collectively known as the Shared Socioeconomic Pathways (SSPs) and are complementary to RCPs.

	The draft Policy objectives clearly state how the City of Marion will respond to climate change.	The scope of the draft Policy is appropriate for the City of Marion	Do you have any comments or feedback to add?	Response
			<p>planning for in response to climate change depending on how well we all do in managing carbon emissions. Often climate change practitioners are directed to choose 'high emissions scenarios' to ensure we plan for the worse case. It would be good for the policy to contain some direction about whether City of Marion is planning climate change responses based on high emissions scenarios.</p> <p>* Possibly as part of 4.1, it would also be good if the policy made a commitment to publicly share information on climate hazards and risk to the broader community where Council has a role in risk mitigation e.g. through stormwater management, coastal protection, bushfire fuel load management etc. This could assist with better transparency in determining the risk for the community including impacts to personal healthy and safety, property values, insurance and finance.</p>	<p>* Text highlighted in yellow indicates amendments or added text in the Policy.</p> <p>These SSPs are now being used as important inputs for the latest climate models, feeding into the Intergovernmental Panel on Climate Change (IPCC) sixth assessment report due to be published in 2020/21.</p> <p>The Carbon Neutral Plan 2020 – 2030 refers to the need to limit global warming to 1.5 degrees Celsius, a threshold the Intergovernmental Panel for Climate Change (IPCC) suggests is safe.</p> <p>Clause 4.1 amended as follows: Evidence-based strategic and operational activity (founded on the most recent International Panel on Climate Change (IPCC) assessment reports, whilst recognising the need for flexibility to adapt as scientific knowledge and climate models improve) to address climate change, support informed decision-making, and facilitate a change to a low carbon economy in support of global targets to limit global warming to 1.5° Celsius.</p> <p>Clause 4.3 amended as follows:</p> <ul style="list-style-type: none"> education initiatives that raise awareness about climate risks, hazards and opportunities encouraging behaviour change to increase community mitigation and adaptation efforts and help build resilience to changes in our climate
11	Disagree	Disagree	<p>Could not see any details - am I reading the wrong document? it's one thing to have a policy, another to have a plan of action. How would increasing housing density with unsustainable developments of mostly glass and synthetic material requiring aircon, with no lawn or garden to soak up rain during flooding events,</p>	<p>A policy is a high-level strategic directive that establishes a philosophical principle-based approach to a subject and sets Council's commitment to a particular matter, with detailed actions or measures contained within supporting procedures, guidelines and action plans. ⁱ</p> <p>Amendments to Scope to clarify purpose: This Policy sets Council's commitment to respond to climate change and applies to all Council strategic and operational activity. This includes but is not limited to management of Council assets, urban greening and tree management,</p>

	The draft Policy objectives clearly state how the City of Marion will respond to climate change.	The scope of the draft Policy is appropriate for the City of Marion	Do you have any comments or feedback to add?	Response
			mitigate the effects of Climate Change? Council consistently approves such developments in the face of continuing ratepayer outrage and all advice. Sorry, not happy.	<p>planning and development, community support, and economic development.</p> <p>Detailed actions contained in the Carbon Neutral Plan 2020 – 2030 and being delivered via the Resilient South Regional Climate Partnership.</p> <p>Clause 14 – Principles of good planning of the Planning, Development and Infrastructure Act 2016 includes reference to climate change and states that “<i>particular effort should be focussed on achieving energy efficient urban environments that address the implications of climate change</i>”. Development planning rules are set by the State Government in the Planning and Design Code and implemented by councils through development approvals responsibilities.</p> <p>Reference to the Carbon Neutral Plan 2020 – 2030 included in Section 7 of the Policy.</p>
12	Strongly Agree	Strongly Agree	Very happy to read that the City of Marion plans to be carbon neutral in its own operations by 2030.	No change to the Policy required.
13	Strongly Disagree	Strongly Disagree	Wheres the detail? There is nothing in it - just fluff and motherhood statements. What is the detailed policy about retreat from the shoreline? What is the councils response to the eventual total loss of sandy beaches? What is the councils response to those who will be displaced and bankrupted by climate change? How will the council respond to near coastal salinization, rising water tables and loss of storm drainage? What urban changes will be made to cope with exceptional heatwaves? What increased resources will	<p>A policy is a high-level strategic directive that establishes a philosophical principle-based approach to a subject and sets Council's commitment to a particular matter, with detailed actions or measures contained within supporting procedures, guidelines and action plans. ⁱ</p> <p>Amendments to Scope to clarify purpose: This Policy sets Council's commitment to respond to climate change and applies to all Council strategic and operational activity. This includes but is not limited to management of Council assets, urban greening and tree management, planning and development, community and economic development.</p> <p>Coast-related issues are addressed in the Coastal Climate Change Adaptation Study 2018 (City-of-Marion-Coastal-Climate-Change-Adaptation-Study-2018.pdf)</p>

	The draft Policy objectives clearly state how the City of Marion will respond to climate change.	The scope of the draft Policy is appropriate for the City of Marion	Do you have any comments or feedback to add?	Response
			be allocated to reducing bio-fuel risk of bushfires? How will Marion council respond to the loss of biodiversity within our area. Have you even studied this in depth? In any policy, other than fatuous political speak, all these and other questions have to be adequately addressed. From what I see, you haven't even scratched the surface.	<p>Clause 14 – Principles of good planning of the Planning, Development and Infrastructure Act 2016 includes reference to climate change and states that “<i>particular effort should be focussed on achieving energy efficient urban environments that address the implications of climate change</i>”. Development planning rules are set by the State Government in the Planning and Design Code and implemented by councils through development approvals responsibilities.</p> <p>Biodiversity matters, including climate impacts, fuel loads and fire risk, are addressed in the Remnant Native Vegetation Plan (Remnant-Native-Vegetation-Plan.pdf (marion.sa.gov.au))</p>
14	Disagree	Disagree	I would like to see some additional content within this policy to ensure council is going to take a proactive approach to this and take responsibility to address solutions towards a low carbon economy. Additionally the council needs to include a focus on educating people and encouraging all community residents to be proactive with their responsibilities. Let everyone's role in reduce, reuse recycle and supporting businesses in the council area that include low carbon in their business operations. Providing clear examples of how this will impact our lives here and make a difference. Additionally I would like to include a greener community focus, too many large significant trees are being removed in Marion to allow for infill.	<p>A policy is a high-level strategic directive that establishes a philosophical principle-based approach to a subject and sets Council's commitment to a particular matter, with detailed actions or measures contained within supporting procedures, guidelines and action plans.ⁱ</p> <p>Amendments to Scope to clarify purpose: This Policy sets Council's commitment to respond to climate change and applies to all Council strategic and operational activity. This includes but is not limited to management of Council assets, urban greening and tree management, planning and development, community support, and economic development.</p> <p>Detailed actions contained in the Carbon Neutral Plan 2020 – 2030. Reference to the Carbon Neutral Plan 2020 – 2030 included in Section 7 of the Policy.</p> <p>Community education included in Clauses 4.3 and 4.4 of the Policy.</p> <p>Tree-related issues considered in the Tree Management Framework (Tree Management Framework Trees City of Marion)</p>

	The draft Policy objectives clearly state how the City of Marion will respond to climate change.	The scope of the draft Policy is appropriate for the City of Marion	Do you have any comments or feedback to add?	Response
				* Text highlighted in yellow indicates amendments or added text in the Policy.
				A report on 'Tree Management' detailing a 7-year planting program was considered at the 23 March 2021 General Council meeting (GC210323R07).
15	Agree	Agree	The issues of council responsibility for planning and development do not appear to be fully addressed in relation to the effects of climate change. For example building development approvals close to water ways and the sea. The effect on dunes and basically what happens when the gulf level rises to buildings and infrastructure affected by it. It is a simple short easily readable policy.	<p>Clause 14 – Principles of good planning of the Planning, Development and Infrastructure Act 2016 includes reference to climate change and states that <i>"particular effort should be focussed on achieving energy efficient urban environments that address the implications of climate change"</i>. Development planning rules are set by the State Government in the Planning and Design Code and implemented by councils through development approvals responsibilities.</p> <p>Coastal and sea-level rise issues are addressed in the Coastal Climate Change Adaptation Study 2018 (City-of-Marion-Coastal-Climate-Change-Adaptation-Study-2018.pdf)</p> <p>Amendments to Scope to clarify purpose: This Policy sets Council's commitment to respond to climate change and applies to all Council strategic and operational activity. This includes but is not limited to management of Council assets, urban greening and tree management, planning and development, community support, and economic development.</p>
16	Strongly Agree	Agree	I feel like there could be more large trees planted to help as well. Most trees seem to be sparse and small like bottle brush. Lots of new playground and reserves which is great but once again, more trees.	<p>Tree-related issues considered in the Tree Management Framework (Tree Management Framework Trees City of Marion)</p> <p>A report on 'Tree Management' detailing a 7-year planting program was considered at the 23 March 2021 General Council meeting (GC210323R07).</p> <p>No change to the Policy required.</p>
17	Strongly Disagree	Strongly Disagree	what a waste of intelligent people's time. All that work to come up with something that is so meaningless	No change to the Policy required.

	The draft Policy objectives clearly state how the City of Marion will respond to climate change.	The scope of the draft Policy is appropriate for the City of Marion	Do you have any comments or feedback to add?	Response
				* Text highlighted in yellow indicates amendments or added text in the Policy.
18	Neutral	Neutral	<p>A very 'wafty' document was my impression. It calls up the "Southern Region Local Government Implementation Plan 2015-2019" which of course has run its defined time period. One wonders as to the applicability of using to a) maintain the plan (logical), and b) respond to new challenges with new ideas - which is beyond its self-defined role perhaps? On the whole, it gives the impression of a rather unclear set of documents someone could "drive a truck through"</p> <p>For specifics, I would like to comment as follows: I would like to comment as follows:</p> <p>1) FIREBREAKS Places liable to fuel buildup need clearing of trees etc in traditional firebreak manner. The effect of the loss of removed trees by whatever metric you want, is obviously FAR FAR LESS than if the whole lot went up in bushfire!</p> <p>2) SEA-LEVEL - no expenditure on property reclamation/remediation until it is obvious that gulf sea levels are rising. Anyone who has spent their life on the Adelaide coast knows that there is ZERO change in the sea level, to date. Of course, there is the perennial longshore sand-drift problem, now that the original dunes have been removed; but I understand there has been good success with implementing</p>	<p>The Resilient South 'Southern Region Local Government Implementation Plan 2015 – 2019' is currently being reviewed and will take in to account priorities identified in the Climate Risk Governance Assessment (FAC190226R05) and a benchmarking review currently underway with Flinders University.</p> <p>Specific responses:</p> <ol style="list-style-type: none"> 1. Biodiversity matters, including climate impacts, fuel loads and fire risk, are addressed in the Remnant Native Vegetation Plan (Remnant-Native-Vegetation-Plan.pdf (marion.sa.gov.au)). Tree-related issues considered in the Tree Management Framework (Tree Management Framework Trees City of Marion). A report on 'Tree Management' detailing a 7-year planting program was considered at the 23 March 2021 General Council meeting (GC210323R07). 2. Coastal and sea-level rise issues are addressed in the Coastal Climate Change Adaptation Study 2018 (City-of-Marion-Coastal-Climate-Change-Adaptation-Study-2018.pdf). The sea level trend at all observation gauges on the SA coast has been rising between 1965 and 2016. Furthermore, CSIRO and BoM projections of sea level rise for the South Australian coast indicate a continuation of rising levels and for the rate of rise to increase in future. (Department for Environment and Water (2018). Technical information supporting the Climate: Sea level trend and condition report card 2018. DEW Technical note 2018/46, Government of South Australia, Department for Environment and Water, Adelaide.) 3. There are a number of wetlands in Marion including at Oaklands, Warriparinga, Tonsley and Glade Crescent. Water Sensitive Urban Design (WSUD) principles proactively used in streetscape upgrades, etc.

	The draft Policy objectives clearly state how the City of Marion will respond to climate change.	The scope of the draft Policy is appropriate for the City of Marion	Do you have any comments or feedback to add?	Response
			special-purpose material sand-bag groynes. 3) WETLANDS Where possible, use Australian-environment principles to create mini-environments that are sustainable. Please refer Peter Andrews: https://www.peterandrewsoam.com http://nsfarming.com/index.html	* Text highlighted in yellow indicates amendments or added text in the Policy.
19	Agree	Agree	I commend the City of Marion for their commitment to mitigation of climate change and their carbon neutral plan, however, I'm disappointed that the council had the opportunity to declare a climate emergency, twice, and never did. Also that the City of Marion has gone backwards in terms of tree canopy cover, despite planting thousands more trees - you have an adopt a tree program yet no one knows about it and artificial turf on verges is still prolific despite there being a policy in place. As a council you are mostly talk and more action is needed - get out there and educate the residents, encourage them to look after and plant a tree and if they have plastic turf remove it for them and dispose of it correctly. How difficult can this be? Over 2 years and still nothing!	A motion for the City of Marion to declare a climate emergency was considered but not supported at the 25 February 2020 General Council meeting (GC200225M03). A report on 'Tree Management' detailing a 7-year planting program was considered at the 23 March 2021 General Council meeting (GC210323R07). A report on 'Artificial Turf within the City of Marion' (GC210223R06) was considered at the 23 February 2021 General Council meeting. Promotion of the 'adopt-a-tree' program via the monthly Green Thymes e-newsletter, social media, rates notices, etc. can be increased. An article on 'adopt-a-tree' was included in the Green Thymes edition distributed on 12 March 2021. No change to the Policy required.
20	Agree	Neutral	I have 2 concerns with 1.the draft policy and 2. the carbon neutral paper. 1. Successes with tree and grass planting are to be welcomed. Identifying areas for	1. Detailed actions contained in the Carbon Neutral Plan 2020 – 2030 (4. Offsetting Carbon Emissions)

	The draft Policy objectives clearly state how the City of Marion will respond to climate change.	The scope of the draft Policy is appropriate for the City of Marion	Do you have any comments or feedback to add?	Response
			<p>suitable use are necessary, but so is the long term view that vacant land already owned in Marion Council should be kept and not sold off for a quick profit. All these areas have a use in carbon offset and many already have large native trees. Green belts and pockets are vital. Make use of assets we already have and plant in these areas first.</p> <p>2. Achieving a climate active certificate? The start up and then the ongoing costs do not have an impact on the residents to help achieve any positive change, but just appear to be another certificate to put on the wall and use for bragging rights for a few to add the their CVs. Not a good use of residents money.</p>	<p>2. Feedback relevant to the Carbon Neutral Plan; can be considered when Council determine whether or not to attain Climate Active certification in 2029.</p> <p>No change to the Policy required.</p>
21	Disagree	Strongly Disagree	it lacks imagination, leadership and is a policy for the sake of having a policy. it honestly reads like it was downloaded off the internet by someone on work experience	Amendments to Scope to clarify purpose: This Policy sets Council's commitment to respond to climate change and applies to all Council strategic and operational activity. This includes but is not limited to management of Council assets, urban greening and tree management, planning and development, community support, and economic development.
22	Disagree	Disagree	Not answered	No change to the Policy required.
23	Disagree	Agree	It's not clear at all how the CoM will respond to climate change beyond "considering" it and incorporating "appropriate" mitigation and adaptation into some of its activities. To give just one example, it's not at all clear if council intends to	<p>A policy is a high-level strategic directive that establishes a philosophical principle-based approach to a subject and sets Council's commitment to a particular matter, with detailed actions or measures contained within supporting procedures, guidelines and action plans. ⁱ</p> <p>Detailed actions contained in the Carbon Neutral Plan 2020 – 2030</p>

	The draft Policy objectives clearly state how the City of Marion will respond to climate change.	The scope of the draft Policy is appropriate for the City of Marion	Do you have any comments or feedback to add?	Response
			mitigate the GHG emissions from council-approved construction projects, road maintenance, etc.	Reference to the Carbon Neutral Plan 2020 – 2030 included in Section 7 of the Policy.
24	Agree	Agree	Be bold and ambitious. We only have one planet. We should underground all power lines to allow for big tree planting for mitigation, and also stormwater detention on the streets to help plants grow and reduce flooding.	City of Marion proactively works with the Power Line Environment Committee (PLEC) established under the Electricity Act 1996 and administered by the Essential Services Commission of SA (ESCOSA) to underground power lines within the Marion Council area. No change to the Policy required.
25	Strongly Agree	Strongly Agree	Better late than never	No change to the Policy required.
26	Neutral	Neutral	All prediction regarding this have been wrong, No ice in the arctic? It's snowing on the pyramids.	No change to the Policy required.
27	Strongly Disagree	Disagree	The draft policy reads like Marion wants to have something they can show, look we have a policy. But without actually committing to anything. It is if it was written by politicians in Canberra.	A policy is a high-level strategic directive that establishes a philosophical principle-based approach to a subject and sets Council's commitment to a particular matter, with detailed actions or measures contained within supporting procedures, guidelines and action plans. ⁱ Amendments to Scope to clarify purpose: This Policy sets Council's commitment to respond to climate change and applies to all Council strategic and operational activity. This includes but is not limited to management of Council assets, urban greening and tree management, planning and development, community support, and economic development. Detailed actions contained in the Carbon Neutral Plan 2020 – 2030 and being delivered via the Resilient South Regional Climate Partnership. Reference to the Carbon Neutral Plan 2020 – 2030 included in Section 7 of the Policy.
28	Agree	Disagree	The Policy doesn't outline how the City of Marion will be accountable for activities within their control - how will progress be	A policy is a high-level strategic directive that establishes a philosophical principle-based approach to a subject and sets Council's commitment to

	The draft Policy objectives clearly state how the City of Marion will respond to climate change.	The scope of the draft Policy is appropriate for the City of Marion	Do you have any comments or feedback to add?	Response
			measured? what reporting will be provided to the community? It doesn't refer to more detailed action planning such as through the City of Marion business planning process. The Policy is appropriately high level but doesn't show the link to more specific actions over time. Under the section for City of Marion contribution to the community - could include a dot point about City of Marion supporting community groups taking initiatives such as Friends of Sturt River and friends of Warraparinga who are volunteers helping with planting and maintaining green spaces.	<p>a particular matter, with detailed actions or measures contained within supporting procedures, guidelines and action plans. ⁱ</p> <p>Amendments to Scope to clarify purpose: This Policy sets Council's commitment to respond to climate change and applies to all Council strategic and operational activity. This includes but is not limited to management of Council assets, urban greening and tree management, planning and development, community support, and economic development.</p> <p>Detailed actions, including reporting mechanisms, contained in the Carbon Neutral Plan 2020 – 2030 (1. Tracking Carbon Emissions and 5. Supporting Activities)</p> <p>Reference to the Carbon Neutral Plan 2020 – 2030 included in Section 7 of the Policy.</p> <p>Added dot point to 4.3 Community support section in the Policy: supporting volunteers and community groups to deliver projects that build resilience to climate change.</p>
29	Agree	Agree	Thank you for asking for feedback. I'm not a fan of the word "mitigate", where shown in the objectives. I think it's clearer to say "reduce greenhouse gas emissions and adapt to climate change". The next few years are 'make or break'. Please take strong action to reduce greenhouse gas emissions and help us adapt to climate change.	<p>Definition of 'mitigation' included in Section 5 of the Policy.</p> <p>No change to the Policy required.</p>
30	Agree	Disagree	It doesn't go far enough.	Amendments to Scope to clarify purpose: This Policy sets Council's commitment to respond to climate change and applies to all Council strategic and operational activity. This includes but is not limited to management of Council assets, urban greening and tree management,

	The draft Policy objectives clearly state how the City of Marion will respond to climate change.	The scope of the draft Policy is appropriate for the City of Marion	Do you have any comments or feedback to add?	Response
				* Text highlighted in yellow indicates amendments or added text in the Policy.
				planning and development, community support, and economic development.
31	Neutral	Disagree	Not answered	No change to the Policy required.
32	Neutral	Neutral	What about strategies to assist the community make sustainable lifestyle choices?	<p>Amendments to Clause 4.3 of the Policy aim to clarify and strengthen support to the community as follows:</p> <p>4.3 Community support through:</p> <ul style="list-style-type: none"> • support services to vulnerable members of our community • education initiatives that raise awareness about climate risks, hazards and opportunities • encouraging behaviour change to increase community mitigation and adaptation efforts and help build resilience to changes in our climate • supporting volunteers and community groups to deliver projects that build resilience to climate change. <p>Addressed in Carbon Neutral Plan 2020 – 2030 (5.2 Partner with and provide stewardship with the community by providing education and incentives)</p>
33	Agree	Agree	The draft Policy is very general in nature but does provide a generic framework for Council's Climate Change position. When read in conjunction with the Carbon Neutral Plan, Council's objectives and action plans can be understood in more detail. I fully support policies and initiatives to achieve carbon neutrality by 2030 and applaud Council on adopting this position on this important issue. Thank you for extending the deadline to allow me to comment.	No change to the Policy required.

	The draft Policy objectives clearly state how the City of Marion will respond to climate change.	The scope of the draft Policy is appropriate for the City of Marion	Do you have any comments or feedback to add?	Response * Text highlighted in yellow indicates amendments or added text in the Policy.
34	Agree	Agree	A good start which, along with the carbon neutral plan, should make a difference to how COM acts.	No change to the Policy required.
35	Disagree	Disagree	I feel that Marion Council's and in fact Australia's impact on climate change to be so minimal as to render any actions taken superfluous.	No change to the Policy required.
36	Neutral	Neutral	It's great to see the City of Marion being proactive and taking responsibility in the climate change space. As a resident I can already see some of the actions stated in the carbon neutral plan being put into place (such as the jolt charging stations, slowly but surely the council is establishing infrastructure for electric cars). However, I am a bit skeptical on how the council is going to effectively engage, inform and advocate climate change to the community. By informing and advocating is the council aiming to empower the community to take action and play their part? Or does the council just want our community to be informed and be aware of this issue?	The intent is to provide the community with the knowledge and skills they need to take action and play their part in responding to climate change. No change to the Policy required.

ⁱ City of Marion Policy Framework (GC180710R01)

Climate Change Policy

1. RATIONALE

Changes to Australia's climate are being accelerated by human activity. It has been projected that:

- average temperatures will continue to increase with fewer cold extremes and longer and more intense heatwaves
- annual rainfall will decrease while extreme rainfall events that lead to flooding are likely to become more intense
- our region will experience more frequent and extreme fire danger days
- sea levels will continue to rise throughout and beyond the 21st Century with our oceans warming and become more acidic.

It is widely acknowledged that action is required to mitigate and adapt to climate change.

2. POLICY STATEMENT

The City of Marion recognises the importance of climate change; the impact of human activity on the composition of the global atmosphere; and the urgent need to mitigate the production of greenhouse gas emissions and adapt to climate change.

3. OBJECTIVES

The primary objectives of this Policy are:

- To incorporate climate change mitigation and adaptation into strategic and operational activity, and when exercising statutory responsibilities and regulatory powers.
- To support residents, businesses, and local ecosystems to build resilience and adapt to the impacts of a changing climate.
- To work in collaboration with regional partners and the wider community to mitigate against climate change.

4. POLICY SCOPE AND IMPLEMENTATION

Scope

This Policy sets Council's commitment to respond to climate change and applies to all Council strategic and operational activity. This includes but is not limited to management of Council assets and infrastructure, urban greening, tree management, urban planning and development, community support, and economic development.

Implementation

Council's approach to climate change includes, but is not limited to:

- 4.1 **Evidence-based strategic and operational activity** (founded on the best available most recent International Panel on Climate Change (IPCC) assessment reports science, whilst recognising the need for flexibility to adapt as scientific knowledge and climate models improves) to address climate change, support informed decision-making, and facilitate a

Climate Change Policy

change to a low carbon economy [in support of global targets to limit global warming to 1.5° Celsius](#).

4.2 Mitigation and adaptation to climate change impacts through:

- statutory responsibilities and regulatory powers relating to land use planning, asset and infrastructure management, environmental planning, environmental protection, and natural resource management
- Council operations that consider climate change and its potential impacts and incorporate appropriate mitigation and adaptation into all relevant operational activity. The City of Marion has set a target of becoming carbon neutral by 2030 for its own operations.

4.3 Community support through:

- support services to vulnerable members of our community
- education initiatives [that raise awareness about climate risks, hazards and opportunities](#)
- encouraging behaviour change to increase community mitigation and adaptation efforts and help build resilience to changes in our climate
- [supporting volunteers and community groups to deliver projects that build resilience to climate change](#).

4.4 Partnering through the Resilient South Regional Climate Partnership and with our partners at a state and federal level to increase the resilience of our communities to climate change and support appropriate policies and strategies for a low carbon economy.

5. DEFINITIONS

Term	Definition
Adaptation	Taking action to avoid, withstand or benefit from current and projected climate changes and impacts.
Climate change	Refers to any change in climate over time, whether due to natural variability or as a result of human activity.
Greenhouse gas	A gas in an atmosphere that absorbs and emits radiation within the thermal infrared range. This process is the fundamental cause of the greenhouse effect. The primary greenhouse gases in Earth's atmosphere are water vapour, carbon dioxide, methane, nitrous oxide, and ozone. Greenhouse gases (GHGs) can be emitted through transport, land clearance, and the production and consumption of food, fuels, manufactured goods, materials, wood, roads, buildings, and services. For simplicity of

Climate Change Policy

<i>Term</i>	<i>Definition</i>
	reporting, GHG emissions are often expressed in terms of the equivalent amount of carbon dioxide or carbon emissions.
<i>Low carbon economy</i>	An economy based on low carbon power sources that therefore has a minimal output of greenhouse gas emissions into the environment. Can also be referred to as 'low-fossil-fuel economy' or 'decarbonised economy'.
<i>Mitigation</i>	Taking action to reduce or prevent emission of greenhouse gases <u>and/or to increase the amounts of greenhouse gases removed from the atmosphere</u> . Can also be referred to as 'Abatement'.
<i>Resilience</i>	The ability of a social or ecological system to absorb disturbances while retaining the same basic structure and ways of functioning, the capacity for self-organisation, and the capacity to adapt to stress and change.

6. ROLES AND RESPONSIBILITIES

<i>Role</i>	<i>Responsibility</i>
<i>Environment Sustainability Team</i>	<ul style="list-style-type: none"> Coordinate the implementation of this Policy across Council.

7. REFERENCES

City of Marion

Community Vision: Towards 2040 (adopted 26 July 2016)

Strategic Plan 2019 – 2029 (endorsed August 2019)

Business Plan 2019 – 2023 (endorsed June 2019)

Environmental Policy (endorsed November 2019)

[Carbon Neutral Plan, 2020 – 2030](#)

Other

Resilient South Regional Climate Partnership (www.resilientsouth.com)

8. REVIEW AND EVALUATION

The Manager Engineering, Assets & Environment reviews this Policy every four years (or earlier if required) in accordance with the City of Marion Policy Framework. Council approves this Policy.

Spearfishing at Hallett Cove and Marino - response to PIRSA

Originating Officer	Senior Environmental Planner - Rebecca Neumann
Corporate Manager	Manager Engineering, Assets and Environment - Mathew Allen
General Manager	General Manager City Services - Tony Lines
Report Reference	GC210511R08

Confidential ☐

REPORT OBJECTIVE

To seek an endorsed response to PIRSA regarding a review of spearfishing at Hallett Cove and Marino (Attachment 1 and Attachment 2).

EXECUTIVE SUMMARY

The Department of Primary Industries and Regions (PIRSA) is undertaking a review of spatial closures to spearfishing along the Adelaide metropolitan coastline.

Spearfishing is currently prohibited along the whole metropolitan coastline from Witton Bluff near Christies Beach in the south to Outer Harbor in the north.

The review is seeking responses from targeted stakeholders to permit spearfishing in two areas of the metropolitan coast:

1. O'Sullivan's Beach to Marino.
2. The southern side of the Outer Harbor Breakwater.

The proposal could open the whole of the City of Marion coastline to spearfishing.

It is recommended that Council does not support the opening of our coastline to spearfishing due to:

- The high marine conservation values of Hallett Cove and Marino - including past Council positions calling for increased marine protection along the coastline.
- The high levels of interest in snorkelling and diving activities at Hallett Cove and Marino.
- The potential public safety issues with spearfishing in populated areas.

RECOMMENDATION

That Council:

1. Does not support spearfishing along Hallett Cove and Marino.
2. Writes to the Department of Primary Industries and Regions (PIRSA) in response to the Spearfishing Closures Review Options Paper March 2021 (Attachment 2) identifying support for "Option 3 - no change to current spearfishing spatial restrictions".
3. Requests PIRSA conduct open public consultation if it wants to further pursue the option of spearfishing along the metropolitan coast.

Legal / Legislative / Policy: Following this consultation, PIRSA may consider further public consultation for an amendment to the Fisheries Management (General) Regulations 2017.

Timeline Responses are due back to PIRSA by 18 May 2021.

DISCUSSION

Council has received a letter from the Department of Primary Industries and Regions (PIRSA) dated 20 April 2021 regarding spearfishing along the metropolitan Adelaide coastline (Attachment 1). The letter includes a Spearfishing Closures Review Options Paper March 2021 (Attachment 2 referred to herein as the "Review Options Paper") that considers opening of sections of the metropolitan Adelaide coastline to recreational spearfishing. The options presented are:

1. O'Sullivan's Beach to Marino plus the southern side of the Outer Harbor Breakwater (Option 1)
2. O'Sullivan's Beach to Marino (Option 2)
3. No change to current spearfishing spatial restrictions (Option 3).

This consultation is 'targeted' consultation that includes a list of key stakeholders identified by PIRSA with the aim being to gauge the level of interest and concerns with the proposed options. The consultation is not a formal public consultation process and information on the review is not yet being publicly promoted by PIRSA (e.g. through the South Australian government's yourSAy platform).

After this initial review period, PIRSA will consider the feedback from targeted stakeholders and may decide to progress to further public consultation.

PIRSA will ensure outcomes from the review must:

- Provide recommendations that are simple, reasonable and enforceable (e.g. in considering whether to allow spearfishing at certain times or limited areas).
- Result from a thorough and transparent consultation process.
- Produce recommendations that continue to provide safe and equitable use and access for all aquatic user groups and stakeholders.

The opening of spearfishing along Hallett Cove and Marino has the potential to:

- Increase recreational fishing opportunities along the City of Marion coastline.
- Attract new and young spearfishers to the sport.
- Impact local marine ecology through selective removal of certain species.
- Present public safety hazards due to the use of spears and spearguns in a metropolitan area.

Recreational Fishing and Spearfishing Regulation

Recreational fishing is an important aspect of social, cultural, and economic life in South Australia. Fishing can be an active sport that supports community wellbeing, food security and connection with nature. Hallett Cove and Marino are areas of interest to recreational fishers. Currently along our coastline, fishing is primarily undertaken using fishing lines from boats, but also includes shore-based fishing off the rocks.

Spearfishing is currently prohibited along the whole metropolitan coastline from Witton Bluff in the south to Outer Harbor in the north. According to the Review Options Paper, the ban was established "to allow safe access to metropolitan coastal areas for all marine users".

Spearfishing is generally seen as a sustainable form of recreational fishing since it has no by-catch, no litter or waste, small catch sizes and an ability to target certain species or sizes of fish.

Council has not previously received information on the level of interest in spearfishing along our coast or the potential benefits for our community however we have received past concerns from the community regarding illegal spearfishing activities and impacts on the marine environment.

The Review Options Paper highlights demand from less experienced and junior spearfishers that are required to drive 1 hour north or south of the CBD to areas outside of the ban or dive in waters 600m off shore which are deeper and suited to more experienced divers. As stated in the paper:

- *"For junior spearfishers, the metropolitan closures restrict access and, as a result, participation in recreational spearfishing is affected".*

To understand the potential demand for spearfishing along the City of Marion coastline, a desktop review of spearfishing groups was undertaken and direct phone contact was made with RecFishSA and the president of the Gulf Skindivers Club (also a member of the MRFAC). The following details were noted:

- **Minister's Recreational Fishing Advisory Council (MRFAC)** exists to represent recreational fishers in South Australia. MRFAC works with the Minister for Primary Industries and Regional Development to meet the needs and interests of recreational fishers and provide feedback and advice on recreational fishing development, initiatives and policies. Spearfishing is not specifically addressed on the MRFAC

website, however the *Draft Recreational Fishing Strategy for South Australia 2021-2024* highlights a need for sustainable growth of the recreational fishing industry as a whole (www.mrfac.org.au).

- **RecFishSA** describes itself as the peak recreational fishing body in South Australia. The RecFishSA website includes a strategic plan and copies of submissions on matters concerning the recreational fishing community. There was no information available on this website specifically about demand for spearfishing, however the RecFishSA strategic plan does refer to a general decreasing popularity of fishing particularly from younger South Australians. Verbal discussion with a representative of RecFishSA highlighted the general benefits of spearfishing and relatively low numbers of people involved in the sport (www.recfishsa.org.au).
- **Australian Underwater Federation (AUF)** is the umbrella organisation for underwater sports in Australia, including spearfishing. No information on the numbers of spearfishers could be found on the AUF website, however there is significant information on spearfishing safety including a national Spearfishing Code of Conduct. (www.auf.com.au)
- **Gulf Skindivers** is a South Australian-based spearfishing club that has a Facebook page with 796 followers. According to the club president, the club currently has around 100 active members. Members must comply with club rules including the safety and conservation guidelines developed by AUF. The club runs regular events and prides itself on delivering active, sustainable and low environmental impact activities. Whilst interest in spearfishing is increasing, the total number of people actively involved in the sport is very low compared to line fishing. (www.facebook.com/gulfskindivers)
- **South Australia Spearfishing Extreme** is a private Facebook group with 2000 members (www.facebook.com/groups/186227030691)
- **Spearfishing South Australia** is a Facebook page with 534 followers. (www.facebook.com/SASpearfishing)

Based on published information and personal conversations described above:

- The likely number of individuals that might be generally interested in spearfishing along the City of Marion coastline could be a few hundred.
- The likely number of people spearfishing along the City of Marion coastline at any one time could be in the order of 0-5 (or slightly higher if there was an event).

Proposed locations

If the current ban on spearfishing is lifted, the majority of spearfishing interest for the metropolitan Adelaide will be focused on Hallett Cove and Marino.

Spearfishing in the area proposed between O'Sullivan's Beach and Hallett Cove is likely to be very limited due to the newly established Stanvac Conservation Zone as part of the Encounter Bay Marine Park. This conservation zone is a 'no take zone' that prohibits fishing.

In addition to this, O'Sullivan Beach between Christies Beach and O'Sullivan Beach boat ramp has been identified as a potential future location for a metropolitan Adelaide shellfish reef by the South Australian government. Like shellfish reefs at Windara (Ardrossan) and Glenelg North, this area would likely have fishing restrictions (including spearfishing).

The area proposed at the Outer Harbor breakwater is small (a few hundred metres) in comparison to the area from O'Sullivan's Beach to Marino.

Community interest

The community of Hallett Cove and Marino places a high value on the natural, rugged nature of the coastline. This interest is well documented through past coastal consultation events (e.g. the Marion Coastal Workshops see www.marion.sa.gov.au/services-we-offer/environment/coasts). In the past, there was also a local community campaign calling for marine protection at Hallett Cove and Marino (see below).

As described above, recreational line fishing is also a popular activity along the City of Marion coastline offering many benefits to the local community however council has not received specific detail on the demand for spearfishing. Community wellbeing programs such as the "Fish Feeders" coordinated by the City of Holdfast Bay are also popular.

Interest in nature-based tourism events is continuing to grow – particularly through local initiatives such as Glenthorne National Park. Within this sector, marine-based tourism is also increasing with organisations such as Experiencing Marine Sanctuaries seeing snorkelling events regularly booked out. City of Marion supports these

events through community grants and the Valuing Marion's Nature program. A recent Council-supported event by Experiencing Marine Sanctuaries on 8 February 2020 included:

- 3 guided snorkel sessions on Saturday 8th February @ 10am, 12 and 3pm delivered by Experiencing Marine Sanctuaries.
- Total of 75 participants fully booked out a week in advance.

Experiencing Marine Sanctuaries has confirmed that demand and numbers at events is increasing and Hallett Cove and Marino are popular locations for events.

Marine biodiversity and protection

Hallett Cove Reef and Marino Rocks are rocky reef environments with high marine biodiversity that includes fishes, invertebrates and macroalgae. The location is considered as regionally significant due to the mixture of habitat types and inshore low-profile reefs. Past surveys by marine biologists for the State Government have identified the area as a 'hot spot' for species richness.

The City of Marion has actively held positions calling for further protection of the reef environment along our coastline - particularly in the period between 2000 and 2010 when new state marine protection legislation was being developed. During the early 2000's council ran a campaign in response to community concerns around illegal spearfishing and collection of intertidal marine organisms. Council also lobbied the state government for the establishment of an aquatic reserve along the coast line. Interpretive signage highlighting the significance of this environment was installed during this period and is still maintained along the coastal walkway.

In 2009 Council made a submission on the proposed South Australian Marine Parks Network calling for Marino and Hallett Cove to be included in the Encounter Bay Marine Park. This request was not successful, however in the most recent review of Encounter Bay Marine Park, the Stanvac Reef (immediately south of the City of Marion border) was added as a conservation zone.

There are several fish species considered by marine experts to be of "conservation concern" that occur in the macro-algae reef environment off the City of Marion coastline. These include iconic species such as Blue Devils, Dusky Morwong, Long-snouted Boarfish, several Leatherjacket species, juvenile Blue Groper and Harlequin Fish. There are also occasional sightings of Leafy Sea Dragons.

Spearfishing is known to increase pressure on the marine environment through the selective targeting of certain species.

The Review Options Paper includes a table that lists potential species targeted by spearfishers. In this table there are several species listed as "undefined" in the "stock status". The stock status is based on the "Status of Australian Fish Stocks Reports" (www.fish.gov.au). Several of these species listed as "undefined" are also described as being of "conservation concern" in the local publication *Reef Fishes of Conservation Concern in South Australia - A Field Guide*. Species in this list known to occur at Hallett Cove and Marino include:

- Dusky Morwong
- Blue-throated Wrasse
- Banded Sweep
- Long-snouted Boarfish
- Leatherjacket

Other species of conservation concern that may also be present at Hallett Cove and Marino but not on the "target species" list in the Review Options Paper include Harlequin Fish and Blue Devils. Harlequin Fish are also known to be caught by spearfishers.

Regulations on the size and number of fish caught in South Australia are established and enforced by PIRSA in order to manage fish stocks for industry and the community.

The precise impact of spearfishing on species of "conservation concern" within the locally significant area of Hallett Cove and Marino is not known. However given the density of the human population in this area and fact it would become the primary location on the metropolitan coastline for spearfishing, the potential for exploitation of certain species is high.

Public Safety

The reason for the current ban on spearfishing in the metropolitan area relates to public safety. General safety hazards with spearfishing can include:

- Being hit by a boat (spearfishers can be hard to see by boaters).
- Blackouts when holding breath (spearfishers must 'free-dive' - PIRSA regulations prevent use of scuba).
- The equipment - accidental injury from spears and spear guns.

- Sharks – that are attracted to fish that are caught.

Potential public safety hazards that could be of concern to Council include:

- Accidental injury when accessing the coast off the coastal walkway e.g. stairs down the coastal cliff areas not designed for carry dangerous equipment.
- Accidental spearing of a member of the public when setting up equipment e.g. in Council carpark without space for setting up equipment such as at Boatshed Café or Marino Rocks Café.
- Accidental spearing of someone snorkelling or swimming in the water.

Council is not aware of any spearfishing casualties along the metropolitan coastline, however searching news articles online does show that accidental and deliberate injuries with spearfishing equipment do occur.

- [“Teenager shoots himself in foot with spear gun while fishing in Inverloch of Townsend Bluff”](#)
- [“Man shot in stomach with spear gun”](#)
- [“Protection plea follows ambos’ speargun ordeal”](#)

A “Spearfishing Code of Conduct” developed by the Australian Underwater Federation highlights spearfishing risks and how they should be managed (www.auf.com.au/sports/spearfishing/spearfishing-code-of-conduct). There is also a national “Spear Safe” initiative that supports educating people around spearfishing safety (<https://spearsafe.webs.com>). These initiatives recognise the need for education and awareness of safety hazards in spearfishing.

There is no registration or government licensing for spearfishing guns or equipment in South Australia. Whilst not recommended in the above guidelines, there are no laws (including Council by-laws) that prevent loaded spearguns and equipment being carried in public areas.

The Review Options Paper highlights that demand for spearfishing along the City of Marion coastline is from new and inexperienced spearfishers. It is possible that awareness of safety hazards and sporting guidelines may not be as high in this group which also has the potential to increase public safety risks.

Conclusion

It is recommended that Council does not support spearfishing along Hallett Cove and Marino due to:

- The high conservation value of Hallett Cove Reef and Marino Rocks - including past Council positions calling for further marine protection at Hallett Cove and Marino.
- The increasing trend in nature-based tourism activities such as snorkelling and diving meaning more people are active in the water and the natural attraction to see a diverse rocky reef environment may be at risk.
- The potential increased public safety risks with the introduction of spearfishing in a populated area, particularly with the likely higher proportion of junior and inexperienced spearfishers.

It is therefore recommended that Council responds to the PIRSA Spearfishing Closures Review Options Paper March 2021 (Attachment 2) with a preference for “Option 3 - no change to current spearfishing spatial restrictions”.

In Council's response back to PIRSA it is also recommended that PIRSA should conduct broader public consultation should the matter be progressed further.

References

In addition to articles and publications in links above, the following publications have been considered in preparing this covering report.

Baker, J.L. (2011) Reef Fishes of Conservation Concern in South Australia - A Field Guide. Booklet produced with support from the Adelaide and Mt Lofty Ranges Natural Resources Management Board, South Australia.

Bryars, S. (2013) Nearshore marine habitats of the Adelaide and Mount Lofty Ranges NRM region: values, threats and actions. Report to the Adelaide and Mount Lofty Ranges Natural Resources Management Board, Dr Simon Richard Bryars, Adelaide.

Frisch AJ, Cole AJ, Hobbs J-PA, Rizzari JR, Munkres KP (2012) Effects of Spearfishing on Reef Fish Populations in a Multi-Use Conservation Area. PLoS ONE 7(12): e51938. doi:10.1371/journal.pone.0051938

Attachment

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#	Attachment
1	Attachment 1 - Letter from PIRSA
2	Attachment 2 - PIRSA Spearfishing Paper



Objective ID: A4809110

20 April 2021

FISHERIES & AQUACULTURE

2 Hamra Avenue
West Beach SA
GPO Box 1625
Adelaide SA 5001
Tel (08) 8207 5333
www.pir.sa.gov.au

Dear Stakeholder Group

The Department of Primary Industries and Regions (PIRSA) is currently undertaking a review of spatial closures to spearfishing along the Adelaide metropolitan coastline.

The review is being undertaken in response to a request from the Minister's Recreational Fishing Advisory Council (MRFAC) to consider opening the lesser used parts of the metropolitan marine coast to spearfishing. The request proposed spearfishing be permitted between Marino Rocks and O'Sullivan's Beach, and the southern side of the Outer Harbor breakwater.

It is proposed that spearfishing closures in popular metropolitan coast swimming beaches (Outer Harbor to Seacliff inclusive) be retained.

As part of the review process PIRSA is seeking submissions on a Spearfishing Closures Review Options Paper which is attached for your reference. A feedback form has been provided to assist in providing feedback which can be sent to PIRSA.Feedback@sa.gov.au. Submissions can be written directly onto the form to assist in providing submissions easily via email.

Submissions on the paper will close at 5.00 pm on **30 April 2021**.

PIRSA has since advised the closing date is 18 May 2021.

If you have any enquiries relating to this matter, please contact Ms Skye Barrett, Recreational Fishing Manager on telephone 08 8429 0844.

Thank you for taking the time to consider participating in this review.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'G Begg'.

Prof Gavin Begg
EXECUTIVE DIRECTOR
FISHERIES AND AQUACULTURE

Attachment 2

PIRSA

Spearfishing Closures Review Options Paper

March 2021



Spearfishing Closures Review Options Paper

Information current as of March 2021
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All Enquiries

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Introduction

Recreational fishing in South Australia

As defined in the *Fisheries Management Act 2007* (the 'Act'), recreational fishing means fishing other than commercial fishing or Aboriginal traditional fishing. A recent definition of recreational fishing is "fishing activities undertaken either for personal consumption or for fun, sport, thrill of the catch or social bonding (Arlinghaus et al. 2010). This definition highlights the social aspect of fishing, whereby increasing numbers of recreational fishers seek to enjoy the total fishing experience in addition to catching fish.

South Australia's fishery resources are a community owned public resource. The State Government, as custodians of these fisheries resources, has a fundamental role to protect, manage, use and develop the aquatic resources of the State in a manner that is consistent with ecologically sustainable development and object to foster recreational and commercial fishing activities for the benefit of the whole community

Recreational fishing is an important aspect of social, cultural, and economic life in South Australia. Recreational fishing is a popular leisure activity in South Australia, with over 277,000 South Australian residents aged five years or older participating, equalling to approximately 18% of the State's total population (Giri and Hall 2015). Fishing activities also generate valuable social returns, particularly in regional communities. For several coastal regions, more than one in every three residents went recreational fishing in the period 2007/08 and 2013/14 (Jones 2009; Giri and Hall 2015).

Recreational fishing is undertaken in coastal habitats and most freshwater habitats in South Australia. The majority of total recreational fishing effort occurs in marine waters, including estuaries, and inshore and offshore waters with freshwater environments only accounting for a small amount of fishing effort (Jones 2009; Giri and Hall 2015). The Spencer Gulf and Gulf St. Vincent are where most of the recreational fishing activity takes place in South Australia.

Recreational fishing and legislation

Recreational fishing across South Australia is regulated by the Act and the *Fisheries Management (General) Regulations 2017* (the 'Regulations').

The Act acknowledges the importance of recreational fishing to South Australia. The Act:

- Requires that access to the aquatic resources of the State is allocated between users of the resources in a manner that achieves optimum utilisation and equitable distribution of those resources to the benefit of the community
- Requires that management decisions are made that 'foster' recreational fishing for the benefit of the whole community

- Provides for a management plan to be developed for recreational fishing (https://pir.sa.gov.au/data/assets/pdf_file/0003/296490/2020_Recreational_Fishing_Management_Plan.pdf)

The recreational fishery is not licensed but is subject to a range of regulatory restrictions implemented through input and output controls. These controls include:

- Input Controls
 - Types of permitted fishing gear
 - Temporal closures
 - Spatial closures
 - Complete and partial protection of species
- Outputs Controls
 - Size limits
 - Daily bag limits
 - Boat limits (for when three person or more are present on a boat)
 - Possession limits

Fishing with a hand spear or spear gun in South Australia

There are several restrictions currently in place specifically related to fishing with a hand spear or spear gun devices in South Australia. These restrictions include:

- Use of fish spears and spear guns while using underwater breathing apparatus including hookah and SCUBA is prohibited.
- It is an offence to take or attempt to take rock lobster with a spear gun or any other pointed instrument.
- Divers are not allowed to carry a hand spear or spear gun that uses an explosive cartridge.
- Devices that operate with an explosive cartridge can be used for protection only. They cannot be attached to a fish spear or spear gun. Any fish injured or killed with the device must be left in the water.
- Powerheads can be carried but must not be used for fishing.

Ref:

https://pir.sa.gov.au/fishing/fishing_gear/permitted_devices/devices/fish_spear_or_hand_spear

Spatial Closures

Spatial closures are also in place under current management arrangements. Fishing with a spear or spear gun is not permitted:

- Within 200 m of the Hindmarsh River and Inman River mouths.
- In the Gulf St. Vincent up to 600 m offshore from the high-water mark between the southernmost breakwater at Outer Harbor and Witton Bluff (Appendix 1).
- Within 100 m of jetties, landings, wharves (incl adjacent foreshore areas).
- The waters of Second Valley (Appendix 2).

Relevant Legislation

Fisheries Management Act 2007 -

<https://www.legislation.sa.gov.au/LZ/C/A/FISHERIES%20MANAGEMENT%20ACT%202007/CURRENT/2007.4.AUTH.PDF>

Fisheries Management (General) Regulations 2017 -

[https://www.legislation.sa.gov.au/LZ/C/R/FISHERIES%20MANAGEMENT%20\(GENERAL\)%20REGULATIONS%202017/CURRENT/2017.226.AUTH.PDF](https://www.legislation.sa.gov.au/LZ/C/R/FISHERIES%20MANAGEMENT%20(GENERAL)%20REGULATIONS%202017/CURRENT/2017.226.AUTH.PDF)

A summary specifying the relevant regulations can be found at Appendix 3.

Background on the issue

Spearfishing Spatial Closures

The current spatial closures for spearfishing in South Australia were based on historical decisions aiming to allow safe access to metropolitan coastal areas for all marine users.

With the current closures in place, spearfishers who live in the metropolitan area either need to have access to a boat to be able to fish more than 600 m offshore, which is deep water and best suited to experienced divers, or alternatively, fishers must drive up to 1 hr south or north outside of the current metropolitan coastline restrictions.

As a physically demanding fishing activity, spearfishers foster fishing as an integral healthy outdoor option. For junior spearfishers, the metropolitan closures restrict access and, as a result, participation in recreational spearfishing is affected.

Proposal

It is proposed to retain spearfishing closures in popular metropolitan coast swimming beaches (Outer Harbor to Seacliff), however, open the lesser used parts of the metropolitan marine coast to spearfishing to allow for more equitable access to fishers.

Specifically, shore-based entry access between Marino Rocks and O'Sullivan's Beach, in addition to access to the southern side of the Outer Harbor breakwater.

The approximate coordinates of the proposed areas are as follows:

Outer Harbor Southern Breakwater: All water north of a line extending from landpoint 34°47'04" S, 138°28'39" E out to the corresponding 600m mark of the breakwater.

Marino to O'Sullivan's: All waters between the two landmarks, 35°02'21" S, 138°30'53" E (Kingston Park/Marino) and 35°07'04.8" S, 138.°28'07.5" E out to the corresponding 600m mark.

Target Species

There are a variety of species that are targeted by persons who participate in spearfishing in South Australia. Likely species that would be targeted through spearfishing activities if the proposed spatial closures were removed would include:

Species Common Name	Species Scientific Name	Stock Status*
Southern Calamari	<i>Sepioteuthis australis</i>	Sustainable
King George Whiting	<i>Sillaginodes punctatus</i>	Sustainable
Yellowfin Whiting	<i>Sillago schomburgkii</i>	Sustainable
Blue Spotted Flathead	<i>Platycephalus caeruleopunctatus</i>	Sustainable
Black Bream	<i>Acanthopagrus butcheri</i>	Sustainable
Silver Trevally	<i>Pseudocaranx georgianus</i>	Undefined
Yelloweye Mullet	<i>Aldrichetta forsteri</i>	Sustainable
Australian Salmon	<i>Arripis trutta/truttaceus</i>	Sustainable
Dusky Morwong	<i>Dactylophora nigricans</i>	Undefined
Bluethroat Wrasse	<i>Notolabrus tetricus</i>	Sustainable
Sweep Spp	<i>Scorpius aequipinnis/georgiana</i>	Undefined
Longsnout Boarfish	<i>Pentaceropsis recuvirostris</i>	Undefined
Leatherjacket Spp	<i>Meuschenia freycineti/hippocrepis</i>	Undefined
Zebrafish	<i>Girella zebra</i>	Undefined
Red Mullet	<i>Upeneichthys vlamingii</i>	Undefined
Magpie Perch	<i>Pseudogoniistius nigripes</i>	Undefined
Moonlighter	<i>Tilodon sexfasciatus</i>	Undefined
Silver Drummer	<i>Kyphosus sydneyanus</i>	Undefined

* Stock Classifications based on the Status of Australian Fish Stock (SAFS) at www.fish.gov.au

The majority of the species likely to be targeted are either classed as sustainable or undefined. Spearfishing is a very targeted method of fishing and labour intensive which prevents large numbers of people participating in the activity and limits the amount of fish taken. As a result, the opening of any of the areas proposed in the options outlined in this paper would be expected to have a negligible impact to the status of the stocks targeted.

Encounter Marine Park

The area adjacent to the old Port Stanvac oil refinery, between Marino and O'Sullivan's, has been a marine exclusion zone for more than 50 years, to protect and conserve the biodiversity of the local region.

The Department for Environment and Water (DEW) recently undertook a review of South Australian Marine Parks. As a part of the review, a proposal was made to create a new sanctuary zone at Port Stanvac to protect the unique intertidal reef environment.

In December 2020, the Minister for Environment and Water, approved the extension of the northern boundary to create the new sanctuary zone at Port Stanvac. Under the

Marine Parks Act 2008 sanctuary zones are ‘no take’ areas, meaning that you cannot collect, fish or use fishing gear in them.

Next Steps of the Review

Information collected through the internal and external stakeholder consultation processes will be compiled, and recommendations made upon the basis of the feedback. Dependent on the recommended option determined through the review process, amendments to the relevant regulations (Appendix 3) outlined in the *Fisheries Management (General) Regulations 2017* may be proposed.

Outcomes from the review must:

- Provide recommendations that are simple, reasonable and enforceable.
- Result from a thorough and transparent consultation process
- Produce recommendations that continue to provide safe and equitable use and access for all aquatic user groups and stakeholders.

The final outcomes of the review will be communicated through the Department of Primary Industries and Regions (PIRSA) and the MRFAC.

Proposed Management Options

1. Option 1

Allow shore-based and vessel entry access between Marino Rocks and O’Sullivans Beach, in addition to access to the southern side of the Outer Harbor breakwater consistent with the coordinates proposed and provided (Appendix 5). The current 100 metre jetties, landings and wharves (including the adjacent foreshore area) exclusion zone will still apply within the area. Consistent with the *Marine Parks Act 2007* the Port Stanvac sanctuary zone (SZ12) will remain a no take zone.

2. Option 2

Allow shore-based and vessel entry access between Marino Rocks and O’Sullivans Beach only consistent with the coordinates proposed (Appendix 5). The current 100 metre jetties, landings and wharves (including the adjacent foreshore area) exclusion zone will still apply within the area. Consistent with the *Marine Parks Act 2007* the Port Stanvac sanctuary zone (SZ12) will remain a no take zone. This will not include access to the southern side of the Outer Harbor breakwater.

3. Option 3

No change to current spearfishing spatial restrictions.

References

Arlinghaus R., Cooke S.J. and Cowx I.G. (2010). Providing context to the global code of practice for recreational fisheries, *Fisheries Management and Ecology*. 17:146-156.

Giri, K and Hall, K. (2015) *South Australian Recreational Fishing Survey 2013/14*, Fisheries Victoria Internal Report Series No. 62, Victorian Government, Department of Economic Development, Jobs, Transport and Resources.

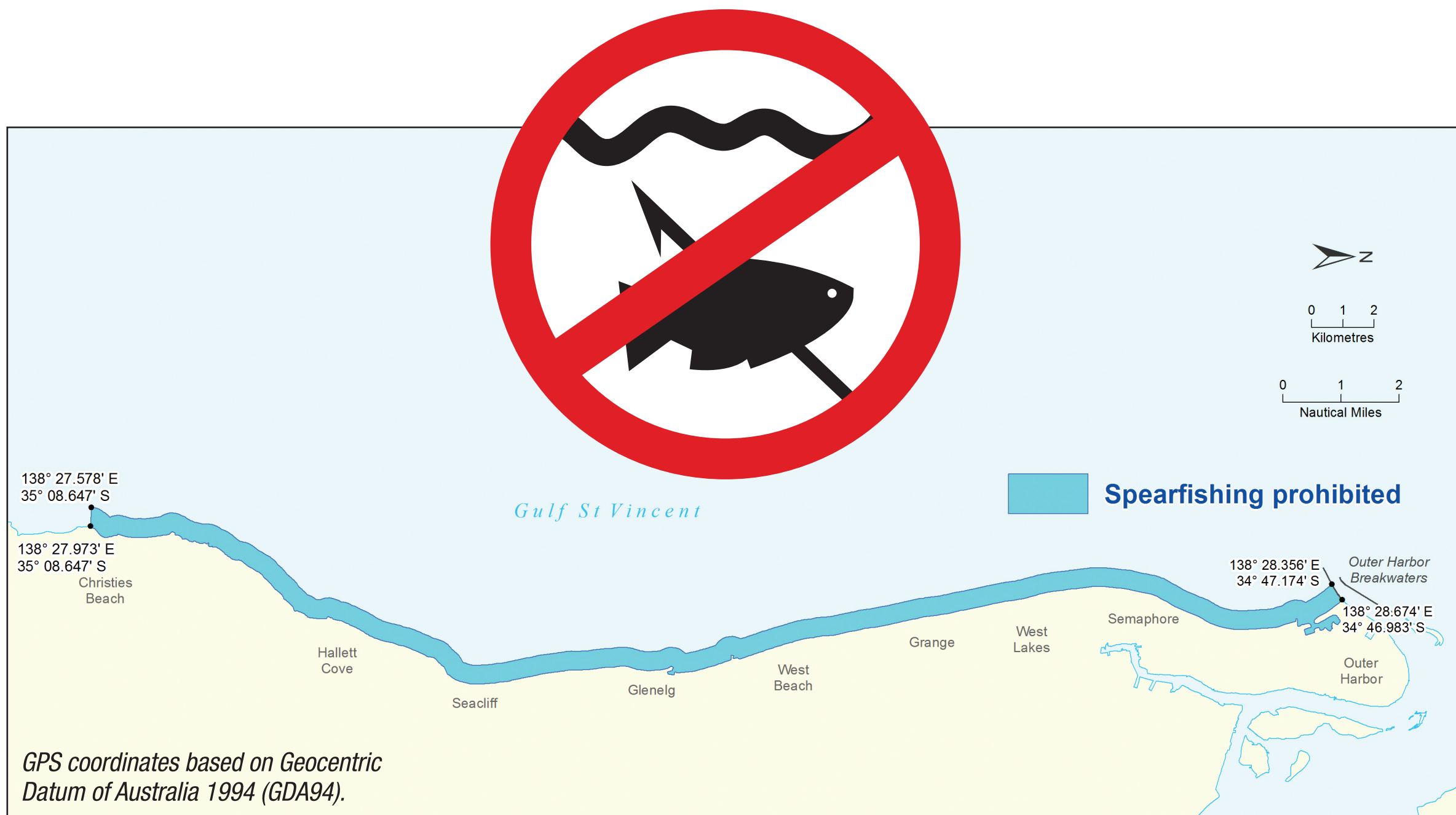
Jones, K (2009). *2007/08 South Australian Recreational Fishing Survey*. The South Australian Fisheries Management Series Paper 54, 84p. Primary Industries and Regions South Australia.

Appendix

1. Map of Gulf St Vincent spearfishing spatial closure
2. Map of Second Valley spearfishing spatial closure
3. Spearfishing, hand spear and spear gun regulations summary report
4. Map of areas that have been requested to allow access to Spearfishing
5. Map of Encounter Bay Marine Park Port Stanvac Sanctuary Zone



Spearfishing Prohibited



For the safety of all water users, the use of spears or spear guns is prohibited in the marked waters. The area includes all waters within 600 metres of the high water mark between the southern Outer Harbor breakwater and Witton Bluff (see map).

In South Australian waters, the use of a hand fish spear or spear gun is also prohibited:

- ✗ Within 100 metres of any jetty, landing or wharf
- ✗ While using underwater breathing apparatus such as hookah or SCUBA

It is also an offence to target or take Rock Lobster with a spear or any other pointed instrument in South Australia.

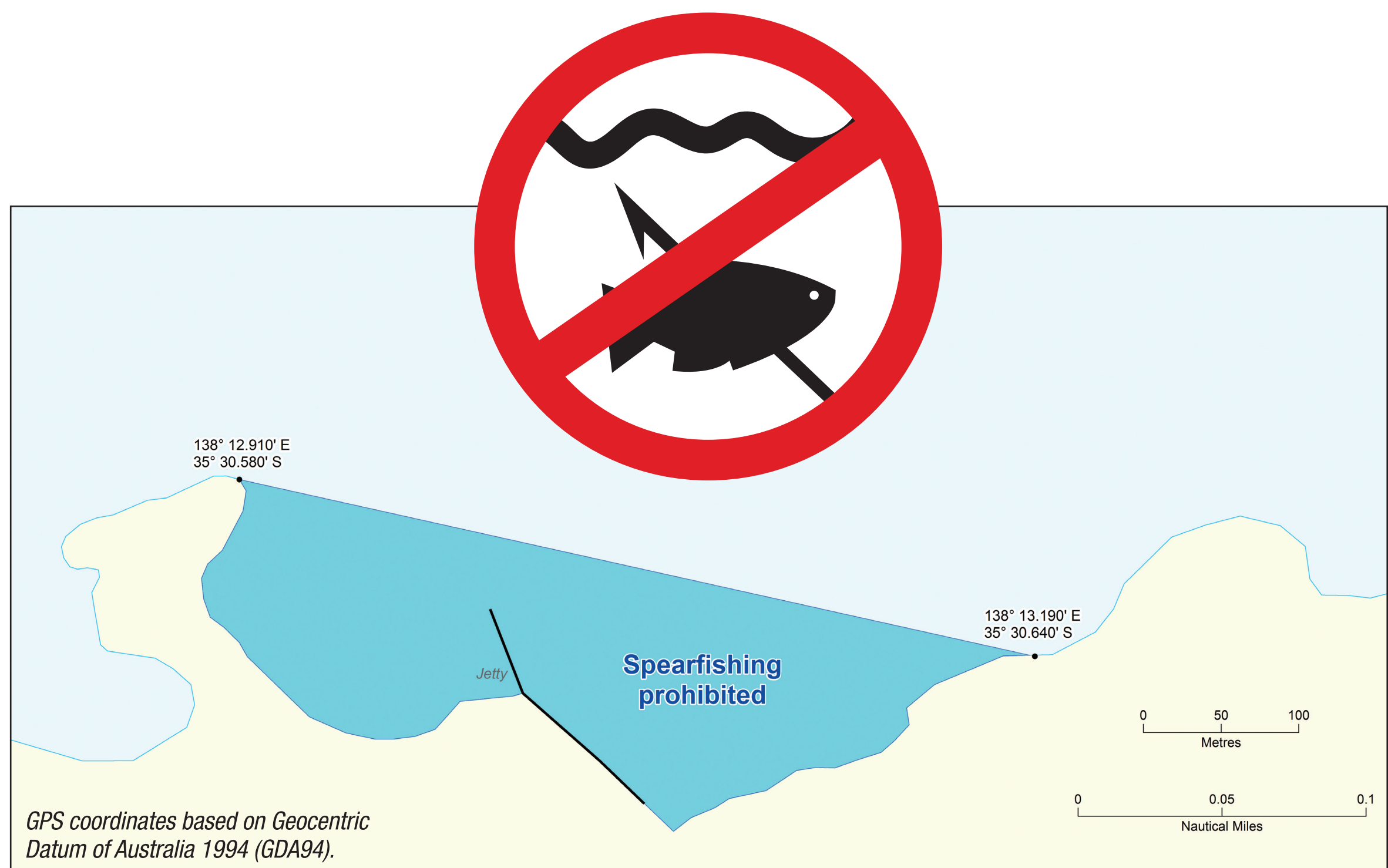
Maximum penalty of \$20,000 applies.

For more information visit:
www.pir.sa.gov.au/fishing
 or download the free SA
 Recreational Fishing Guide app


Fishwatch
 1800 065 522


 Government
 of South Australia
 Primary Industries
 and Regions SA

Spearfishing Prohibited



For the safety of all water users, the use of a spear or spear gun is prohibited within the marked waters of Second Valley (see map).

In South Australian waters, the use of a hand fish spear or spear gun is also prohibited:

- ✗ **Within 100 metres of any jetty, landing or wharf**
- ✗ **While using underwater breathing apparatus such as hookah or SCUBA**

It is also an offence to target or take Rock Lobster with a spear or any other pointed instrument in South Australia.

Maximum penalty of \$20,000 applies.

For more information visit:
www.pir.sa.gov.au/fishing
or download the free SA
Recreational Fishing Guide app



PIRSA

Spearfishing, hand spear and spear gun regulations - Summary report

Spearfishing, hand spear and spear gun regulations – Summary report

Information current as of February 2021
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T 08 8207 5333
E PIRSA.Feedback@sa.gov.au

Introduction

The current closures for spear fishing in South Australia were based on allowing safe access to metropolitan coastal areas for numerous water user stakeholder groups. The information available in relation to the safety of multiple marine water user stakeholder groups, and their impact on one another, is limited.

It is proposed to retain spear fishing closures in popular metropolitan coast swimming beaches (Outer Harbour to Seacliff), however, open the lesser used parts of the metropolitan marine coast to spear fishing to allow for safe and more equitable access to fishers. Specifically, shore-based entry access between Marino Rocks and O'Sullivan's Beach, in addition to access to the southern side of the Outer Harbour breakwater.

The objective of this summary report is to outline specific references to current spearfishing, hand spear and spear gun regulations contained in the *Fisheries Management (General) Regulations 2017* (the 'Regulations').

3 - Interpretation

hand fish spear means a fish spear propelled by human power without the use of any explosive, spring, elastic material or mechanism; - **Page 4**

spear gun means a device for spearing fish consisting of a spear and an apparatus for discharging the spear by means of explosive, spring or elastic material or other mechanical means; - **Page 8**

14 – Carriage of explosive devices in specified areas

(1) A person must not carry a hand fish spear, spear gun or device that operates by means of an explosive cartridge in an area specified in Schedule 10.

Maximum penalty: \$2 500.

Expiation fee: \$210.

(2) It is a defence to a charge of an offence against subregulation (1) to prove that the defendant was carrying the spear, spear gun or device only for the purpose of transporting it across the area. – **Page 16**

15 - Carriage of certain devices while using scuba etc

(1) Subject to subregulation (2), a person must not, while using a scuba, hookah or other apparatus for breathing underwater, carry a hand fish spear, spear gun or device that operates by means of an explosive cartridge.

Maximum penalty: \$2 500.

Expiation fee: \$210.

(2) A person may, while using a scuba, hookah or other apparatus for breathing underwater, carry a device that operates by means of an explosive cartridge if—

- (a) the device is not attached to a hand fish spear or spear gun; and
- (b) the device is carried only for protection; and
- (c) any fish that is injured or killed is left in the water.

(3) Subregulation (2) does not permit the carrying of a device in an aquatic reserve or an area specified in Schedule 10. – **Page 16**

Schedule 1

Permitted Devices

Hand fish spear
Spear gun

Division 2 – Use of more than permitted number of devices

43 – Use of more than permitted number of devices in coastal waters

(1) The taking of fish by an unlicensed person in coastal waters by using—

- (a) 2 or more hand nets at the same time; or
- (b) 2 or more mussel dredges at the same time; or
- (c) 3 or more rock lobster pots at the same time; or
- (d) 3 or more spear guns at the same time; or
- (e) 4 or more drop nets at the same time; or
- (f) 4 or more hoop nets at the same time.

(2) The taking of fish by an unlicensed person in coastal waters by using, at any 1 time, a combination of the different kinds of devices referred to in the table below if the combination consists of or includes—

- (a) more than 2 kinds of the different kinds of devices referred to in column 1 of the table; or
- (b) more than 1 kind of the different kinds of devices referred to in column 2 of the table.

Column 1	Column 2
Hand net	Drop net
Mussel dredge	Hoop net
Spear gun	Rock lobster pot

(3) This clause does not apply to the taking of fish (other than rock lobster) in coastal waters by an unlicensed person by using not more than 10 hoop nets and not less than 4 hoop nets. – **Pages 12 & 13**

77 – Use of pointed device to take rock lobster

The taking of rock lobster in the waters of the State by using a fish spear, hand fish spear, spear gun or other pointed device. – **Page 28**

104 – Use of certain devices near artificial reefs

(1) The taking of fish using a fish net, fish trap, hand fish spear, speargun or long line within 0.5 of a nautical mile from any of the artificial reefs specified in the table below.

Location	Artificial reef	Latitude (South)	Longitude (East)
Ardrossan	Dredge	34°31'48.00"	138°03'35.99"
Giles Point	Tyre module	35°03'00.00"	137°47'23.98"
Glenelg	Dredge	34°58'48.00"	138°26'24.01"
Glenelg	Sunken barge	34°58'48.00"	138°26'24.01"
Glenelg	Tyre module	34°58'48.00"	138°26'24.01"
Grange	Tyre module	34°55'11.99"	138°23'59.98"

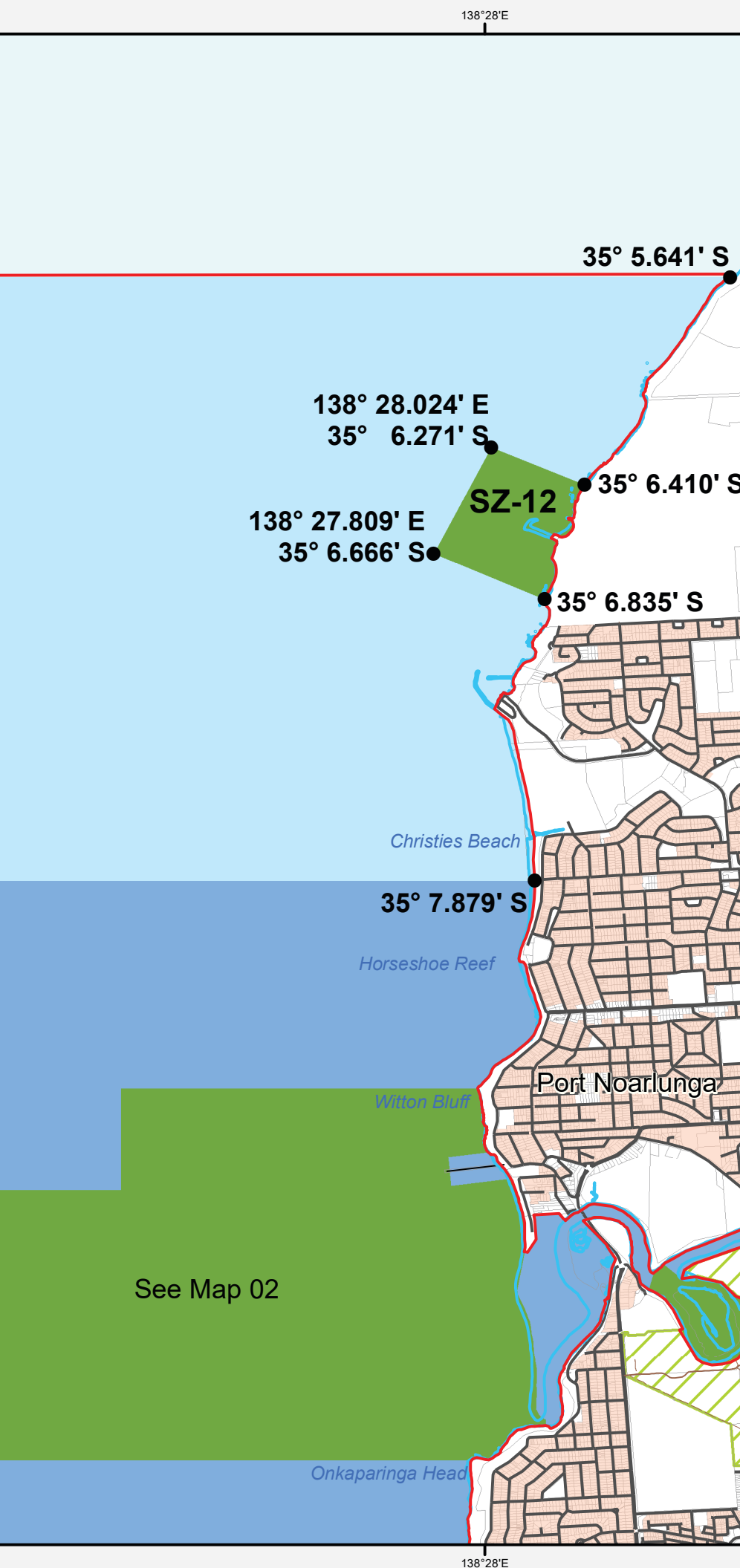
Kingscote, Kangaroo Island	Tyre module	35°41'24.00"	137°40'11.99"
Port Augusta	Tyre module	32°40'11.99"	137°45'35.98"
Port Broughton	Car bodies	33°33'00.00"	137°51'36.00"
Port Germein	Pipes	33°03'36.00"	138°00'00.00"
Port Lincoln	Sunken vessel	34°40'48.00"	135°52'11.98"
Port Neill	Sunken vessel	34°06'36.00"	136°22'48.02"
Port Noarlunga	Tyre module	35°09'00.01"	138°26'24.01"
Port Pirie	Tyre module	33°05'24.00"	137°54'36.01"
Streaky Bay	Tyre module		
Wallaroo	Tyre module	33°51'36.00"	137°34'12.03"
Whyalla	Tyre module	32°58'12.00"	137°46'48.00"
Whyalla	Tyre module	33°00'00.00"	137°47'23.98"
Whyalla	Tyre module	33°06'36.00"	137°36'36.00"

(2) The taking of fish by any person within 930 metres from the artificial reef known as Fleurieu Reef, 35°28'09.00" South, 138°09'05.00" East. – **Pages 35 and 36**









South Australian Marine Park Zoning

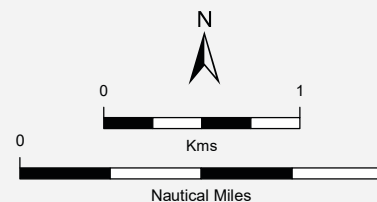
Boundary Definition Encounter Marine Park Map 16 - Sanctuary Zone 12 General Managed Use Zone 1

Marine Park Zoning

- Sanctuary Zone
- Habitat Protection Zone
- General Managed Use Zone
- Marine Park Boundary

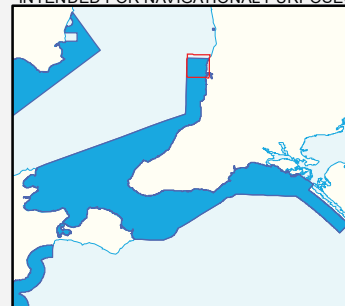
Topographic

- Built Up Area
- Existing Reserves under other Acts
- DCDB Parcel
- Coastline (median high water)
- Jetty
- Sealed Road
- Unsealed Road
- Vehicular Track



Scale Bar is approximate only

THIS MAP IS INDICATIVE ONLY AND IS NOT
INTENDED FOR NAVIGATIONAL PURPOSES



Produced by Marine Parks Project
Department for Environment and Water
GPO BOX 1047 Adelaide SA 5001
www.marineparks.sa.gov.au

Data Source Marine Parks, NPWSA, Topographic Data,
Coastline (median high water) - DEWNR
(dataset #807, Topography - Coastline, last
updated April 2011)
DCDB - DPTI
Aquatic Reserves - PIRSA
20 May, 2020
Compiled Geographic
Projection
Datum Geocentric Datum of Australia, 1994

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Government of
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DEH MapID: 2020-6397

See Map 02

Animal Impounding

Originating Officer	Unit Manager Community Health and Safety - Sharon Perin
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
General Manager	Acting General Manager City Development - Greg Salmon
Report Reference	GC210511R09

Confidential ☐

REPORT OBJECTIVE

To seek direction from Council regarding the future impounding of animals.

EXECUTIVE SUMMARY

Councils have responsibilities under the *Dog and Cat Management Act 1995* ("the Act") relating to the seizure and detention of dogs, and to a lesser degree, cats. This includes responsibility for impounding and managing seized and detained dogs and cats, but does not compel Council to re-home the dogs and cats.

Councils must make satisfactory arrangements for the detention of dogs and if they choose to detain cats, satisfactory arrangements for the detention of the cats. Detention facilities may be:

- Council owned and operated;
- Privately owned and operated facilities; or
- A combination of the above.

The City of Marion currently impounds dogs and cats at the RSPCA's animal shelter at Lonsdale on a fee for service arrangement. Administration has secured a contract with the RSPCA for this to continue to 30 June 2023. However, the RSPCA has advised the City of Marion that it does not see a long-term future for impounding animals at its Lonsdale site and they plan to cease impounding services at the this site from July 2023.

Securing alternative animal impounding services for the future is required so the City of Marion can meet its legislative responsibilities, including minimum legislated time frames for holding detained dogs. Four options have been explored at a high level and information regarding these options is included in this report. The resources required and costs for an impounding service will depend on the service level provided by the City of Marion.

Council's endorsement is sought for Administration to progress exploring the option of building its own pound to meet minimum legislated time frames.

RECOMMENDATION

That Council:

- 1. Writes to the City of Onkaparinga with a formal invitation to commence a partnership and collaboration to facilitate a holding impound for both councils to utilise.**
- 2. Writes to other nearby Councils including the City of Mitcham and City of Holdfast Bay to gauge of their level of interest in utilising a joint-council pound.**
- 3. Further investigate options to build a pound that:**
 - a. Includes managing dogs for the legislative time frame of 72 hours (for dogs found wandering at large and a minimum of 7 days for dogs subject to the investigation process of a dangerous dog).**

- b. Includes the flexibility to hold dogs longer by agreement (e.g. if the owner/person in charge is contactable but not in a position to collect their dog within the legislative time frame).
- c. Includes options for Council to work with other nearby councils, as well as a potential independent facility.
- d. Includes expert input from relevant animal welfare agencies.

4. Continues to investigate ways to reduce the number of animals that require impounding.

5. Notes an update report will be submitted to Council by 10 August 2021.

Legal / Legislative / Policy:

Council has certain responsibilities for the management of dogs and cats under the Dog and Cat Management Act, 1995.

Additional Resource Impact

If Council chooses to build its own animal pound or co-build a pound, this will require additional staff and financial resources, including for the scoping, planning and building a pound; and for administering and cleaning the pound.

DISCUSSION

At the Elected Member Forum on 30 March 2021 through a confidential report, staff from City of Salisbury provided a presentation about the progress of their joint animal pound facility with the City of Tea Tree Gully (EMF210330). The Cities of Salisbury and Tea Tree Gully have entered into a Memorandum of Understanding to share costs to build and operate a joint pound.

Legislative Responsibilities

Dogs

Section 61 of the Act states that if a dog is seized that it must either be:

- Returned to the owner or the person responsible for the dog.
- Be detained in a facility approved by the Dog and Cat Management Board.

Under the Act, the mandatory time period for a dog to be impounded is:

- 72 hours for a dog found wandering at large and the owner is unable to be contacted or identified during that time.
- 7 days if an authorised person believes the dog is unduly dangerous; regarding a Control Order; regarding a Prohibition Order; or under other circumstances under the Dog and Cat Management Act.

There is no legislated requirement for a dog to be re-homed although it is common practice for animal welfare agencies to take on this responsibility.

Cats

Under the Act, a cat may be seized under certain circumstances. If a cat is seized, it must be delivered within 12 hours to either a vet, the RSPCA, the Animal Welfare League, a body or person specified by the Dog and Cat Management Regulations, or a facility nominated by a council and approved by the Dog and Cat Management Board.

There is no minimum detention period for cats.

There is no legislated requirement for a cat to be re-homed although it is common practice for animal welfare agencies to take on this responsibility.

Current Situation

The City of Marion currently utilises the services of the RSPCA to adhere to all legislative requirements of the Act regarding the impounding of seized dogs and cats.

On average, 440 cats and 280 dogs are taken to the RSPCA annually.

Dogs

If a dog is seized by a Community Safety Inspector and the owner cannot be located, the dog is transported to the RSPCA Lonsdale where RSPCA staff are responsible for holding and caring for the dog until it is collected by the owner.

As defined in the Act, the owner is given 72 hours to claim the dog before it goes into the possession of the RSPCA who then make a decision about the future of the dog. The RSPCA are currently responsible for making this decision through their expertise in the fields of animal behaviour, management, health, well-being and other factors in relation to the health of the dog and the safety of any potential new owners. The RSPCA use every effort to re-home dogs.

Cats

If a cat is trapped or seized the animal is scanned to determine if it is micro-chipped or otherwise identified. Under the Act, a cat is identified, it must be returned to its owner or released. All efforts are made to contact the owner of the animal and return it back to them. Unidentified cats are taken to the RSPCA where the RSPCA makes a decision regarding the outcome of the cat. The RSPCA makes every effort to re-home cats.

Contract with the RSPCA

The City of Marion currently outsources all impounding to the RSPCA. A contract to secure this service for all dogs and cats until 30 June 2023 was executed on 22 December 2020. The RSPCA have advised that they will be moving away from impounding services in the future and at this stage it is unknown if this current contract can be extended past 30 June 2023.

Proposed Options

A number of options for the future of impounding dogs and cats has been considered at a high level and the following table below outlines the possible options and the advantages and disadvantages of each.

On a financial, resourcing and legislative basis, progressing option 1 or 2 is recommended.

The Dog and Cat Management Board must approve any impounding facility that Council can use prior to its utilisation.

	Option 1 Build Pound Facility: fully fund	Option 2 Build Pound Facility: fund in conjunction with a partner, eg City of Onkaparinga	Option 3 Build Full Shelter (not recommended)	Option 4 No Build – Service Only (not recommended)
Advantages	<p>Gives Council full control over what level and type of service delivered.</p> <p>Legislative requirements met.</p> <p>After 72 hrs care, control of animals is transferred to another organisation, eg Animal Welfare League.</p>	<p>Council negotiates service level and offering.</p> <p>Legislative requirements met.</p> <p>Gives Council shared control over what level and type of service delivered.</p> <p>Capital and running costs can be shared in potential partnership.</p>	<p>Full re-home service includes 72hr hold.</p> <p>Legislative requirements met.</p> <p>Run or outsource specialist services, vets, animal behaviourists etc.</p>	<p>Tendered to AWL or RSPCA.</p> <p>Legislative requirements met.</p> <p>No capital cost outlay.</p>
Disadvantages	<p>Initial capital costs.</p> <p>Ongoing maintenance.</p> <p>Ongoing staff costs.</p>	<p>Initial capital costs.</p> <p>Ongoing maintenance.</p> <p>Ongoing staff costs.</p>	<p>Greater initial capital costs.</p> <p>Greater ongoing maintenance.</p> <p>Greater ongoing staff costs.</p> <p>Exceeds Council's legislative requirements.</p>	<p>Resident impact on travelling to AWL for animal collection.</p> <p>Very limited service to residents.</p>

			<p>Larger facility is required as animals are held longer.</p> <p>Additional services required including animal behavioural assessment, vet fees, adoption program conducted, potential euthanasia by Council of some animals.</p>	
--	--	--	--	--

If Council chooses to build a pound or a joint pound with a partner, this option will be further explored. The size and costs of the pound will be further considered and scoped and the details will be reported back to Council in a future report.

A modular shed design pound is recommended for consideration as it is likely to be more cost efficient, and flexible for expansion if demand increases or if Council decides to change its service delivery model in the future.

For information of Council, if Council chooses to further explore a full shelter model, there are additional requirements to run a full shelter model which include:

- Greater area of land and a larger facility as animals are held for a longer period of time. This includes larger pens and exercise areas.
- Increased services, staff and specialist staff requirements, which include:
 - Animal behavioural assessment
 - Increased staffing eg vets, animal trainers, administration staff
- Re-homing
- Increased volunteers for animal company
- The possibility of being more directly involved in the euthanasia of animals
- Increased costs to build and staff.

The above requirements are above Council's legislative responsibilities and well beyond Council's current operating parameters and would require a significant investment or realignment of resources.

It is therefore recommended Council endorse Administration to pursue a model based on short-stay impounding based on Council's legislative responsibilities. This model would meet (or could exceed) minimum legislative requirements, but would still require some formal arrangement with an animal welfare agency (e.g. RSPCA, Animal Welfare League) for post holding animal care. It would also decrease the capital cost for a facility.

Memorandum of Understanding with the City of Onkaparinga

The City of Onkaparinga's Administration has reiterated its interest to work with the City of Marion to either jointly build a animal pound in the future or if that city builds one on its own to offer its services to the City of Marion.

A Memorandum of Understanding (MOU) with the City of Onkaparinga regarding impounding services has been drafted and could be formalised following commitment from Onkaparinga Council.

Next Steps

- Further explore partnership negotiations with City of Onkaparinga through an MOU.
- Investigate the size of an animal pound to meet legislative requirements.
- Identify costings, including day to day operation.
- Report back to Council with a detailed comprehensive report in August 2021.

SA Water - Acquisition of land at Hallett Cove

Originating Officer Land Asset Officer/Registered Conveyancer - Heather Carthew

Corporate Manager Manager City Property - Thuyen Vi-Alternetti

General Manager Acting General Manager City Development - Greg Salmon

Report Reference GC210511R10

Confidential ☐

REPORT OBJECTIVE

To update Council on SA Water's compulsory acquisition of land at Hallett Cove and to seek authorisation to sign the documents required to release the funds from Court.

EXECUTIVE SUMMARY

In 2015 SA Water upgraded two pump stations adjacent community land at Shamrock Reserve and Glade Crescent Reserve which required larger footprints. To facilitate the upgrades, on 27 October 2015 (GC271015R11) agreed to an unopposed compulsory acquisition by SA Water.

Total compensation of \$65,000 for the two parcels has been paid into Court.

Authorisation to sign the documents required by the Court will enable this long standing item to be finalised and the funds to be paid to Council. Upon receipt of the funds by Council, the net proceeds will be paid into the Open Space Reserve Fund for the development of Open Space Facilities as approved by Council.

RECOMMENDATION

That Council:

- 1. Pursuant to Section 38 of the *Local Government Act 1999* authorises the Mayor and Chief Executive Officer to sign and affix the common seal to the documentation required for the release of funds from Court for the land that has been acquired by SA Water, subject to minor variations.**
- 2. Authorises the Chief Executive Officer to sign the Affidavits and any other document required for the release of funds from Court for the land that has been acquired by SA Water, subject to minor variations.**
- 3. Endorse the payment of the net proceeds into the Open Space Reserve Fund for the development of open space facilities as approved by Council.**

DISCUSSION

Background

In 2015, SA Water identified the need to upgrade part of their waste water (sewer) network in Hallett Cove as their existing infrastructure was operating above its capacity.

Two pump stations were upgraded adjacent Council owned community land known as Shamrock Reserve and Glade Crescent Reserve (the Reserves). To facilitate the upgrades, SA Water requested to acquire portions of the Reserves.

On 27 October 2015 (GC271015R11) Council resolved:

- 1. Note that subject to SA Water's project approval, agreement shall be given for an agreed and unopposed compulsory acquisition of Community Land at Reliance Road and Capella Drive Hallett Cove being*

portions of the land in Certificates of Title Volume 4165 Folio 544 Volume 5159 Folio 689 and Volume 5982 Folio 906

- 2. Note that Council retains its right to object to the acquisition or a component of the acquisition pursuant to the provisions of the Land Acquisition Act 1969 in the event that Council's requirements and objectives will not be met as a result of the acquisition.*
- 3. Authorises the Chief Executive Officer to negotiate the terms and conditions of a Right of Entry or similar agreement to enable SA Water to commence works on the sites prior to completion of the compulsory acquisition process*
- 4. Council pursuant to Section 37(b) of the Local Government Act 1999 authorises the Chief Executive Officer to enter into and sign all documentation necessary to facilitate the acquisition and the right of entry or similar agreement with SA Water*
- 5. Require the agreement to include the requirement for SA Water to undertake landscaping and adequate graffiti management controls at no cost to Council.*

Discussion

The compulsory acquisition process has now been completed and the land has transferred to SA Water. The areas of land are:

- Shamrock Reserve - 660 square metres
- Glade Crescent Reserve - 588 square metres

Maps showing the footprint of the facilities before and after the upgrade are attached (Attachment 1).

The compensation payable to Council has been determined by SA Water's Valuers and agreed by Council is as follows:

- Shamrock Reserve - \$18,000
- Glade Crescent Reserve - \$47,000

The consideration payable for Shamrock Reserve was considered by Council to be insufficient, as SA Water were not able to pay more than the amount determined by their Valuer, they offered a "value-add" in the sum of \$70,745 for the purpose of sealing the car park adjacent the tennis clubroom, which has been completed.

In addition to the value-add, SA Water undertook extensive landscaping at both locations (Attachment 2).

The compensation due to Council has been paid into the Court. The Court requires both an affidavit to be signed by the Chief Executive Officer and a Deed of Discharge, Release and Indemnity to be signed under Common Seal by the Mayor and the Chief Executive Officer. Copies of the draft affidavit and deed are attached (Attachment 3).

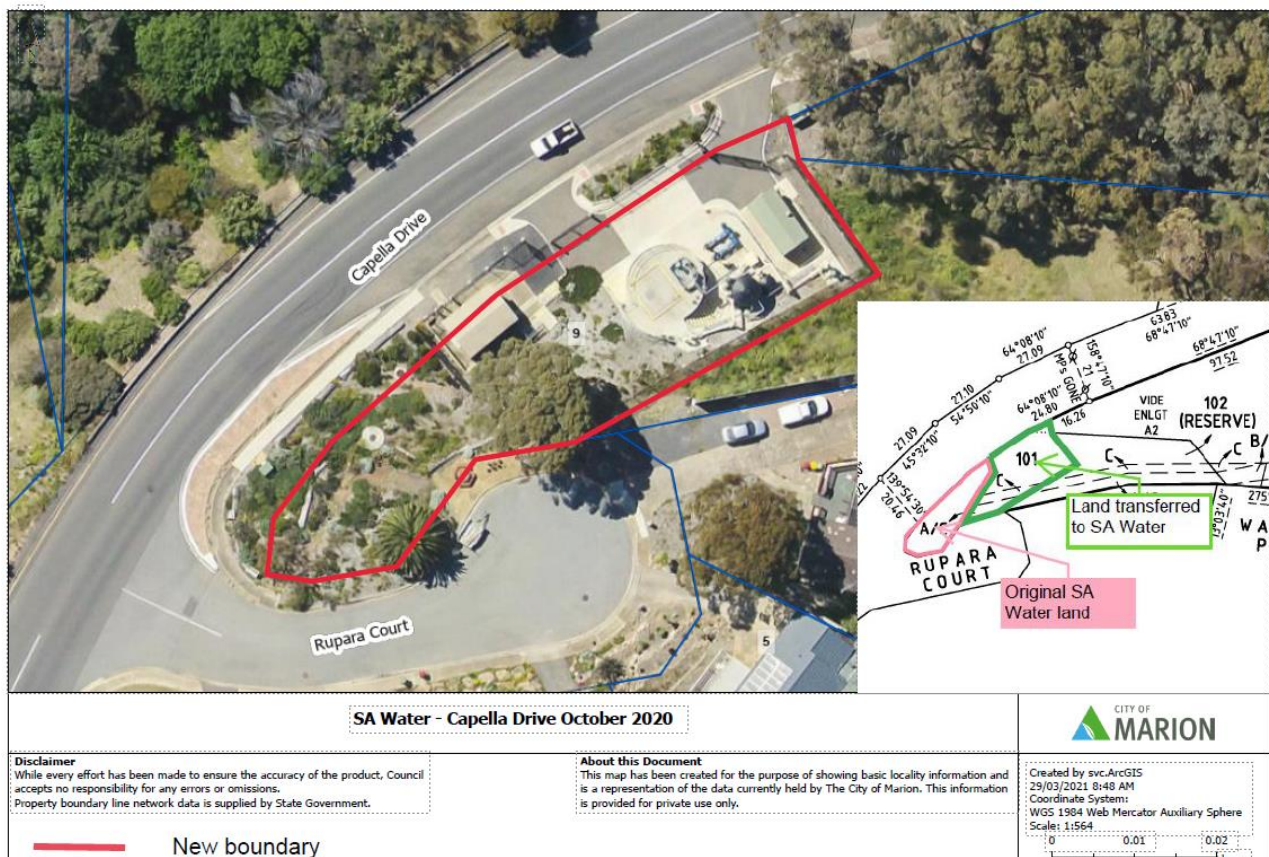
Attachment

#	Attachment
1	Attachment 1 - Maps
2	Attachment 2 - Landscaping Images
3	Attachment 3 - Draft documents

Capella Drive Facility – September 2015 and October 2020



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS

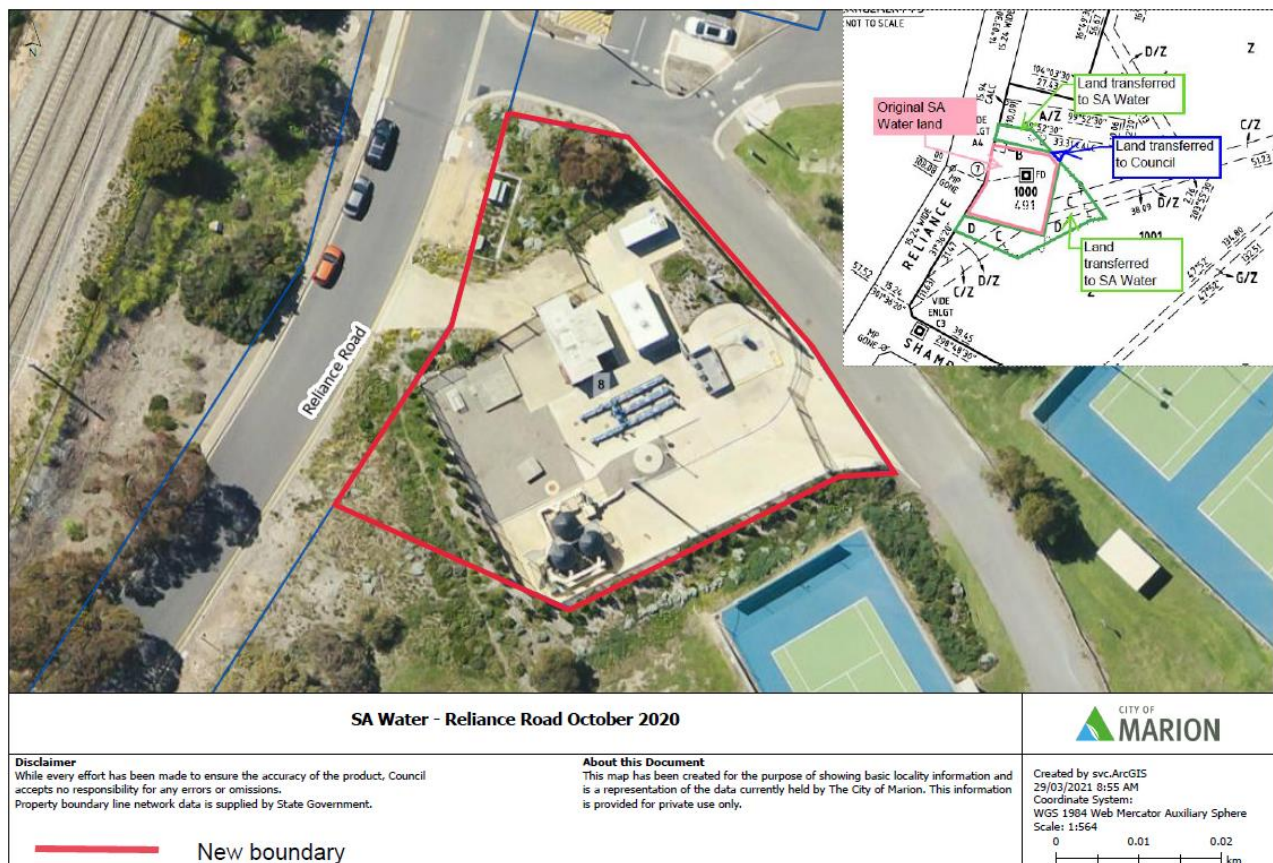


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS

Reliance Road Facility – September 2015 and October 2020



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS



ATTACHMENT 2

Shamrock Road Reserve – November 2015



Shamrock Road Reserve – April 2021



ATTACHMENT 2

Shamrock Road Reserve – November 2015



Shamrock Road Reserve – April 2021



ATTACHMENT 2

Glade Crescent Reserve – July 2013



Glade Crescent Reserve – April 2021



To be inserted by Court

Case Number:

Date Filed:

FDN:

AFFIDAVIT

SUPREME COURT OF SOUTH AUSTRALIA
CIVIL JURISDICTION
LAND AND VALUATION LIST

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

SOUTH AUSTRALIAN WATER CORPORATION

Applicant

CITY OF MARION

First Respondent

Lodging Party	South Australian Water Corporation	
	Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))	
Name of law firm / solicitor If any	Crown Solicitor for the State of South Australia Law Firm	Amy Teakle Solicitor

Deponent Details

Deponent	[REDACTED]			
	Full Name			
Address	245 Sturt Road			
	Street Address (including unit or level number and name of property if required)			
	STURT	SOUTH AUSTRALIA	5047	AUSTRALIA
	City/town/suburb	State	Postcode	Country
	N/A			
	Email address			
Occupation	Chief Executive Officer			
	Occupation			

Affidavit

I swear on oath that:

1. I am employed by the City of Marion (being a council incorporated pursuant to the *Local Government Act 1999*) as the Chief Executive Officer and am authorised to swear this affidavit on its behalf.
2. By notice of acquisition published in the *South Australian Government Gazette* on 30 June 2020 at page 3695, the South Australian Water Corporation ("**Authority**") acquired:
 - 2.1. an estate in fee simple in those pieces of land marked "Reserve" in the area named Hallett Cove being portion of Allotment 185 in Deposited Plan 10252 as comprised in Certificate of Title Volume 5159 Folio 689 and portion of Allotment 1001 in Deposited Plan 72083 as comprised in Certificate of Title Volume 5982 Folio 906 and being portion of the land identified as Allotment 101 in approved Deposited Plan 123752 lodged in the Lands Titles Office, subject to:
 - 2.1.1. the service easement for sewerage purposes marked "A" to South Australian Water Corporation (223LG RPA); and
 - 2.1.2. the easement created over the land marked "C" on D72083 (TG 7139189).

(Referred to as the "**Land**").
3. Immediately prior to the acquisition referred to in paragraph 2:
 - 3.1. The Corporation of the City of Marion was the sole registered proprietor of an estate in fee simple in the Land;
 - 3.2. South Australian Water Corporation held a service easement for sewerage purposes over the land marked "A" in Deposited Plan 72083, which easement was neither acquired nor extinguished as a result of the acquisition referred to in paragraph 2; and
 - 3.3. The Minister for Infrastructure and Transport (as successor to the Minister for Infrastructure) held an easement over the land marked "C" in Deposited Plan 72083, which easement was neither acquired nor extinguished as a result of the acquisition referred to in paragraph 2.
4. I know from a perusal of the Interpleader filed for this matter that the sum of \$47,000.00 was paid into Court by the Authority on account of the City of Marion's interest as registered proprietor of an estate in fee simple in the Land.
5. The Authority and the City of Marion have reached an agreement in respect of the total compensation payable to the City of Marion in respect of the acquisition referred to in paragraph 2, being \$47,000.00 in full and final settlement.
6. I seek an order that the sum of \$47,000.00 paid into Court together with interest thereon to the date of payment out be paid to the First Respondent, City of Marion, and that the payment be made care of the Crown Solicitor for the State of South Australia.

7. I know the facts deposed to herein of my own knowledge and from a perusal of the notice of acquisition published in the *South Australian Government Gazette* dated 30 June 2020 at page 3695, a copy of a register search of Certificates of Title Volume 5159 Folio 689 and Volume 5982 Folio 906, a copy of Deposited Plans 10252, 72083 and 123752, and a copy of the Interpleader filed for this matter.

Deposed by [REDACTED]

At

On

.....
Signature of deponent

.....
Name printed

before me
Signature of attesting witness

.....
Printed name and title of witness
Stamp here if applicable

.....
Date

.....
ID number of witness
If applicable

Instructions

- Each page of the affidavit, including any exhibit(s), must be consecutively numbered starting with page 2.
- The affidavit should be confined to facts and should not include submissions.
- The affidavit should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.
- An exhibit to an affidavit must be clearly marked to identify it as the exhibit referred to in the affidavit.
- A single 'front page' must be inserted in front of the exhibits in form 14.
- Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.

- An affidavit is to be sworn if it is made in this State in accordance with section 6 of the Evidence Act 1929 or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.
- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
 - (a) a Registrar or Deputy Registrar
 - (b) any other officer of the Court whom the Registrar has assigned for this purpose;
 - (c) a public notary;
 - (d) a commissioner for taking affidavits;
 - (e) a justice of the peace for South Australia;
 - (f) any other person authorised by law to take affidavits.
- The contents of an affidavit cannot be altered after the affidavit has been sworn or affirmed.
- The party serving an affidavit must serve copies of all exhibits with the affidavit.

If the deponent is illiterate or blind, see rule 31.7(6). If the deponent does not appear to understand English sufficiently, see rule 31.7(7).

Service

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

To be inserted by Court

Case Number:

Date Filed:

FDN:

AFFIDAVIT

SUPREME COURT OF SOUTH AUSTRALIA
CIVIL JURISDICTION
LAND AND VALUATION LIST

Please specify the Full Name including capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable) for each party. Each party should include a party number if more than one party of the same type.

SOUTH AUSTRALIAN WATER CORPORATION

Applicant

CITY OF MARION

First Respondent

Lodging Party	South Australian Water Corporation	
	<small>Full Name (including Also Known as, capacity (eg Administrator, Liquidator, Trustee) and Litigation Guardian Name (if applicable))</small>	
Name of law firm / solicitor If any	Crown Solicitor for the State of South Australia Law Firm	Amy Teakle Solicitor

Deponent Details

Deponent	[REDACTED]		
	<small>Full Name</small>		
Address	245 Sturt Road		
	<small>Street Address (including unit or level number and name of property if required)</small>		
	STURT	SOUTH AUSTRALIA	5047 AUSTRALIA
	<small>City/town/suburb</small>	<small>State</small>	<small>Postcode</small> <small>Country</small>
	N/A		
	<small>Email address</small>		
Occupation	Chief Executive Officer		
	<small>Occupation</small>		

Affidavit

I swear on oath that:

1. I am employed by the City of Marion (being a council incorporated pursuant to the *Local Government Act 1999*) as the Chief Executive Officer and am authorised to swear this affidavit on its behalf.
2. By notice of acquisition published in the *South Australian Government Gazette* on 30 June 2020 at page 3694, the South Australian Water Corporation ("**Authority**") acquired:
 - 2.1. an estate in fee simple in that piece of land marked "Reserve" in the area named Hallett Cove being portion of Allotment 518 in Deposited Plan 9599 as comprised in Certificate of Title Volume 6230 Folio 689 and being portion of the land identified as Allotment 1000 in approved Deposited Plan 123852 lodged in the Lands Titles Office, subject to:
 - 2.1.1. the service easement for sewerage purposes marked "C" on F9471 (incorrectly referred to as "DP 9471" in the notice of acquisition) to South Australian Water Corporation (223LG RPA); and
 - 2.1.2. the easement created over the land marked "D" on F9471 (incorrectly referred to as "D9471" in the notice of acquisition) (TG 4537541).

(Referred to as the "**Land**").
3. Immediately prior to the acquisition referred to in paragraph 2:
 - 3.1. The Corporation of the City of Marion was the sole registered proprietor of an estate in fee simple in the Land;
 - 3.2. South Australian Water Corporation held a service easement for sewerage purposes over the land marked "C" on Filed Plan 9471, which easement was neither acquired nor extinguished as a result of the acquisition referred to in paragraph 2; and
 - 3.3. The Minister for Infrastructure and Transport (as successor to the Minister for Infrastructure) held an easement over the land marked "D" in Filed Plan 9471, which easement was neither acquired nor extinguished as a result of the acquisition referred to in paragraph 2.
4. I know from a perusal of the Interpleader filed for this matter that the sum of \$18,000.00 was paid into Court by the Authority on account of the City of Marion's interest as registered proprietor of an estate in fee simple in the Land.
5. The Authority and the City of Marion have reached an agreement in respect of the total compensation payable to the City of Marion in respect of the acquisition referred to in paragraph 2, being \$18,000.00 in full and final settlement.
6. I seek an order that the sum of \$18,000.00 paid into Court together with interest thereon to the date of payment out be paid to the First Respondent, City of Marion, and that the payment be made care of the Crown Solicitor for the State of South Australia.

7. I know the facts deposed to herein of my own knowledge and from a perusal of the notice of acquisition published in the *South Australian Government Gazette* dated 30 June 2020 at page 3694, a copy of a register search of Certificate of Title Volume 6230 Folio 689, a copy of Deposited Plans 9599 and 123852, a copy of Filed Plan 9471, and a copy of the Interpleader filed for this matter.

Deposed by [REDACTED]

At

On

.....
Signature of deponent

.....
Name printed

before me
Signature of attesting witness

.....
Printed name and title of witness
Stamp here if applicable

.....
Date

.....
ID number of witness
If applicable

Instructions

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- A single 'front page' must be inserted in front of the exhibits in form 14.
- Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.

- An affidavit is to be sworn if it is made in this State in accordance with section 6 of the Evidence Act 1929 or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.
- The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
 - (a) a Registrar or Deputy Registrar
 - (b) any other officer of the Court whom the Registrar has assigned for this purpose;
 - (c) a public notary;
 - (d) a commissioner for taking affidavits;
 - (e) a justice of the peace for South Australia;
 - (f) any other person authorised by law to take affidavits.
- The contents of an affidavit cannot be altered after the affidavit has been sworn or affirmed.
- The party serving an affidavit must serve copies of all exhibits with the affidavit.

If the deponent is illiterate or blind, see rule 31.7(6). If the deponent does not appear to understand English sufficiently, see rule 31.7(7).

Service

The party filing this document is required to serve it on all other parties in accordance with the Rules of Court.

DEED OF DISCHARGE, RELEASE AND INDEMNITY

IN CONSIDERATION of the Terms of Settlement set out in the Schedule hereto, to be paid to or at the direction of the Claimant by the Authority, the Claimant AGREES to accept the said Terms of Settlement in full satisfaction and discharge of all actions, proceedings, claims, demands (including costs) and damages which the Claimant may now have or may hereafter have against the State of South Australia as described in the Schedule (**State**) in respect of or arising directly or indirectly out of or in any way connected with the Acquisition described below. ACCORDINGLY the Claimant hereby RELEASES AND DISCHARGES the State from all actions, proceedings, claims, demands and damages (including costs) whatsoever arising out of or in any way connected with the said Acquisition, whether known or anticipated or not AND THE CLAIMANT AGREES:

- a) to indemnify and hold harmless the State against all actions, proceedings, claims, demands and damages (including costs) whatsoever arising out of or in any way connected to the Acquisition; and
- b) that the State may plead this discharge and release in bar absolute to all actions, proceedings, claims, demands, costs and expenses (whether under statute, at common law or otherwise) in respect of or arising directly or indirectly out of or in any way connected with the Acquisition.

SCHEDULE

Claimant: CITY OF MARION
245 Sturt Road, Sturt SA 5047

Authority: SOUTH AUSTRALIAN WATER CORPORATION

The State of South Australia (State):

The Crown in right of the State of South Australia, the Attorney-General, the Authority, all Ministers, all officers of the Crown, all persons appointed to public office under Statute, all departments, instrumentalities and agencies of the Crown, including any statutory corporations or any public corporations within the meaning of the *Public Corporations Act 1993* as amended, including any servants, employees or agents of the Crown, the Attorney-General, the Authority or any such Minister, Officer, person, department, instrumentality, agency, statutory corporation or public corporation.

Terms of Settlement:

- (1) The Authority will pay to the Claimant the sum of **EIGHTEEN THOUSAND DOLLARS** (\$18,000) and statutory interest calculated in accordance with the *Land Acquisition Act 1969* as full and final settlement in respect of this Acquisition, being the sum paid into Court together with statutory interest under section 23A of the *Land Acquisition Act 1969* to the date of payment out of Court.
- (2) The Authority will, on presentation of a tax invoice or such other information as it may reasonably require, reimburse the Claimant's reasonable valuation fees in respect of the Acquisition at market rates prevailing as at the date of the provision of the service (such costs and fees to be adjudicated if not agreed) (if applicable).

- (3) The Authority will, on presentation of a bill of costs, tax invoice or such other information as it may reasonably require, reimburse the Claimant's reasonable legal costs incurred at the scale rate applicable as at the date on which the relevant services were provided (including GST where relevant) that are properly incurred by the Claimant in relation to the claim for compensation in so far as the costs arise naturally, reasonably and directly from the Acquisition (such costs and fees to be adjudicated if not agreed) (if applicable).

Acquisition:

On 30 June 2020, the Authority acquired:

- (1) An estate in fee simple in that piece of land marked "Reserve" in the area named Hallett Cove being portion of Allotment 518 in Deposited Plan 9599 as comprised in Certificate of Title Volume 6230 Folio 689 and being portion of the land identified as Allotment 1000 in approved Deposited Plan 123852 lodged in the Lands Titles Office, subject to:
- a. the service easement for sewerage purposes marked "C" on F9471 to South Australian Water Corporation (223LG RPA); and
 - b. the easement created over the land marked "D" on F9471 (TG 4537541).

(Referred to as the "**Acquisition**").

DATED

2020

EXECUTED AS A DEED

COMMON SEAL of the **CITY OF**)
MARION was hereunto affixed)
 in the presence of:)

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SIGNED AS A DEED for and on behalf of)
the **SOUTH AUSTRALIAN WATER**)
CORPORATION by its duly constituted)
Attorneys pursuant to Power of Attorney)
dated 30 July 2020 which Attorneys have)
not received notice of the revocation of that)
Power of Attorney in the presence of:)

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Print Full Name of Witness

DEED OF DISCHARGE, RELEASE AND INDEMNITY

IN CONSIDERATION of the Terms of Settlement set out in the Schedule hereto, to be paid to or at the direction of the Claimant by the Authority, the Claimant AGREES to accept the said Terms of Settlement in full satisfaction and discharge of all actions, proceedings, claims, demands (including costs) and damages which the Claimant may now have or may hereafter have against the State of South Australia as described in the Schedule (**State**) in respect of or arising directly or indirectly out of or in any way connected with the Acquisition described below. ACCORDINGLY the Claimant hereby RELEASES AND DISCHARGES the State from all actions, proceedings, claims, demands and damages (including costs) whatsoever arising out of or in any way connected with the said Acquisition, whether known or anticipated or not AND THE CLAIMANT AGREES:

- a) to indemnify and hold harmless the State against all actions, proceedings, claims, demands and damages (including costs) whatsoever arising out of or in any way connected to the Acquisition; and
- b) that the State may plead this discharge and release in bar absolute to all actions, proceedings, claims, demands, costs and expenses (whether under statute, at common law or otherwise) in respect of or arising directly or indirectly out of or in any way connected with the Acquisition.

SCHEDULE

Claimant: CITY OF MARION
245 Sturt Road, Sturt SA 5047

Authority: SOUTH AUSTRALIAN WATER CORPORATION

The State of South Australia (State):

The Crown in right of the State of South Australia, the Attorney-General, the Authority, all Ministers, all officers of the Crown, all persons appointed to public office under Statute, all departments, instrumentalities and agencies of the Crown, including any statutory corporations or any public corporations within the meaning of the *Public Corporations Act 1993* as amended, including any servants, employees or agents of the Crown, the Attorney-General, the Authority or any such Minister, Officer, person, department, instrumentality, agency, statutory corporation or public corporation.

Terms of Settlement:

- (1) The Authority will pay to the Claimant the sum of **FORTY SEVEN THOUSAND DOLLARS** (\$47,000) and statutory interest calculated in accordance with the *Land Acquisition Act 1969* as full and final settlement in respect of this Acquisition, being the sum paid into Court together with statutory interest under section 23A of the *Land Acquisition Act 1969* to the date of payment out of Court.
- (2) The Authority will, on presentation of a tax invoice or such other information as it may reasonably require, reimburse the Claimant's reasonable valuation fees in respect of the Acquisition at market rates prevailing as at the date of the provision of the service (such costs and fees to be adjudicated if not agreed) (if applicable).

- (3) The Authority will, on presentation of a bill of costs, tax invoice or such other information as it may reasonably require, reimburse the Claimant's reasonable legal costs incurred at the scale rate applicable as at the date on which the relevant services were provided (including GST where relevant) that are properly incurred by the Claimant in relation to the claim for compensation in so far as the costs arise naturally, reasonably and directly from the Acquisition (such costs and fees to be adjudicated if not agreed) (if applicable).

Acquisition:

On 30 June 2020, the Authority acquired:

- (1) An estate in fee simple in those pieces of land marked "Reserve" in the area named Hallett Cove being portion of Allotment 185 in Deposited Plan 10252 as comprised in Certificate of Title Volume 5159 Folio 689 and portion of Allotment 1001 in Deposited Plan 72083 as comprised in Certificate of Title Volume 5982 Folio 906 and being portion of the land identified as Allotment 101 in approved Deposited Plan 123752 lodged in the Lands Titles Office, subject to:

- a. the service easement for sewerage purposes marked "A" to South Australian Water Corporation (223LG RPA); and
- b. the easement created over the land marked "C" on D72083 (TG 7139189).

(Referred to as the "**Acquisition**").

DATED

2020

EXECUTED AS A DEED

COMMON SEAL of the **CITY OF**)
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SIGNED AS A DEED for and on behalf of)
the **SOUTH AUSTRALIAN WATER**)
CORPORATION by its duly constituted)
Attorneys pursuant to Power of Attorney)
dated 30 July 2020 which Attorneys have)
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Proposed Code Amendments: Morphetville/Glengowrie stables, southern residential areas, centre zones, Marion Road corridor.

Originating Officer	Senior Policy Planner - David Melhuish
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
General Manager	Acting General Manager City Development - Greg Salmon
Report Reference	GC210511R11

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REPORT OBJECTIVE

To seek Council's approval to undertake four Planning and Design 'Code Amendments', as recommended by the Planning and Development Committee.

EXECUTIVE SUMMARY

At the 2 March 2021 meeting of the Planning and Development Committee, it was recommended that:

"PDC210302 - Recommend to Council that staff progress the Marion Road Corridor Zoning as part of a Code Amendment following the implementation of the Planning and Design Code".

On 4 May 2021, the Committee further resolved to recommend to Council that Code Amendments be undertaken for the Morphetville/Glengowrie residential stables areas and Local and Suburban Activity Centre Zones.

It is also suggested that Council undertakes a Code Amendment to the southern residential areas (in line with Part 2 of Council's previous Housing Diversity Development Plan Amendment (HDDPA)).

Under the new system, these Code Amendments would be undertaken separately, but could be done at the same time within existing resources.

The Code Amendment process is subject to extensive community consultation and ultimately, would require the Minister for Planning to agree to the amendments. It is estimated, based on previous policy changes, that the process could take between 6-18 months.

RECOMMENDATION

That Council:

- 1. Initiates a Code Amendment process for the Morphetville/Glengowrie residential stables area seeking a change of zone from Suburban Neighbourhood Zone to General Neighbourhood Zone.**
- 2. Initiates a Code Amendment process seeking that those southern residential areas recently rezoned to the Suburban Neighbourhood Zone (former Southern Policy Area 18 and Cement Hill Policy Area 10) be transitioned to the Hills Neighbourhood Zone and that one set of consistent (and appropriate) slope related policy is used throughout the Hills Neighbourhood Zone (gradient/site dimensions, setbacks etc.) that provides opportunity for subdivision/redevelopment to occur in appropriate locations.**
- 3. Initiates a Code Amendment process for Centre Zones which have been identified by the Planning and Development Committee to have anomalies, or potential for zoning changes to improve future site viability.**

4. Initiates a Code Amendment process for the creation of an Urban Corridor type zone along relevant sections of Marion Road.
5. Notes that a community engagement and consultation process will take place for each Code Amendment and that Ministerial approval would eventually be required for any amendments to the Planning and Design Code.

GENERAL ANALYSIS

Context: Urban Corridor - Marion Road

Amongst other matters, the previous Housing Diversity DPA (HDDPA) sought the creation of an Urban Corridor Zone along much of Marion Road. This Zone was to provide opportunity for multi-storey mixed-use development (retail/commercial/residential) in appropriate locations and help relieve the pressure for infill development in local streets in the inner suburbs.

Attachment 1 contains a map showing the location of the proposed zone.

The Urban Corridor Zone was not approved by the Minister as part of the Housing Diversity DPA (Part 1) because a number of additional properties had been included within the zone, and changes made to building heights, following consultation, so as a matter of procedural fairness, affected properties required another round of community consultation.

As part of the transition to the Code, Council sought that Marion Road be given further consideration for rezoning to an 'Urban Corridor', or similar. Specifically, policy that reflected the intentions of the Urban Corridor Zone and Boulevard Policy Area 19 sought by Council as part of the Housing Diversity DPA.

The Commission advised on 11 February 2021 that it would not be actioning the rezoning as part of the initial release of the Code, but that it would be happy to work with Council on a Code Amendment 'as a matter of priority' once the Phase Three Code is implemented.

In the new Planning and Design Code (Code), the properties that were located within residential zones, along Marion Road, have been transitioned to 'Neighbourhood Zones' (residential type zones) and properties previously within commercial and industrial zones have been transitioned to the 'Employment Zone'.

Context: Southern Suburbs Residential Policy

The southern areas of Council include the suburbs of Darlington, Hallett Cove, Marino, O'Halloran Hill, Seacliff Park, Seacombe Heights, Seaview Downs, Sheidow Park and Trott Park.

The previous zones covering the southern areas included Cement Hill Policy Area 10, Hills Policy Area 11, Foothills and Seaside Policy Area 23, Southern Policy Area 18 and Worthing Mine Policy Area 20.

The previous Housing Diversity DPA sought changes to the zoning and policy of the residential areas in Council's southern suburbs.

The proposed changes to the southern areas was not approved by the Minister as part of the Housing Diversity DPA (Part 1). The reason given was that the properties affected by the proposed zoning and associated policy were substantially changed following consultation and would require another round of community consultation.

In transitioning to the Planning and Design Code (the Code), Council sought that the southern areas of Council be given further consideration for rezoning and policy change, to allow the opportunities proposed by the HDDPA.

As part of the final version of the Code, a majority of the southern suburbs have been rezoned to Hills Neighbourhood Zone (HNZ) and some to the Suburban Neighbourhood Zone. The Adelaide Development Company (ADC) land in the southern portion of Hallett Cove has been rezoned to General Neighbourhood Zone (proposed higher density area created by the Lonsdale Residential DPA)

Context: Centre Zones

On 2 March 2021, the Planning and Development Committee discussed Council's Local and Suburban Activity Centre Zones. Discussion focused on the commercial viability of the centres and seeking appropriate zoning for the centres which would allow the opportunity for a mixture and/or choice of commercial and/or residential to occur, dependent on market demand.

The Committee further discussed the matter at the meeting 4 May 2021 and has recommended a Code Amendment be undertaken for centres that have historical zoning anomalies and to further investigate the zoning of some centres.

A table with the Committee's recommendations is provided in Attachment 2.

Context: Morphetville/Glengowrie residential stables

The former Residential Racecourse Zone, on the southern side of Bray Street in Morphetville and western side of Morphet Road in Glengowrie, was created by the 'Residential Zones Plan Amendment Report (PAR) 2003' or the 'Morphettville Racecourse and Environs PAR 1998'. Even though the stabling of horses had existed in Morphetville and Glengowrie for some time, the PAR formalised the opportunity for stabling of horses and residing on the same property. Policy within the zone specifically sought detached dwellings at low densities in association with a range of horse related activities, with minimum allotment sizes of 560m² and 15 metre frontage

In the recently commenced Planning and Design Code, the area has been rezoned to the Suburban Neighbourhood Zone. The policy within this zone no longer references horse related activities, nor a requirement for only detached dwellings, but it does maintain the minimum 560m² and 15 metre allotment sizes.

The SA Jockey Club (SAJC) is soon to construct additional stables within the racecourse property (corner of Bray Street and Morphet Road). It is anticipated that many of the stable owners on the southern side of Bray Street and western side of Morphet Road will relocate into these new stables.

Council has received enquiries from a number of the stable owners in Morphetville and Glengowrie regarding the rezoning of their land to an exclusively residential type zone, allowing residential development at higher densities to be constructed, and the sale of their land and relocation to the new stables, more financially viable.

It is understood that demand for stabling in the suburbs is reducing, making the land difficult to sell and less valuable compared to the surrounding residentially zoned land.

In a meeting on 16 April 2021, with a number of the horse trainers and members of the SAJC, there appeared to be general support for the rezoning from those attending.

DISCUSSION

Urban Corridor - Marion Road

If Council still wishes to explore creating an Urban Corridor type zone a 'Code Amendment' process will need to be undertaken. The process is similar to the former Development Plan Amendment (DPA) process required under the Development Act 1993.

It is anticipated that much of the work/analysis previously undertaken for the Marion Road Corridor, as part of the HDDPA, will be appropriate for the Code Amendment.

Southern Suburbs Residential Policy

Although the Hills Neighbourhood Zone recognises the sloping nature of the land, the site dimensions and slope gradients require further consideration. At this stage the site dimensions reflect those of the former policy areas.

This appears to be a missed opportunity to provide consistent slope related policy over the southern suburbs of Marion. Retaining the varying allotment sizes associated with the different former policy areas (although a hybrid version that misses out on some criteria has been used by Planning and Land Use Services) on land that has similar topographical characteristics, whilst using the same slope gradients for all, and including them all in the

same zone, makes little sense and is likely to lead to confusion. Also some of the changes brought in by the Code do not reflect what has actually been developed and greatly reduces development potential.

The most appropriate site dimensions and spread of gradient parameters requires further consideration.

The former Southern Policy Area and former Cement Hill Policy Area have been transitioned to the Suburban Neighbourhood Zone, which has no slope related policy. These two policy areas share similar topographical characteristics to the other three policy areas that have been included in the Hills Neighbourhood Zone so should be considered for this zone also.

Undertaking a Code amendment will also give Council an opportunity to analyse other policy issues such as appropriate dimensions for boundary setbacks and private open space which are potentially problematic for sloping land (as introduced by the Code).

Many residents in the southern suburbs have been anticipating a change, via the new Code, that would allow subdivision and greater redevelopment potential. Unfortunately, the Code resulted in no changes to site dimensions.

Council may therefore wish to seek that those southern residential areas recently rezoned to the Suburban Neighbourhood Zone (former Southern Policy Area 18 and Cement Hill Policy Area 10) be transitioned to the Hills Neighbourhood Zone and that one set of consistent (and appropriate) slope related policy is used (gradient/site dimensions, setbacks etc.) that provides opportunity for subdivision/redevelopment to occur in appropriate locations.

Centre Zones

The Planning and Development Committee has considered a review of centre zones and out of the 30 Local and Suburban Activity Zones in the City of Marion, have concluded that appropriate zoning changes take place for 12 selected zones, as outlined in Attachment 2.

These changes include minor zone boundary changes, changes as a result of recent development and further investigation on zone options for 2 centres (69 Finnis Street, Marion and Corner Dwyer Road/Johnston Road, Oaklands Park).

Morphettville Residential Stables

As an initial stage of the rezoning process there is a need to obtain evidence of the support for rezoning from all property owners (stable owners and exclusively residential) within the subject area. Administration has drafted a letter to all affected land owners, seeking their views on the proposal and to gain a better understanding of their current situation.

Without a majority support for rezoning to a residential type zone and relocation to the racecourse, any rezoning could result in more residential dwellings located adjacent stable complexes, with the associated issues of noise, smell, conflict with horses on street and horse floats etc.

It appears that the most appropriate option for the subject land would be to rezone it to that of the surrounding General Neighbourhood Zone. This zone would provide opportunity to subdivide and provide a greater diversity of dwelling types.

It is noted that, if rezoned, current stable complexes have 'existing use rights' so can remain operating as such at the location. Also, it is probable that stable complexes will not move across to Morphettville Racecourse at the same time, therefore there is likely to be a mix of land uses for some time.

Code Amendment Process

The first step involved in initiating an amendment to the Code, involves the creation and lodgement of a '**Proposal to Initiate**' with Planning and Land Use Services (PLUS) via the SA Planning Portal. This is similar to the previous 'Statement of Intent' under the Development Act 1993.

The matters to be considered as part of the Proposal to Initiate will be put before the Planning and Development Committee at key times for review and direction, prior to a final version being provided to General Council for consideration.

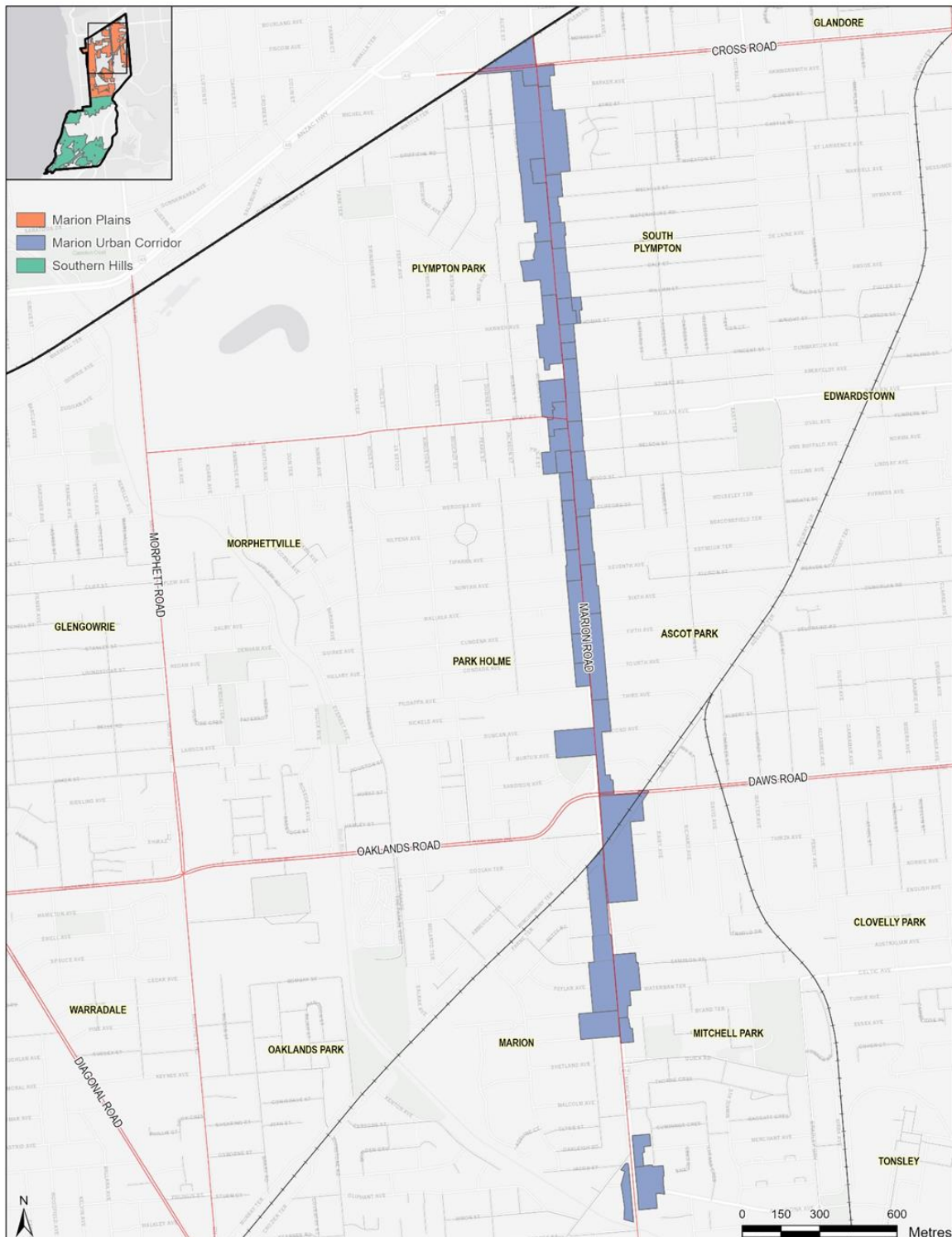
Prior to undertaking the Proposal to Initiate, Council staff will discuss the proposed Code Amendment with the relevant Planning and Land Use Services (PLUS) staff to obtain their opinion on the matter and agree on the most appropriate procedure to take place.

Attachment 3 contains a summary of matters to be included in a 'Proposal to Initiate'.

Attachment

#	Attachment
1	Attachment 1 - Marion Road Urban Corridor Map
2	Attachment 2 - Centre Zone Summary Table - 5 May 2021
3	Attachment 3 - Proposal to Initiate a Code Amendment

Urban Corridor Zone Along Marion Road



Map taken from Housing Diversity DPA

Activity Centre Zone - Code Amendment – Recommendations of the Planning and Development Committee – 4 May 2021

Address	Activity Centre Zone	Comment	Recommendation
54-62 Seacombe Road, Darlington	Suburban Activity Centre	Boundary alignment is incorrect (part of centre in Residential Zone and adjacent house in Centre Zone)	Seek zone boundary realignment – rezoning 54 Seacombe Road to Hills Neighbourhood Zone and 62 Seacombe Road to Suburban Activity Centre Zone
508-514 Cross Road, Glandore	Suburban Activity Centre	Bakery, home care products – sales/service and Auto care centre adjacent but not in zone	Seek rezoning 23 Almond Grove (bakery site) to Suburban Activity Centre Zone Rezone property at 506 Cross Road to Suburban Activity Centre
1A Greenfield Road, Seaview Downs	Suburban Activity Centre	Development Approval for approx. 12 two-storey dwellings – former church has been vacant for a few years	Seek rezoning to Hills Neighbourhood Zone
10-22 Edward Beck Drive, Sheidow Park	Suburban Activity Centre	Site/buildings have been repurposed for Woodend Primary School Other parts of school site are within the Suburban Neighbourhood Zone	Rezone to Suburban Neighbourhood Zone (including specific engagement with School before hand).
373 Diagonal Road/Miller Street, Sturt	Suburban Activity Centre	Four houses built on western side of zone	Seek zone boundary realignment – rezoning 4 dwellings at 51 – 57 Harbrow Grove to General Neighbourhood Zone
93 Railway Terrace, Ascot Park	Local Activity Centre	Part of neighbouring residentially used allotment (66 Sixth Avenue) inadvertently located in Local Activity Centre Zone	Rezone residential property (66 Sixth Avenue) to Housing Diversity Neighbourhood Zone but leave remainder of activity zone.

Address	Activity Centre Zone	Comment	Recommendation
26 Daws Road, Ascot Park	Local Activity Centre	Part of neighbouring residentially used allotment (28 Daws Road) inadvertently located in zone.	Rezone residential property (28 Daws Road) to General Neighbourhood Zone but leave remainder of activity zone.
28-30, 32 Finnis Street, Marion	Local Activity Centre	Residential dwelling at 32 Finnis Street inadvertently located in Local Activity Centre Zone	Rezone part of zone comprising residential development (32 Finnis Street) to General Neighbourhood Zone but leave remainder of activity zone.
69 Finnis Street, Marion	Local Activity Centre	Odd layout of site Appears to be fully tenanted Back fences facing Norfolk Road	Requires further consideration/analysis and contact with owner in first instance.
97 McInerney Avenue, Mitchell Park	Local Activity Centre	Application for 5 dwellings has recently been approved. Former shops have been vacant long term.	Seek rezoning to General Neighbourhood Zone
Corner - Dwyer Road/Johnstone Road, Oaklands Park	Local Activity Centre	Only activity zone in large area of residential uses. In reasonable proximity to Westfield	Requires further consideration/analysis and contact with owner in first instance.
43 Addison Road, 1C, D and E Winton Avenue, Warradale	Local Activity Centre	Approx. 50% of zone comprises residential dwellings	Rezone that part of zone comprising residential development (1C,D and E Winton Avenue) to Housing Diversity Neighbourhood Zone but leave remainder of activity zone.

Proposal to Initiate a Code Amendment

The Proposal to Initiate must set out matters such as:

Code Policy

- Any overlay, general policy, zone or subzones in the Code being proposed for amendment; and/or
- The intended spatial application of an overlay, general policy, zone or subzone in the Code over an identified area.

Affected Area

- A map or description of the Affected Area (*As the Code Amendment requires to be renotified the scope of properties to be included in the zone and those that will be affected by the proposal will need to be reconsidered by Council*)

Consultation

- Information regarding any consultation that has already occurred with respect to the proposed Code Amendment.
- Details of further consultation proposed to be undertaken with respect to the proposed Code Amendment. (as required by the Community Engagement Charter)

Investigations

- Information regarding any investigations which have already been undertaken with respect to the proposed Code Amendment.
- An outline of the further investigations that will be undertaken to support the proposed Code Amendment.

Timetable

- An outline of the proposed timetable for each step of the Code Amendment process (ensuring that the process is completed within reasonable time limits),

Red House Group - Renewal of 3 year Gallery Management Services

Originating Officer	Unit Manager Cultural Facilities - Tyson Brown
Corporate Manager	Manager City Property - Thuyen Vi-Alternetti
General Manager	Acting General Manager City Development - Greg Salmon
Report Reference	GC210511R12

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REPORT OBJECTIVE

To consider the renewal of a 3 year Management Agreement with Red House Group Inc (RHG) for the Management of Gallery M. The report also requires Council consideration to amend the existing provisions within the management agreement for gallery and shop commission.

EXECUTIVE SUMMARY

The RHG have managed Gallery M for the past 19 years, since Gallery M opened in 2001 on behalf of the City of Marion. The gallery operates seven days a week with a retail outlet and a monthly exhibition program. Gallery M is recognised across Australia as a high standard gallery. The current agreement for Gallery Management Services between the City of Marion and the RHG expires on 30 June 2021.

The RHG receives an annual subsidy from the City of Marion to assist with the operating costs of running the gallery including staff and administrative expenses and costs associated with mounting exhibitions. The current (2020/2021) annual subsidy allocated to the RHG by Council is \$155,289 + GST. The RHG subsidy is annually indexed by CPI and forms part of the Marion Cultural Centre (MCC) annual operating budget.

RHG are seeking an increase to the annual subsidy in 2021/2022 to \$175,000 + GST as a result of increased wage costs due to safety requirements, and to cease the provision of commission back to Council from exhibition and shop sales of approximately \$10,00 per annum. RHG stated this will enable them to maintain the current staffing level, customer experience and hours of operation.

The provision of a three year management agreement is a minimum requirement to enable a gallery program to be developed in advance and to minimise any disruption to services.

RECOMMENDATION

That Council:

- 1. Endorses a new three year management agreement with the Red House Group Inc., and allocation within the 2021/22 draft budget and ABP for \$175,000 ex GST with an annual CPI increase for the Management of Gallery M commencing 1 July 2021 and concluding on 30 June 2024.**
- 2. Approves the new management agreement that allows for the Red House Group Inc. to retain in full Gallery Shop and Sales commission.**

BACKGROUND

Gallery M has been managed and operated by the Red House Group Inc. (RHG) on behalf of City of Marion since the Marion Cultural Centre opened in 2001. RHG is a not for profit, artist managed group that previously operated from the red brick house on Sturt Road currently the Marion Heritage Research Centre.

Gallery M operates seven days a week with a monthly exhibition program and a retail outlet open to the general public. The current three year management agreement is due for renewal on 1 July 2021.

The RHG receives an annual subsidy from the City of Marion for the management of Gallery M. The 2020/2021 annual subsidy allocated is \$155,289 + GST and is indexed annually.

DISCUSSION

The current 3 year management agreement expires on 30 June 2021. Discussion with the RHG board has taken place to renegotiate a further 3 year term. As part of these discussions the group has also looked at areas to improve the agreement, challenges and additional ideas which can be undertaken at the operational level. The current amount provided annually is approximately \$155,000.

RHG has requested a further 3 year term and a review of the annual subsidy. One key challenge raised which has an impact on the delivery of the objectives for Gallery M was the annual Management Agreement subsidy. The original amount requested from RHG enacted further negotiations, analysis and discussions seeking to reduce the proposed increase in subsidy whilst maintaining the existing service and quality customer experience levels. RHG has sought an increase of approximately \$30,000 per annum. This increase is proposed to be in the form of an increase of approximately 11% in the annual subsidy from \$155,000 to \$175,000 and the ability to retain the 50% commission of sales from the gallery shop and exhibition sales which is valued at approximately \$10,000 per year.

The RHG provided the following contributing factors as rationale for the requested increase:

- Due to an audit staff are on a new award. This has resulted in an additional expense of paid breaks. The approx cost per annum is \$5,700.

Increase in staff weekend hours for a second staff member for WHS reasons, a decision made by the Board to protect staff from potential risks associated with working alone. An estimated annual cost of \$20,000.

- Increase in superannuation guarantee and workcover costs.

Wage increase of 5% in past 3 years and CPI increase of 3.5%

Historical changes to past 3 yearly agreements

- The base rate Agreement subsidy allocation was increased by \$8,000 at the commencement of the 2018/2021 agreement (\$144,243 to \$152,243).
- 50% of Gallery Hire fees was provided to Council from 2001 to 2015 (approx. \$5,000 per annum).

The current management model for the Gallery is an effective and efficient method for delivering outcomes rather than a direct Council delivery model. Council is best placed to provide the infrastructure and support whilst the RHG are well placed to deliver a community based Gallery.

The Gallery has also been impacted by Covid-19 health restrictions resulting in the Gallery being closed for 3 months in 2020. As a result RHG sought a reduction in the Council subsidy for the 2019/2020 and 2020/2021 financial years to receive the JobKeeper, this was a cost saving to Council of \$67,986.

Being a community led approach the RHG supports the delivery of exhibitions from local, national and international artists whilst supporting community based arts events in the city. In the past 20 years Gallery M has returned \$1.1 million to artists and \$242,000 to the City of Marion.

It should be noted that the management agreement with the RHG excludes the facility costs to Council of running the Gallery space, estimated at \$70,000 based on the 28.6% floor area of the MCC. Over the previous 6 years and including a portion of this financial year, a summary of RHG financial performance is in the table below:

	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21 ** July to March 2021
Income	\$177,681	\$182,449	\$191,398	\$197,314	\$213,390	\$204,108	\$178,226
Expenses	\$178,891	\$178,206	\$189,888	\$194,654	\$200,235	\$206,460	\$160,683
Profit/(Loss)	(\$1,821)	\$3,104	\$342	\$1,674	\$12,112	(3,216)	\$16,782

Average annual visitation to the Gallery over the past five years is 13,000.

Visitation depends on a number of factors which include:

- The exhibition and who is exhibiting – different exhibitions and exhibitors have different patterns of attendance.
- What's happening in the MCC e.g. other events, if the café is open or not (weekends)
- Seasonal
- Groups that may attend ie their is regular and occasional group bookings.

In review of visitation data provided by RHG for the current and 3 previous financial years, indicate that there is no consistency around the low and high visitation periods across days and times.

The RHG does attract a small amount of regular external funding to offset expenses. External funding has been sourced from local businesses and is utilised for the provision of exhibition prizes. This has averaged approximately \$5,000 per annum.

It is recommended to renew the contract for RHG to manage the gallery for the next 3 years with a subsidy of \$175,000 + GST and CPI indexed annually and for RHG to retain full commission income from gallery and shop sales.

Attachment

#	Attachment
1	Agreement Gallery Management July 2021-June 2024 DRAFT



**AGREEMENT FOR
GALLERY MANAGEMENT SERVICES**

GALLERY MANAGEMENT AGREEMENT

THIS AGREEMENT is made on of 2021

a) PARTIES

BETWEEN: RED HOUSE GROUP INC of Gallery M, Marion Cultural Centre, 287 Diagonal Road OAKLANDS PARK, ABN 44 747 613 698 ("**Red House**")

AND: CITY OF MARION of 245 Sturt Road STURT, ABN 37 372 162 294 ("**Council**")

b) RECITALS

- A. The Council is the Owner and Manager of the Venue.
- B. Council requires gallery management services at the Venue to operate the Gallery and the Retail outlet.
- C. Red House provides gallery management services and is skilled in the management and operation of galleries and retail outlets.
- D. Council has requested and Red House has agreed to provide a service to Council through the operation of the Gallery and Retail Outlet at the Venue on the terms and conditions of this Agreement.

NOW IT IS HEREBY AGREED AS FOLLOWS:

1 Definitions and Interpretation

1.1 In this Agreement unless the context otherwise requires:

- 1.1.1 "Agreement" means this Agreement and includes any schedules and annexures and any other documents or materials referred to in this Agreement and incorporated by reference;
- 1.1.2 "Business Day" means a day the banks are open for business in South Australia;
- 1.1.3 "Business Plan" means the ongoing liaison with MCC staff for collaboration with Domain Theatre and Library programing;
- 1.1.4 "Commencement Date" means the date of execution of the Agreement;
- 1.1.5 "Consignment Agreement" means the document executing the legal agreement between Gallery Shop Consignors or Exhibition Consignors and Red House as detailed in Annexure 1;
- 1.1.6 "Consumer Price Index" means the All Groups Consumer Price Index for Adelaide (table 6401.1) as released by the Australian Bureau of Statistics for the preceding 12 month period.
- 1.1.7 "Duty Staff" means a responsible officer appointed by the Venue Manager to supervise events in the Venue;
- 1.1.8 "Exhibition" means an exhibition or series of exhibitions, which are to be conducted or promoted by Red House or Council at the Venue;
- 1.1.9 "Exhibition Agreement" means the document executing the legal agreement

between Exhibitors and Red House as detailed in Annexure 2;

- 1.1.10 "Gallery" means that area in the Venue known as Gallery M shown in Annexure 3;
- 1.1.11 "Exhibitor", in reference to the Exhibition Agreement, means any artist or the person responsible for a group of artists whose work is exhibited in the Gallery;
- 1.1.12 "Gallery Co-ordinator/s" means the staff member/s appointed by the Red House Board of Management to coordinate the daily operation of the Gallery including supervision of staff and volunteers;
- 1.1.13 "Red House Board of Management" means the Officers and Board of Management of the Red House as elected by the membership of the Association at the Red House Annual General Meeting;
- 1.1.14 "Retail Outlet" means the area designated within the Gallery offering for sale artwork to the public shown in Annexure 3;
- 1.1.15 "Term" means the period for which this agreement remains valid and which is set out in Clause 3;
- 1.1.16 "Venue" means the Marion Cultural Centre at 287 Diagonal Rd, Oaklands Park SA 5046; and
- 1.1.17 "Venue Coordinator" means the individual appointed by Council to manage the operations of the Venue.
- 1.1.18 "Community Exhibitions" means exhibitions by artists who live, work or are otherwise strongly connected to the City of Marion, and exhibitions which are produced by, promote or are of significance to the Marion community or local communities.
- 1.1.19 "General Exhibitions" mean exhibitions that provide opportunities for artists with a range of skill and experience, including emerging artists and professional artists.
- 1.1.20 "Regional/National Exhibitions" means exhibitions by artists with a regional/national profile or exhibitions of regional/national significance.
- 1.1.21 "International Exhibitions" means exhibitions by artists with an international profile or exhibitions of international significance.
- 1.2 In this Agreement unless the context otherwise requires:
 - 1.2.1 words importing the singular include the plural and vice versa and words importing any gender include the other genders;
 - 1.2.2 a reference to an obligation includes a liability and a duty, and a reference to performance includes observance;
 - 1.2.3 a reference to a person includes a reference to a corporation, firm, partnership, association, trust or joint venture and a reference to any of the above includes a reference to all or them;
 - 1.2.4 a reference to a clause, paragraph, annexure or schedule is a reference to a clause or paragraph or annexure to this Agreement;
 - 1.2.5 references to any party to this Agreement or any other document or

agreement shall include its successors and permitted assigns; and

- 1.2.6 headings are for ease of reference only and shall not affect the interpretation or construction of this Agreement.

2 The Arrangement

- 2.1 Council agrees to provide non-exclusive occupancy of the Gallery to Red House on the terms and conditions of this Agreement.
- 2.2 The Red House agrees to occupy and use the Gallery on the terms and conditions of this Agreement.
- 2.3 Council shall allow the Red House reasonable access to all parts of the Venue other than those venue facilities that are in the reasonable opinion of Council not necessarily required by Red House to meet the obligations of this Agreement.

3 Term of Agreement

- 3.1 The Term of this Agreement will be for three (3) years from the Commencement Date subject to Red House and Council meeting their obligations under this Agreement.
- 3.2 Six months prior to the expiration of the Term, the Council shall advise the Red House of its intention to extend the Term in writing. Any extension to the Term must be by mutual agreement between the Council and Red House.

4 Objectives of Agreement

Council and the Red House agree to work together towards the achievement of the following objectives for the Venue:

- 4.1 Effective and cost-efficient operation of the Gallery and Retail Outlet;
- 4.2 A balanced and diverse arts and cultural program for the Gallery;
- 4.3 Community support for the Gallery and community access to the Gallery
- 4.4 Promotion of the work of artists and craftspeople;
- 4.5 A high profile for the Gallery as a regional venue for high quality, innovative arts and cultural exhibitions; and
- 4.6 Integration of Gallery and Retail Outlet with other Venue activities.

5 Roles and Responsibilities

The roles and responsibilities of Council and Red House within the Gallery, outlined in Clauses 6 and 7, are established in relation to the achievement of the objectives agreed to in Clause 4. With the mutual agreement of Council and Red House, these roles and responsibilities may be subject to change based on annual review and assessment of the performance measures outlined in Clause 8.1.4.

6 Roles, Responsibilities and Obligations – Red House

- 6.1 Red House will provide to Council gallery and retail outlet operation services with

regard to the objectives agreed to in Clause 4.

6.2 The responsibilities of the Red House in the Gallery are to:

- 6.2.1 develop the Gallery's annual program as agreed in Clause 9;
- 6.2.2 prepare and execute an Exhibition Agreement document for use between Red House and each Exhibitor exhibiting in the Gallery, other than Community or Red House member exhibitions;
- 6.2.3 prepare and execute a Consignment Agreement for use by all individual artists participating in each exhibition;
- 6.2.4 provide a copy of the signed Exhibition Agreement or Consignment Agreement to Council at the request of the Venue Coordinator;
- 6.2.5 disclose all Exhibitor details to the Venue Coordinator, on request;
- 6.2.6 facilitate Exhibitions as outlined in Annexure 2;
- 6.2.7 hang Exhibitions and displays;
- 6.2.8 transfer all personnel, properties, facilities and equipment necessary for Exhibitions to and from the Gallery;
- 6.2.9 prepare catalogues & captions;
- 6.2.10 produce and distribute publicity for exhibitions including launch invitations and media advertisements and ensure Venue and Gallery logos are included on all advertising, promotion and publicity;
- 6.2.11 refer to the Venue and Gallery in all publicity for Exhibitions only by the names set out in Clause 1.1;
- 6.2.12 organise exhibition launches and source sponsorship in support of exhibition launches;
- 6.2.13 conduct and manage Exhibitions in line with accepted gallery industry best practice;
- 6.2.14 manage exhibition sales;
- 6.2.15 maintain the following minimum hours of operation of the Gallery:

Monday	10am - 4pm
Tuesday	10am - 4pm
Wednesday	10am - 4pm
Thursday	10am - 4pm
Friday	10am - 4pm
Saturday	10am - 4pm
Sunday	1pm - 4pm

These minimum hours are exclusive of public holidays and may change with the mutual agreement of Council and Red House;

6.3 The responsibilities of Red House in the Retail Outlet are to:

- 6.3.1 implement a pricing policy for the Retail Outlet which includes commissions as outlined in Clause 12.

- 6.3.2 maintain the minimum hours of operation of the Retail Outlet as outlined for the Gallery in Clause 6.2.15.
 - 6.3.3 prepare and execute a Consignment Agreement for use by all individual artists whose works are offered for sale in the Retail Outlet;
 - 6.3.4 manage stock and displays of the Retail Outlet;
 - 6.3.5 manage sales transactions, cash handling, record sales and exhibition reconciliations;
 - 6.3.6 allow items for sale by both Council and the Red House to be stocked in the Retail Outlet.
- 6.4 In addition to responsibilities listed in 6.2 and 6.3, the general responsibilities of Red House are to:
- 6.4.1 manage staffing requirements;
 - 6.4.2 coordinate volunteers;
 - 6.4.3 insure volunteers;
 - 6.4.4 notify the Venue Coordinator of Gallery equipment repair requirements;
 - 6.4.5 implement Gallery security procedures;
 - 6.4.6 comply with all laws including obtaining at Red House's expense, such registrations, permits and licences that may be required to conduct its business, except those provided by Council under Clause 8.3;
 - 6.4.7 comply with Council's Internet & Email Access and Usage Policy (Annexure 4);
 - 6.4.8 comply with any code of practice designed for the protection of consumers and which is promulgated by a government authority or industry body or which is generally accepted in the arts industry;
 - 6.4.9 comply with any determination made by Council as to the sound level acceptable within the Gallery;
 - 6.4.10 ensure that Council and its officers, servants and agents have access to the Gallery and all parts of it at all times;
 - 6.4.11 not sell in the Gallery without the consent of the Venue Coordinator, food, tobacco products and beverages (whether alcoholic or not) with the exception of food products sold in support of charitable organisations (limited to counter sales);
 - 6.4.12 ensure that at all times its servants, agents, invitees, licensees, contractors and sub-contractors are properly supervised and are continuously under the direction and control of a person nominated by it for that purpose;
 - 6.4.13 comply with all requirements and directions of Council from time to time in respect of security and crowd control within, and emergency evacuation from, the Venue;
 - 6.4.14 not hinder or obstruct any member of the medical or nursing profession, police force, any fire brigade, ambulance service, first aid service or other emergency service or any security officer employed in respect of the Venue in exercise of his duties or powers in or about the Venue;

- 6.4.15 advise the Venue Coordinator of any public access requirements to the Gallery outside Venue opening hours. After-hours access will be limited to the Gallery. If access is required to Venue areas other than the Gallery after hours, the Venue Coordinator will determine if Duty Staff is required. Any Duty Staff costs incurred under this arrangement will be met by Red House;
- 6.4.16 maintain all passages in the Gallery and all means of exit from the Gallery free from obstruction, and keep all doors into and from any part of the Gallery locked or unlocked as Council may direct;
- 6.4.17 ensure that all keys to doors and equipment in the Gallery which are made available to it are kept in the charge of persons authorised by Council. Red House shall not make or cause to be made any duplicates of any such keys and shall deliver all such keys to Council upon expiry or termination of the Agreement;
- 6.4.18 not misuse, overload or interfere with the connection, fittings or equipment in or about the Venue relating to or providing for the supply of water, gas, electricity, heating, cooling, lighting or other services;
- 6.4.19 use its reasonable endeavours to ensure that all Exhibitions commence and conclude at the respective start and finish times as detailed in the program prepared by the Red House and approved by Council;
- 6.4.20 not, by any act or omission, damage the Gallery, the Venue Facilities or any equipment in the Venue;
- 6.4.21 promptly notify the Venue Coordinator in writing of any damage to the Gallery, the Venue facilities, plant and equipment or furniture;
- 6.4.22 not, without the consent of the Venue Coordinator, display any posters, signs or advertising for Exhibitions in any Venue areas other than the Gallery;
- 6.4.23 not, without the consent of the Venue Coordinator, take or allow to be taken contrary to Copyright Law any photographic film, video, sound or television recording or transmission in the Gallery or transmit, reproduce or broadcast any act, matter or thing comprised in the Exhibition, other than Red House promotion of Exhibitions on its social media in accordance with Red House social media policies and procedures and in accordance with Copyright Law;
- 6.4.24 not, without the consent of the Venue Coordinator, erect or cause to be erected any stalls, stands, fixtures, platforms or partitions in or on the Gallery apart from those display walls, plinths or other items which are required for Gallery and Retail Outlet display purposes or make any alterations or additions to the structures, fittings, facilities or equipment of the Gallery;
- 6.4.25 not conduct or bring into or allow to be conducted or brought into the Venue any act, matter or thing which in the opinion of the Venue Coordinator is dangerous, disorderly, riotous, noxious, noisome, offensive illegal, or which is contrary to the purpose for which the Gallery is to be used by the Red House under this Agreement. In the event of a dispute in this regard, the Council will be the final arbiter;
- 6.4.26 provide attendance figures, Retail Outlet sales figures and Exhibition sales figures to the Venue Coordinator, on request;

6.4.27 attend meetings:

6.4.27.1 with Council, as and when required by Council, acting reasonably, in order to discuss any matters in connection with this agreement.

6.4.27.2 with the owners, managers and other representatives of the entities housed within the Marion Cultural Centre whenever those meetings occur (being, in the normal course, once every four (4) weeks).

7 Roles, Responsibilities and Obligations - Council

7.1 The responsibilities of Council in the Gallery and Retail Outlet include:

7.1.1 integration of the Gallery's annual program with the Venue's annual Business Plan;

7.1.2 approving, in consultation with Red House, the Exhibition Fee to be paid by exhibiting artists;

7.1.3 promotion of Gallery and Retail Outlet as a component of the Venue;

7.1.4 co-ordination of Gallery marketing with other Venue marketing activities;

7.1.5 ensuring Gallery and Retail Outlet security during Council income-generating events.

7.2 At any time if Council uses, or hires out for use by any parties other than Red House, any part of the Gallery and associated areas, Council will be responsible for the protection of, and liable for the loss or damage of any part of artwork on display or stored, and any property or equipment of Red House. If any artwork or Red House erected display in the Gallery or Retail Outlet is required to be moved by Council or their agents, Council will consult with Gallery staff prior to it being moved, and, in the event that specialists engaged by Red House are required to assist Council or their agents with moving it, reimburse Red House of any costs incurred by this arrangement. Council will also re-instate the area to its original layout and condition prior to the next gallery public open day.

7.3 Where Council proposes to make changes to Gallery programming in accordance with clause 10.1 it must use its best endeavours to give six months' notice and as a minimum must provide at least three months' notice to the Red House and Exhibitor whose exhibition may be impacted.

7.4 Council must ensure that the Red House has access to the Gallery and associated areas at all times other than during events outlined in clause 10.1, and during such events Council must ensure that the Red House has access to the exclusively occupied office and utility room, except when prevented by the circumstances described in Clause 16.1.

7.5 Council will make every effort to perform planned and unplanned maintenance, repair or other works in, on or around the Marion Cultural Centre at times that enable the Gallery to remain open during the minimum hours as stipulated in clause 6.2.15. In the event that these works force the Gallery to be closed for occupational health and safety reasons during these minimum hours, no claim can be made against Council for losses incurred by the Red House as a result of the closure, except where the losses incurred result from the negligence, unauthorised acts, fraud or dishonesty of Council, its officers, servants or agents.

8 Support Provided by Council to Red House

8.1 Annual subsidy to Red House:

8.1.1 An annual subsidy as per General Council Meeting GC100418R01:

Council endorsed a new three year funding agreement with the Red House Group Inc., for \$175,000 plus GST per annum. The funding amount shall be adjusted by the average CPI – All Groups for Adelaide (table 6401.0) as released by the Australian Bureau of Statistics (issued for the March Quarter) for the preceding 12 month period, for the management of Gallery M commencing 1 July 2021 and concluding on 30 June 2024.

This will be provided by the Council to the Red House to assist in the achievement of objectives outlined in Clause 4.

8.1.2 The Red House subsidy will be paid by Council to Red House on a quarterly basis. Payment will be made prior to the first day of the relevant quarter, on receipt of invoice.

8.1.3 The subsidy will be applied as determined by the Red House Board of Management to meet expenses incurred in the operation of the Gallery, including:

8.1.3.1 Gallery staff wages;

8.1.3.2 production and distribution (including postage) of Exhibition promotion and media;

8.1.3.3 advertisements, marketing and launches;

8.1.3.4 maintenance of Red House owned equipment purchased for the achievement of Gallery operations.

8.1.4 A condition of payment of the annual subsidy by Council will be the achievement of the following agreed performance measures:

8.1.4.1 Gallery and Retail Outlet open to the public according to the hours of operation outlined in clause 6.2.15;

8.1.4.2 Successful implementation of a balanced annual program incorporating the following diversity:

8.1.4.2.1 Community and General Exhibitions;

8.1.4.2.2 Regional/National Exhibitions;

8.1.4.2.3 International Exhibitions;

8.1.4.2.4 Diversity of both innovative contemporary and traditional exhibitions;

8.1.4.2.5 Exhibitions involving different artistic disciplines;

8.1.4.2.6 Exhibitions involving different artist/exhibition demographics;

8.1.4.3 Evaluation of Gallery visitor satisfaction with appropriate response strategies;

8.1.4.4 Satisfaction of Red House roles, responsibilities and obligations as outlined in Clause 6.

8.1.5 These performance measures are subject to annual review by Council and Red House.

8.2 Other Support:

8.2.1 In addition to the subsidy outlined in Clause 8.1 it is acknowledged that the Red House will also receive under this Agreement:

- 8.2.1.1 exclusive use of one office and one utility room;
- 8.2.1.2 non-exclusive use of the Gallery as described in Clause 10 and store room as described in Clause 11;
- 8.2.1.3 occupancy costs including power, security, water, waste disposal, and cleaning;
- 8.2.1.4 appropriate maintenance of Gallery building and associated plant;
- 8.2.1.5 consistent access to internet, telephone and photocopying equipment;
- 8.2.1.6 insurance of Council-owned equipment & Venue public liability insurance;
- 8.2.1.7 registration of Gallery M as a business name;
- 8.2.1.8 maintenance of Council provided Gallery furniture, lighting & display items;
- 8.2.1.9 supply and maintenance of Gallery office, Retail Outlet IT hardware & software, including upgrading to meet industry standards as mutually agreed.

9 Programming

- 1.1.2 The programming of the Gallery will be part of an integrated program for the Venue. The Venue Coordinator and Gallery Coordinator will liaise to ensure the Gallery program is consistent with venue programming and other cultural and community development activities in Marion area.

10 Gallery Occupancy

- 10.1 This Agreement does not grant Red House an exclusive licence to occupy the Gallery, with the exception of those areas cited in Clause 8.2.1.1. Council reserves the right to alter Gallery Programming in consultation with Red House to accommodate touring exhibitions or other Gallery activities no more than 3 (three) times a year, subject to clause 7.3.
- 10.2 Red House may conduct the business affairs of its incorporated body at the Gallery with shared use of the office, utility room and other Gallery areas provided that the conduct of this business does not impact negatively on Gallery operations.

11 Storage Facilities

- 11.1 The Gallery storeroom is for the shared use of Council and Red House. Storage floor space will be allocated by the Venue Coordinator in consultation with Red House based on the competing needs of all Venue activities.
- 11.2 Council and Red House shall store all their flammable stores in accordance with SA Dangerous Goods Act 1979.

12 Income Disbursement

- 12.1 All income from Gallery, Exhibitions, Retail Outlet sales and sales of artwork from Exhibitions will be received by Red House
- 12.2 Where Exhibitions are sourced and/or produced by Red House and/or where Red House staff or Volunteers manage the retail outlet, commission on Retail Outlet Sales, and sales of artwork from Exhibitions will be retained by Red House.
- 12.3 A 20% commission (GST exclusive) will be charged on all Retail Outlet sales of art, craft, cards and other arts-related items.
- 12.4 A 30% commission (GST exclusive) will be charged on all sales of artwork and related merchandise from Exhibitions.
- 12.5 Where Red House has facilitated the acquisition and/or production of an Exhibition, income from use of the Gallery Space will be retained solely by Red House.
- 12.6 Red House shall submit to Council annually a statement detailing income from Exhibition fees, Gallery and Retail Outlet sales, and retain commission solely by Red House.
- 12.7 .
- 12.8 Red House will facilitate payment to Exhibitors for Exhibition and Retail Outlet sales.

13 Catering

- 13.1 Red House is encouraged, but not obligated, to utilise the Venue's in-house caterer in support of Red House functions.
- 13.2 Red House shall not, without the written consent of the Council and the Primary Liquor Licensee of the Venue, receive, distribute, serve or sell any liquor within the Venue. Red House will be responsible for all applications and associated costs pertaining to the issuance of temporary event liquor licences and the temporary de-licensing of the Primary Liquor Licensee in accordance with all SA State Government Laws.

14 Release and Indemnity

- 14.1 Red House releases and forever discharges Council from and against all actions, suits, proceedings, causes of action, damages, losses, demands, moneys, costs and expenses whatsoever and howsoever arising or incurred which it now has or may at any time in the future have, related to or in connection with this Agreement except where the claim, action, etc. has resulted from the negligence, unauthorised acts, fraud or dishonesty of Council, its officers, servants or agents.
- 14.2 Council releases and forever discharges Red House from and against all actions, suits, proceedings, causes of action, damages, losses, demands, moneys, costs and expenses whatsoever and howsoever arising or incurred which it now has or may at any time in the future have, related to or in connection with this Agreement except where the claim, action, etc. has resulted from the negligence, unauthorised acts, fraud or dishonesty of Council, its officers, servants or agents.
- 14.3 Red House shall indemnify and keep indemnified Council, its officers, servants and agents against any and all costs, claims, damages, expenses and liabilities arising from any claims, actions or proceedings made, brought or commenced by any

person in relation to any breach by the Red House of this Agreement or in relation to Red House's conduct or promotion of Events except where the claim, action, etc. has resulted from the negligence, unauthorised acts, fraud or dishonesty of Council, its officers, servants or agents.

- 14.4 Council shall indemnify and keep indemnified Red House, its officers, servants and agents against any and all costs, claims, damages, expenses and liabilities arising from any claims, actions or proceedings made, brought or commenced by any person in relation to any breach by Council of this Agreement, or in relation to Council's conduct or promotion of Events except where the claim, action, etc. has resulted from the negligence, unauthorised acts, fraud or dishonesty of Red House, its officers, servants or agents.

15 Insurance

- 15.1 Red House shall adequately insure all Red House staff working at the Gallery under the *Workers Rehabilitation and Compensation Act 1986 (SA)* and all Red House Volunteers against Public Liability.
- 15.2 Red House shall at all times during the Term of the Agreement maintain public liability insurance in respect of its use and occupation of the Gallery for a sum insured of not less than \$10 million dollars. Public Liability Insurance shall be taken through an insurer approved by Council. Red House shall provide evidence of currency of the policies to Council when requested.
- 15.3 Red House shall at all times during the Term of the Agreement maintain Fire and Burglary insurance for all artwork (whether artwork owned by members or Gallery exhibitors) within the Venue. Red House shall provide evidence of currency of the policies to Council when requested.

16 Liability

- 16.1 Council shall not be liable for any loss or damage however arising as a result or consequence of any failure to make or delay in making the Gallery available to the Red House arising from any circumstances beyond the reasonable control of Council including but not limited to fire, flood, explosion, strike, lock-out or other industrial act or dispute, act of God or any order or direction or any local, State or Federal Government or Government authority or instrumentality.
- 16.2 Red House shall not be liable for any loss or damage however arising as a result or consequence of any failure to make or delay in making the Gallery available to the Council arising from any circumstances beyond the reasonable control of Red House including but not limited to fire, flood, explosion, strike, lock-out or other industrial act or dispute, act of God or any order or direction or any local, State or Federal Government or Government authority or instrumentality.

17 Termination of gallery management services

- 17.1 This Agreement may be terminated prior to the end of the Term of the Agreement:
- 17.1.1 by mutual agreement between Red House and the Council; or
 - 17.1.2 by Council by written notice to Red House if at any time during the Term, Red House fails to meet any of its obligations under this Agreement and such failure continues for more than 28 days after Council has given written notice of the failure to Red House; or
 - 17.1.3 by Red House by written notice to Council if at any time during the Term, Council fails to meet any of its obligations under this Agreement and such failure continues for more than 28 days after Red House has given written notice of the failure to Council; or
 - 17.1.4 by Council immediately by written notice, if Council is of the reasonable opinion that damage may be caused to the Venue, the Venue facilities or any equipment in the Venue by the Red House not complying with this Agreement or where such non-compliance may cause injury to venue patrons.
- 17.2 Upon termination of this Agreement Red House is to return all monies paid at Clause 8.1 to Council, as calculated below, subject to reduction by the amount of committed funds with regard to compulsory notice of termination of employment of Red House staff. Calculation of subsidy to be returned will be based on the number of full months remaining in the quarter year from the date of termination multiplied by one third of the quarterly subsidy. Upon termination of the Agreement all outstanding monies owed by the Red House to Council or Council to Red House shall be due and payable. Should such outstanding monies not be paid within 7 days of them becoming due and payable interest will accrue from the date of default at the rate of 15% p.a. calculated on a daily basis from the date it fell due until the date of payment together with all costs in collecting overdue payments unless the payment is in dispute under clause 19.
- 17.3 Termination of this Agreement by Council for whatever reason will not prejudice any right Council may have against Red House for damages or otherwise.
- 17.4 Termination of this Agreement by Red House for whatever reason will not prejudice any right Red House may have against Council for damages or otherwise.
- 17.5 If the Council wishes to acquire vacant possession of the Venue, they may terminate this agreement subject to the following provisions:
- 17.5.1 Council will give Red House a written notice of termination of this agreement (**Termination Notice**) specifying the date on which the agreement is to come to an end being a date not less than twelve months after the Termination Notice is given. Unless terminated earlier by Red House under clause 17.1.3, this agreement comes to an end at midnight on the day specified in the Termination Notice;
 - 17.5.2 at any time after receiving a Termination Notice, Red House can terminate this agreement by giving not less than sixty days' written notice to the Council; and
 - 17.5.3 when either party terminates this agreement under this clause, the rights and obligations of the Council and Red House under this agreement (except with regard to an existing breach) come to an end.

18. Relocation of gallery

If Council propose that Red House, upon not less than six months notice, vacate the Venue and seek to continue their management of an alternative gallery owned by the Council:

- 18.1 the Council can at any time after providing Red House with those details, give Red House a written notice of termination of this agreement (Relocation Notice) specifying the date on which Red House must recommence management of a gallery site being a date not less than six months after the Relocation Notice is given;
- 18.2 where Red House agrees to commence management of another gallery, Red House must relocate to the alternative site on the date stipulated in the Relocation Notice and must give to the Council all assistance and cooperation necessary to give effect to this clause and to the relocation including the execution of any documents or instruments which the Council reasonably requires;
- 18.3 the alternative gallery must, in the reasonable opinion of the Council, be of comparable quality and utility to the Venue;
- 18.4 any reasonable costs incurred in relocating Red House must be borne by the Council;
- 18.5 any fit-out costs (if applicable and in accord of 18.3) shall be discussed and resourcing agreed prior to the Relocation;
- 18.6 the Red House management of the alternative gallery is on the terms in this agreement (changed as necessary creating a new agreement); or
- 18.7 if Red House does not agree to continue management of a gallery at the proposed site, Red House may terminate the agreement.

19 Payment Terms

Settlement of all accounts other than subsidy payments will be made by the last working day of the month following the month of receipt of invoice.

20 Dispute Resolution

Where a dispute, disagreement, difference or question arises between Council and Red House which relates to or arises out of or is in connection with the terms and conditions of this Agreement, the parties will use their best endeavours to resolve any dispute or disagreement and to act at all times in good faith. In the event that dispute or disagreement cannot be resolved amicably the following dispute resolution procedures will be followed:

- 20.1 The parties will not start arbitration or court proceedings in respect of a dispute arising out of this agreement unless compliance with this clause (Clause 20) has been met.
- 20.2 A party claiming that a dispute has arisen must by written notice notify the other party giving details of the dispute.
- 20.3 During ten (10) Business Days after notice is given ('initial period') each party to the dispute ('disputant') must use its best efforts to resolve the dispute.
- 20.4 If the disputants are unable to resolve the dispute within the initial period, each disputant agrees that the dispute must be referred for mediation in accordance with the Mediation Rules of the Law Society of South Australia Incorporated, at the request of any disputant to:

- 20.4.1 a mediator agreed upon by the disputants; or
- 20.4.2 if the disputants are unable to agree on a mediator within five (5) Business Days after the end of the initial period, a mediator appointed by the Chair of LEADR, ACN 008 651 232, email leadr@leadr.com.au, or the Chair's designated representative.
- 20.5 The role of any mediator is to assist in negotiating a resolution of the dispute. A mediator may not make a decision that is binding on a disputant unless that disputant has so agreed in writing.
- 20.6 If the dispute is referred to LEADR, the LEADR Mediation Rules shall apply to the mediation.
- 20.7 Each disputant must bear its own costs of complying with this clause and the disputants must bear equally the costs of any mediator engaged.

21 Assignment

The Red House shall not assign any or all of its rights and obligations under this Agreement without the prior written consent of Council.

22 Variation

This Agreement may only be modified, varied, amended or added to in writing signed by both parties.

23 Whole Agreement

It is agreed that this Agreement comprises the entire agreement between the parties in relation to its subject matter.

24 Notices

Any notices required to be given under this Agreement shall be deemed to have been given if delivered by any means to the address of each party as set out in this Agreement.

25 No Partnership

Nothing in this Agreement shall operate or be deemed to create a partnership, joint venture or association of any kind between the parties or shall render them liable for the debts or liabilities incurred by the other party.

26 Governing law and Jurisdiction

The parties acknowledge that this Agreement is legally binding and shall be governed by the laws of South Australia. The parties unconditionally submit in connection with the Agreement to the jurisdiction of the Courts of South Australia.

Execution by THE RED HOUSE	Executed as an Agreement (Print Name)	Date: / / (Sign Name)
WITNESS (Print Name) (Sign Name)
Execution by the COUNCIL	Executed as an Agreement (Print Name)	Date: / / (Sign Name)
WITNESS (Print Name) (Sign Name)

ANNEXURE 1 CONSIGNMENT AGREEMENTS

1. Red House will prepare and execute a Consignment Agreement document for use between Red House and each Consignor of artwork offered for sale in the Gallery Retail Outlet (shop), and between Red House and each Consignor of artwork on display in an Exhibition and offered for sale.
2. Red House must ensure that the Consignment Agreement includes the following mandatory provisions that can be in the form of an attached schedule:
 - 2.1 The Rate of Sales Commission;
 - 2.2 GST Declaration including ABN details;
 - 2.3 Payment Details;
3. Red House must ensure that the following mandatory clauses are included in all Consignment Agreement documents:
 - 3.1 The Consignor must provide a statement with details regarding their ABN or a signed declaration that their activities are on a hobby basis only and that they have no reasonable expectation of profit. Without this information Gallery M will withhold 48.5% of any payments due;
 - 3.1 All artwork will be assessed for its suitability to be displayed;
 - 3.2 It is the Consignor's responsibility to insure their own works whilst in transit. All artwork on the premises is insured against Burglary (excluding theft without forcible entry) and Fire only. Maximum claim limits apply. Additional insurance, including Theft, Accidental Breakage or Malicious Damage is the responsibility of the Consignor;
 - 3.3 Copyright of all works remains with the artist. Gallery M reserves the right to document and photograph any work for publicity and information purposes. Consignors bear sole responsibility for ensuring that their artwork does not infringe another creator's copyright. Artwork that may infringe the cultural property or moral rights of another person or group may not be displayed.
4. Payments to Consignors will be made, in most case, within 30 days after the end of the month in which the goods are sold. Payments to artists for goods that have been purchased on lay-by will not be available until the lay-by has been paid in full. A fee will be deducted where the Consignor requests payment by cheque.
5. Safe keeping of all boxes and packaging is the responsibility of the consignor and must be removed from the venue.



CONSIGNMENT AGREEMENT

Gallery M RETAIL SHOP

CONSIGNOR / ARTIST NAME:		SHOP CODE:
ADDRESS:		
PHONE:	MOBILE:	
Are you a current financial member of the Red House Group? YES / NO		RHG MEMBER NUMBER:

COMMISSION RATE (please tick)

☐ ♦ I agree that **22% Commission** (inc GST) off selling price will be applied to any items sold in the Gallery M shop

GST DECLARATION (please tick)

☐ ♦ I have an **ABN** (Please supply proof of registration if required) ABN number:

☐ ♦ I am registered for **GST**

☐ ♦ My activities are a private recreational pursuit or hobby, and are performed as an individual without reasonable expectation of profit or gain.

Please read GST information overleaf. If you need further information about GST issues, talk to Gallery M staff

PAYMENT DETAILS

I agree any payments for sold artwork will be paid directly to my bank account via Electronic Funds Transfer

Please read 'Artist Payments' information overleaf – (please complete an EFT approval form - available from Gallery M)

PHOTOGRAPH OF ARTWORK CONSENT FORM

I grant a non-exclusive licence to the Red House Group to reproduce photographs of my artwork on the website page and for promotional purposes without the entitlement to any remuneration now or in the future.

Signed (consignor) _____ date: _____

SHOP CONSIGNMENT AGREEMENT

I, the undersigned, have read and understand the Artist information and Conditions for Gallery M Retail Shop (overleaf) and agree to abide by them.

Signed (consignor) _____ date: _____

This form updated 30 May 2013

Return this completed form to:
Gallery M, Marion Cultural Centre
287 Diagonal Road, Oaklands Park SA 5046

GALLERY USE ONLY	
Date received:	MYOB supplier no:

Page 1 of 2

ARTIST INFORMATION AND CONDITIONS FOR GALLERY M RETAIL SHOP

GALLERY HOURS	Monday – Friday 10am – 4pm; Saturday 10am – 4pm; Sunday 1 – 4pm
GST	All exhibitors must complete the GST / hobby artist section (overleaf). Without this information, Gallery M, by law, will have to withhold 48.5% of any payments due to that person. *note – any sponsorship you gain may attract GST
SALES COMMISSION	A commission fee of 22% (including GST) will be deducted from all shop sales
ARTIST PAYMENTS	Payments to artists will be made, in most cases, within 30 days after the end of the month in which the goods are sold. (Please see GST clause regarding withholding tax.) Payments to artists for goods that have been purchased on lay-by will not be available until the lay-by has been paid in full. Gallery M pays for sold artwork via Electronic Funds Transfer (EFT), where payments are deposited into an artist's bank account. If you expect to receive any payments for shop or exhibition sales, please complete a Request for Electronic Funds Transfer form with details of your nominated bank account.
HANGING OF ARTWORK	All 2-D works must be framed professionally to industry standards and ready to hang – it is essential that all hanging works have firmly attached picture wires with D-rings or screws. (Work that doesn't meet this standard will be rejected). Limited space is available for hanging artworks.
ASSESSMENT OF ARTWORK	All artwork will be assessed for its suitability to be displayed in the Gallery M shop. Check the Gallery M Art and Craft Shop Policy for information re presentation and standards required. Any disagreements with decisions made regarding display of work should be directed in writing to the Red House Group Inc Board of Management
INSURANCE	It is the exhibitors' responsibility to insure their own works whilst in transit. Artwork on the premises is insured against Burglary (excluding theft without forcible entry) and Fire. Additional insurance, including Theft, Accidental Breakage or Malicious Damage is the responsibility of the exhibitors.
COPYRIGHT	Copyright of all work remains with the artist. Gallery M reserves the right to document and photograph any work for publicity and information purposes. Any exhibitor has the sole responsibility for ensuring that their artwork does not infringe another creator's copyright. Artwork that may infringe the cultural property or moral rights of another person or group may not be displayed.
PACKAGING	Safe keeping of all boxes and packing is the responsibility of the exhibitor and must be removed from the venue . Any items accompanying artwork for shop consideration or display must be clearly labelled.
VOLUNTEERING	Gallery M relies on volunteers to support the part time paid staff. If you have several hours to spare on a regular basis, or occasionally, your assistance would be much appreciated. Volunteers work for three hours, either 10am-1pm or 1-4pm weekdays and Saturdays, and 1-4pm Sundays. Duties include interacting with gallery visitors, assisting with shop sales, and administrative duties such as mail-out, filing, and exhibition activities. A staff member is present at all times and is responsible for shop and exhibition sales transactions. The atmosphere is informal and friendly, and volunteers with all levels of experience are welcome.



EXHIBITION CONSIGNMENT AGREEMENT

Gallery M, Marion Cultural Centre
287 Diagonal Road, Oaklands Park P: 8377 2904 E: info@gallerym.net.au

☐ EXHIBITOR DETAILS:

Exhibition Title:		Exhib. period:	
Full Name of Artist:			
Address:		Phone:	
		Mobile:	
Post Code:	Email:		
ARE YOU A CURRENT FINANCIAL MEMBER OF THE RED HOUSE GROUP INC? YES <input type="checkbox"/> Member no: [] or NO <input type="checkbox"/>			

☐ ARTWORK DETAILS:

Title of Artwork	Medium (ie: oil paint, acrylic on canvas, etc)	Sale Price incl. 33% commission

Please list multiple exhibits on an additional sheet and attach to this agreement

☐ GST DECLARATION: (please circle YES or NO)

YES / NO	I am registered for GST.	
YES / NO	I have an ABN from the Australian Tax Office. (Please provide proof of registration if required)	ABN NO:
YES / NO	My activities are a private recreational pursuit or hobby, and are performed as an individual without reasonable expectation of profit or gain.	

If you need further information about GST issues, please ask Gallery M staff

☐ PAYMENT DETAILS:

I agree that any payments for sold artwork will be paid directly to my bank account via Electronic Funds Transfer (EFT)

Please read 'Artist Payments' information overleaf – (if not already provided, please complete EFT approval form)

☐ COPYRIGHT: (please circle YES or NO)

YES / NO	I, as the artist/copyright owner of work exhibited in this exhibition, acknowledge that the work may be photographed or videoed for school study purposes, or publicity use for this exhibition only. (see additional information in copyright clause overleaf)
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☐ ARTIST DECLARATION:

I, the undersigned, have completed the form (above); and have read and understood the 'Artist Information and Terms Of Use For Gallery Exhibitions' (overleaf) and agree to abide by them.	
Artist Signature:	Date:

G:\GalleryM\FORMS, PROFORMA\Agreements\Exhib CONSIGNMENT AGREEMENT.doc

- 1 -

ARTIST INFORMATION AND TERMS OF USE FOR GALLERY M EXHIBITIONS

GALLERY HOURS	Monday – Friday 10am – 4pm; Saturday 10am – 4pm; Sunday 1 – 4pm
GST	All exhibitors must provide Gallery M with details regarding their ABN (if you are a registered business), or a declaration stating that your activities are on a hobby basis only, and that you are conducting your activities without a reasonable expectation of profit. (use 'GST DECLARATION' on reverse of this form) Without this information, Gallery M, by law, will have to withhold 48.5% of any payments due to that person.
SALES COMMISSION	A commission fee of 33% (including GST) will be deducted from all exhibition sales.
ARTIST PAYMENTS	All payments to artists will be made, in most cases, within 30 days after the end of the month in which the exhibition closes (providing the purchaser has paid in full). Please see GST clause regarding withholding tax. Gallery M now pays for sold artwork via Electronic Funds Transfer (EFT), where payments are deposited directly into an artist's bank account. If you expect to receive any payments for exhibition sales, please complete a Request for Electronic Funds Transfer form (available from Gallery M).
DISPLAY OF ARTWORK	All works must be presented according to professional accepted standards and be ready to hang. (ie. undamaged frames). It is essential that all hanging works have firmly attached picture wires with D-rings of sufficient strength to support the weight. (See 'Display Information' flyer for more details.) Any painted works must be entirely dry. Work that doesn't meet these standards will be rejected.
COLLECTION	Unsold works are to be collected by exhibitors <u>after</u> the completion of the exhibition at a time to be arranged. (Works cannot be taken from or added to the exhibition after the opening unless prior arrangements are made with Gallery M staff.) No responsibility taken for uncollected art after the collection date.
INSURANCE	(a) It is the artist's responsibility to insure their own works whilst in transit. Artwork on the premises is insured against Burglary and Fire (excluding theft without forcible entry). Maximum claim limits apply. Additional insurance, including Theft, Accidental Breakage or Malicious Damage is the responsibility of the artist. (b) Public Liability Insurance: If artists are members of the Red House Group Inc., they have the benefit of Red House Group Public Liability Insurance whilst exhibiting at Gallery M. Any non Red House members must at all times maintain Public Liability Insurance, either: 1. Through an approved insurer, for a sum insured of not less than \$10 million dollars, for the duration of the exhibition including set up and removal time. 2. Become a Red House Group member. 'Exhibition Only' membership is available for \$5.00 for the duration of the exhibition period, and may be paid when delivering artwork. Contact Gallery M for other membership options.
COPYRIGHT	Copyright of all work remains with the artist. Gallery M reserves the right to document and photograph any work for publicity and information purposes. Any exhibitor has the sole responsibility for ensuring that their artwork does not infringe another creator's copyright. Artwork that may infringe the cultural property or moral rights of another person or group may not be displayed.
PACKAGING	Safe keeping of all packing is the responsibility of the exhibitor and must be removed from the venue.

DELIVERY OF ARTWORK

The listed exhibits delivered by: (Artist signature):

Date artwork delivered:

COLLECTION OF ARTWORK (sign only when picking up unsold artwork)

The listed exhibits collected by: (Artist signature):

Date artwork collected:

Gallery M Use Only – DELIVERY INSPECTION REPORT NOTES

(Artist signature):

ANNEXURE 2 EXHIBITION AGREEMENTS

1. Red House will prepare and execute an Exhibition Agreement document for use between Red House and each Exhibitor exhibiting in the Gallery, other than Community or Red House member exhibitions.
2. Red House must ensure that the Exhibition Agreement includes the following mandatory provisions that can be in the form of an attached schedule:
 - 2.1 Period of exhibition;
 - 2.2 Exhibition Fee;
 - 2.3 Commission payable;
 - 2.4 Payment Schedule;
3. Red House must ensure that the following mandatory clauses are included in all Exhibition Agreement documents:
 - 3.1 The Exhibitor shall pay the Deposit and Final Payment by the dates set out in the Schedule. Final Payment is due 90 days prior to the scheduled exhibition period. Until such time as the deposit is paid, the booking of the exhibition area as constituted by execution of this Exhibition Agreement will not be confirmed;
 - 3.2 Copyright of all work remains with the originator of the artwork;
 - 3.3 Gallery M reserves the right to document the artworks, maintain a file and utilise images of the artwork for publicity, information or archival purposes;
 - 3.4 Exhibitor's responsibility to insure their own works whilst in transit. All artwork on the premises is insured against Burglary (excluding theft without forcible entry) and Fire only. Maximum claim limits apply. Additional insurance, including Theft, Accidental Breakage or Malicious Damage is the responsibility of the Exhibitor;
4. If exhibitors are members of the Red House Inc., they have the benefit of Red House Public Liability Insurance whilst exhibiting at Gallery M. Any non Red House members must at all times maintain Public Liability Insurance, through an approved insurer, for a sum insured of not less than \$10 million dollars, for the duration of their exhibition including set up and removal time;
5. The Deposit is non-refundable. If the Exhibitor cancels after the Final Payment has been made, no monies are refundable;
6. All exhibitors must complete a GST declaration when delivering their artwork. If any artwork is sold and this statement is not completed, the Red House will withhold 48.5% tax;
7. The Red House Inc. shall not be liable for any loss or damage however arising as a result or consequence of any failure to make or delay in making the Exhibition Area available to the Exhibitor arising from any circumstance of whatever nature including but not limited to fire, flood, explosion, strike, lock-out or other industrial act or dispute, act of God or any order or direction by any local, State or Federal Government or Government authority or instrumentality. If the Red House determines that for reasons beyond its reasonable control it is or may be unable to make the Exhibition Area available to the Exhibitor, the Red House may terminate this agreement and in the event of termination the Exhibitor shall have no claim against the Red House for any

damage or loss incurred by the Exhibitor;

8. Exhibition Agreement may be terminated prior to the end of the Agreement:

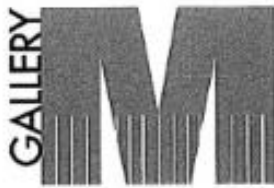
8.1 by agreement between the Red House Inc and the Exhibitor; or;

8.2 by either party if at any time during the Exhibition Period, the other party fails to meet any of its obligations under this agreement, and such failure continues for more than 24 hours after notice is given;

9. Upon termination of this Exhibition Agreement the Red House will be entitled to retain all monies paid to it by the Exhibitor under this Exhibition Agreement. Upon termination of the Exhibition Agreement all outstanding monies owed by the Exhibitor to the Red House Inc as outlined in the Schedule shall be due and payable;

10. Termination of this Exhibition Agreement by the Red House for whatever reason will not prejudice any right the Red House may have against the Exhibitor for damages or otherwise;

11. The parties acknowledge that this Agreement is legally binding and shall be governed by the laws of South Australia. The parties unconditionally submit in connection with the Agreement to the jurisdiction of the Courts of South Australia



EXHIBITION AGREEMENT

MARION
CULTURAL CENTRE
287 Diagonal Road
Oaklands Park SA 5046
Phone: (08) 8377 2904

Gallery M, situated in the Marion Cultural Centre, is proudly operated by the Red House Group Inc. on behalf of the City of Marion.

This is an agreement between (Exhibitor): xxx
and the Red House Group Incorporated,
to exhibit artwork in the area known as Gallery M, in the Marion Cultural Centre.

1. **GALLERY AREA** (whole, half, or quarter gallery):
2. **GALLERY FEE** \$
 - (a) The Exhibitor shall pay the Deposit and Final Payment by the dates set out in Item 14 of the Schedule. Final Payment is due 90 days prior to the scheduled exhibition period. Until such time as the deposit is paid, the booking of the exhibition area as constituted by execution of this Agreement will not be confirmed.
 - (b) Cheques must be made payable to "Gallery M"
3. **EXHIBITION DATES** xx Month – xx Month 2015
4. **OPENING DATE** Day: Friday xx Month 2015 Time: between 5 – 8 pm
 - (a) The format of openings, guest speaker etc must be agreed to by the Gallery Co-ordinator.
 - (b) Exhibitors may be asked to contribute some catering for the exhibition opening.
5. **DELIVERY OF ARTWORK** Date: Tuesday xx Month 2015 Time: between 10am – 3pm
If these dates are unsuitable, prior negotiation must be made with the exhibition officer.
6. **HANGING OF ARTWORK** Date: Wednesday xx Month 2015 Time: between 10am – 4pm
Exhibitors are required to assist Gallery M staff with the hanging and display of the exhibition.
7. **REMOVAL OF ARTWORK** Date: Monday xx Month 2015 Time: between 10am – 4pm
 - (a) Prior to opening and after the removal of work the gallery must be left clean and tidy.
 - (b) Any alternative removal date must be negotiated with the Exhibition Officer, and agreed to in writing, at least one week prior to designated removal date.
 - (c) No responsibility will be taken for artwork left at Gallery M past the specified removal day.
8. **MOUNTING AND DISPLAY**
 - (a) All hanging works must be suitably mounted or framed, with securely fixed hanging wires attached to D-rings and screws. Artwork that does not meet hanging requirements will not be accepted.
 - (b) Where more than one exhibition is on display in the same exhibition period, the exhibition areas will be allocated at the discretion of the Exhibition Committee.
 - (c) No alterations to the exhibition lay-out may be carried out without prior written consent from the Gallery Co-ordinator.
 - (d) Unless otherwise agreed, all extraneous materials, tapes and packing connected with the consignment must not be left at the premises.
 - (e) Artwork may not be removed from or added to the exhibition without the prior approval of Gallery M staff.
 - (f) All special requirements must be outlined in Item 16 in the Schedule.
 - (g) Any display cabinets (provided by exhibitor) must be approved by the Gallery Co-ordinator
 - (h) To maintain gallery standards, and to show the artwork to its best advantage, the Exhibition Committee reserves the right to curate the exhibition (quantity, quality and placement of artworks).

- 9. RIGHT OF REFUSAL**
- (a) The Red House Group Inc has the right to refuse any work
 - (b) Any work that may be considered racist, sexist or offensive may not be accepted.
- 10. PUBLICITY**
- (a) All publicity requirements and strategies must be formulated in consultation with Gallery M staff.
 - (b) Photos / media information for publicity purposes must be received two months in advance of the opening of exhibition. See Item 12 in the Schedule.
 - (c) Any promotional material for the exhibition must be approved by Gallery M staff, and carry the appropriate logos etc.
 - (d) Any additional advertising, promotional or opening costs will be the responsibility of the Exhibitor, and are not to be billed to Gallery M either by name or address.
- 11. INVITATIONS**
- (a) Professional standard double-sided colour DL size invitations are produced and distributed (post included) to an extensive mailing list and through City of Marion facilities. A digital version of the invitation is also widely distributed, and is made available to the artist for their email networks.
 - (b) A surcharge of \$100 will be due at the time of your exhibition to help cover printing costs. Approximately 150 invitations will be available for your personal distribution (Costs for printing additional invitations above our normal print of 1,000 must be met by the Exhibitor).
 - (c) Invitations must be designed in consultation with and meet the approval of Gallery M staff. Invitation design must be finalised two months before the opening of the exhibition. See Item 15 in the Schedule.
 - (d) Where possible, exhibitors are required to provide some assistance with the task of their exhibition mail-out.
- 12. SALES**
- (a) Unless specifically agreed, all artwork will be for sale. A commission of 33% (includes GST) will be taken from the sale price of any sold items.
 - (b) No alterations will be made to the artwork sales prices once the catalogue has been produced.
 - (c) Gallery M will be the sole agent for the sale of works from an exhibition in the gallery during the period of the exhibition. Gallery M can act as on-going agent for the exhibitor (by mutual agreement) for works exhibited in the exhibition, but stocks are not carried outside exhibition dates.
 - (d) Payment for any sold works (that have been paid for in full) will be available for collection 30 days after the end of the month when the exhibition closes. Payment is via EFT to your nominated bank account.
- 13. GST**
- All exhibitors must complete a GST declaration when delivering their artwork (on exhibition consignment note). If any artwork is sold and this statement is not completed, the Red House Group will withhold 48.5% tax.
- 14. COPYRIGHT**
- (a) Copyright of all work remains with the originator of the artwork.
 - (b) Gallery M reserves the right to document the artworks, maintain a file and utilise images of the artwork for publicity, information or archival purposes.
 - (c) Any exhibitor has the sole responsibility for ensuring that their artwork does not infringe another creator's copyright. Artwork that may infringe the cultural property or moral rights of another person or group may not be displayed.
- 15. INSURANCE**
- (a) It is the Exhibitor's responsibility to insure their own works whilst in transit. All artwork on the premises is insured against Burglary (excluding theft without forcible entry) and Fire only. Maximum claim limits apply. Additional insurance, including Theft, Accidental Breakage or Malicious Damage is the responsibility of the Exhibitor.
 - (b) **Public Liability Insurance:** If artists are members of the Red House Group Inc., they have the benefit of Red House Group Public Liability Insurance whilst exhibiting at Gallery M.
Any non Red House members must at all times maintain Public Liability Insurance, either:
 - (b.1.) Through an approved insurer, for a sum insured of not less than \$10 million dollars, for the duration of the exhibition including set up and removal time.
 - (b.2.) Become a Red House Group member. 'Exhibition Only' membership is available for \$5.00 for the duration of the exhibition period, and may be paid when delivering artwork. Contact Gallery M for other membership options.
- 16. STAFFING**
- (a) The Red House Group Inc will provide gallery staff for all advertised opening hours, including the opening event. A voluntary staff roster is also maintained, and exhibitors are encouraged to assist in this capacity.
- 17. CANCELLATION**
- The Deposit is non-refundable. If the Exhibitor cancels after the Final Payment has been made, no monies are refundable.

18. RED HOUSE LIABILITY

The Red House Group Inc. shall not be liable for any loss or damage however arising as a result or consequence of any failure to make or delay in making the Exhibition Area available to the Exhibitor arising from any circumstance of whatever nature including but not limited to fire, flood, explosion, strike, lock-out or other industrial act or dispute, act of God or any order or direction by any local, State or Federal Government or Government authority or instrumentality. If the Red House Group determines that for reasons beyond its reasonable control it is or may be unable to make the Exhibition Area available to the Exhibitor, the Red House Group may terminate this agreement and in the event of termination the Exhibitor shall have no claim against the Red House Group for any damage or loss incurred by the Exhibitor.

19. TERMINATION

- (a) Subject to Clause 18 this Agreement may be terminated prior to the end of the Agreement:
- by agreement between the Red House Group Inc and the Exhibitor; or
 - by either party if at any time after the payment of the deposit until the end of the Exhibition Period, the other party fails to meet any of its obligations under this agreement, and such failure continues for more than 24 hours after notice is given.
- (b) Upon termination of this Agreement the Red House Group will be entitled to retain all monies paid to it by the Exhibitor under this Agreement. Upon termination of the Agreement other than by agreement under Clause 19 (a) i) all outstanding monies owed by the Exhibitor to the Red House Group Inc as outlined in Item 14 of the Schedule shall be due and payable.
- (c) Termination of this Agreement by the Red House Group for whatever reason will not prejudice any right the Red House Group may have against the Exhibitor for damages or otherwise.

20. GOVERNING LAW AND JURISDICTION

The parties acknowledge that this Agreement is legally binding and shall be governed by the laws of South Australia. The parties unconditionally submit in connection with the Agreement to the jurisdiction of the Courts of South Australia.

Signed for and on behalf of the RED HOUSE GROUP INC.	Signed for and on behalf of the Exhibitor
Signature:	Signature:
Name (printed):	Name (printed):
Date:	Date:

OFFICE USE ONLY

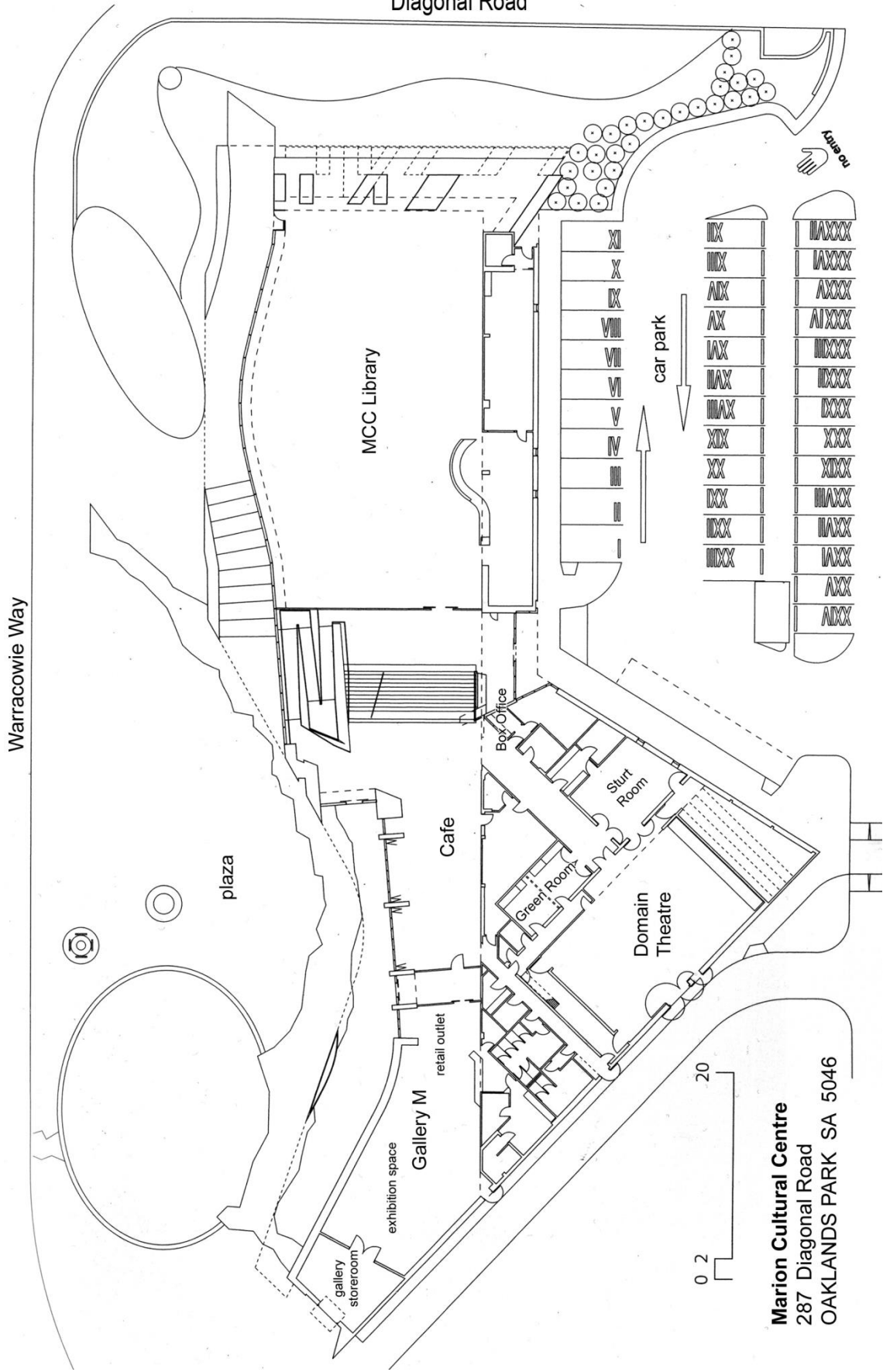
Contract received by (Gallery M Staff Member):	
Date received:	
Receipt Number:	
Deposit amount:	\$

BALANCE OF PAYMENT RECEIVED	
Date received:	
Receipt Number:	
Balance amount:	\$

OFFICE USE – GALLERY M SHOP FRONT	
CAT	GLFEE
SUB CAT	
DFT SUPPLIER	120
BARCODE	
CUSTOMER NO	
DESCRIPTION – gallery fee	
Invitation reimbursement (\$100)	
Barcode:	

Item 1	Date of Exhibition Agreement:	
Item 2	The Exhibitor / s:	
Item 3	Contact person:	
Item 4	Address:	
Item 5	Telephone:	
Item 6	Email:	
Item 7	Gallery Area:	
Item 8	Exhibition Period (inclusive):	
Item 9	Gallery Fee (includes GST):	\$
Item 10	Commission (includes GST):	33%
Item 11	Delivery of Artwork:	Tuesday
Item 12	Opening event:	Friday
Item 13	Collection of artwork:	Monday
Item 14	Payment Schedule: Deposit Amount: \$ Balance Amount \$ Invitation Surcharge \$100.00	DUE: DUE: DUE: (two months prior to exhib)
Item 15	Media / Publicity information and invitation design and due by:	
Item 16	Special Conditions / Requirements ie: podiums, power sources, etc:	<i>please list requirements</i>

ANNEXURE 3
VENUE AND GALLERY MAP
Diagonal Road



ANNEXURE 4 INTERNET & EMAIL ACCESS AND USAGE POLICY

Internet and Email Access And Usage Policy



POLICY STATEMENT

The City of Marion (Council) has given its employees access to telecommunications, e-mail, computer, internet and other facilities. As an 'Employer of Choice' City of Marion allows employees to use the facilities for private purposes, to meet family, personal and community responsibilities.

CONSTRUCTIVE CULTURE LINKS

The implementation of this policy supports the Employer of Choice strategy and our desired constructive culture.

PRINCIPLES

Council has provided the facilities primarily for business purposes and to allow effective communication with each other and others with whom Council communicates, and to use the information gathering and storage capabilities that the facilities provide to enhance the productivity and quality of work. Council understands that as an Employer of Choice employees may use the facilities for private purposes. Occasional and reasonable personal use of the Council's Internet and e-mail services is permitted, provided that this does not interfere with work performance and is consistent with professional conduct and Council Policies and Procedures.

Privacy

All e-mails sent or received from Council's systems remain the property of Council. Employees should not expect that e-mail is confidential or private.

To ensure that the guidelines contained in this policy are followed, Council retains the right to access or view users' e-mail sent via the corporate network as required.

Unacceptable use of e-mail

Employees shall not use the Council's Internet or e-mail services to:

Major infringements:

- Access internet sites containing pornographic material;
- Access Internet sites which contain offensive content of any kind;
- Send or forward emails which contain offensive content of any kind;
- Send or forward emails which contain pornographic material;
- Send or forward emails promoting discrimination on the basis of race, gender, national origin, age, marital status, sexual orientation, religion, or disability;
- Send or forward emails containing threats of violence, defamatory content, inappropriate language or other unwelcome behaviour;
- Send or forward emails discussing or promoting illegal activities;
- Send or forward emails containing discriminating messages of a religious, political, or racist nature;



- Send or forward emails for the purposes of personal financial gain;
- Send unauthorised e-mails from another person's e-mail address or impersonating another person;
- Establish and/or utilise spamming e-mail accounts from the Council's e-mail services;
- Unauthorised sending of business-sensitive information by e-mail or over the Internet;
- Disperse corporate data to Council customers or clients without prior authorisation from the relevant People Manager or within delegated authority;
- In addition, staff shall not use the Council's Internet or e-mail services to view, download, save, receive (without deleting immediately), or send material related to or including any of the above.

Minor infringements:

- Send or forward trivial emails to large numbers of Council staff;
- Download software from the Internet without approval from Manager via an ICT support request;
- Download files from the Internet having no Council business relevance;
- Unreasonable access to non-work related Internet sites during work hours;
- Send or forward commercial messages;
- Send or forward excessive emails containing sports, entertainment, or non-Council job information;
- Distribute "junk mail" or electronic chain letters including letters seeking donations and those providing pyramid selling schemes or advertising;
- Send, forward or save material protected under copyright laws;
- Send personal e-mail to any person who does not wish to receive it. If a recipient asks a user to stop sending him or her e-mail, the request must be observed;
- Access Internet gambling sites.

RESPONSIBILITIES

Offensive e-mail

If an employee receives offensive e-mail from outside Council, they should immediately delete it and seek advice through a support request to ICT about how to reduce the likelihood of receiving similar material again. The employee should advise their People Manager.

Internet usage

Employees should be aware that they are representing the City of Marion when accessing internet sites and their visit will be sourced and recorded as coming from the City of Marion. Council does monitor sites that employees are accessing and it reserves the right to do so, to ensure that the guidelines contained in this policy are followed.

Council reserves the right to block access to sites which it deems to be inappropriate.



System Security

To help avoid the spread of viruses, employees must not by-pass Council's system security by accessing the internet directly by modem or other unauthorised means.

Employees must never copy files from the internet, accept e-mail attachments from unknown sources, or use storage media (eg USB data stick, CD, DVD) from non-Council sources, without ensuring the material is scanned with Council-approved virus checking software. If an employee suspects that a virus has been introduced in the Council network, the ICT staff must be notified immediately.

Employees must not load software onto any Council equipment without prior approval through ICT.

Employees are encouraged to be smart about protecting themselves, their privacy and City of Marion's confidential information. Information that is emailed or otherwise published is widely accessible and will be around for a long time so consider content carefully.

Records Management and Retention

All employees are responsible for registering relevant Council emails in the records management system, BluePoint (BP) for future reference.

Number of Recipients and Size of Emails

Employees are responsible for restricting the number of people an email is to be sent or copied to so that only those most needing the information receive it, to reduce unnecessary duplication of emails.

Employees are to aim for the size of attachments to be kept as small as possible.

Defamation

Employees must not distribute potentially defamatory comments by e-mail, mailing lists or bulletin boards. Defamation occurs when a statement or publication injures the reputation of another person. It can be a civil action or a criminal offence under relevant legislation.

Copyright

All employees must respect the copyright and any other intellectual property rights of third parties. Copyright protects the exclusive right of the copyright holder to copy, publish, perform, broadcast and sell copyrighted material. Employees must not download material from the internet or otherwise receive and use information that is owned by a third party unless they have the written permission of that party.

Examples of possible breaches of copyright can include forwarding e-mails or copying or downloading copyright material (including computer programs, screensavers, sounds and images) that have copyright protection.

As a general rule, under copyright law, downloading from the internet for personal research is allowed. However, downloading material for distribution to others or for business purposes will require the permission of the third party owner.



CONSEQUENCES

Any employee who discovers a breach of this policy is obliged to immediately notify their Manager, and in the case of a Major Infringement, their People Manager and the Manager Organisational Development.

Any employee who breaches this policy is subject to discipline up to and including termination of employment.

REVIEW DATE

This Policy will be reviewed within 2 years.

REFERENCES

Strategic Plan

EC3.1 – Ensure our workplace provides safe systems of work, fair treatment, appropriate reward and recognition, values diversity and embraces a healthy work/life balance.

Procedure References

Nil

Other Related References

- Borrow/Use of Council Equipment Policy Notes Link
- Employee Code of Conduct
- Equal Opportunity, Harassment, Discrimination and Workplace Bullying Policy
- City of Marion Whistleblowers Policy and Procedure

Previous Versions

No. 3, 23/10/2003

AUTHOR

Rachel Read

ANNEXURE 5 **ASSET REGISTER OF CITY OF MARION EQUIPMENT WITHIN GALLERY M**

ASSETS REGISTER

Gallery M / Red House Group

July 2018

Area	Item	Details	Ownership
airlock	corflute panels (black) x 30	for unframed prints	RHG members
airlock	glass display cabinet (large)	120cm W x 180cm H	GM
airlock	glass display cabinet (large)	120cm W x 180cm H	RHG members
airlock	glass display cabinet (large)	120cm W x 200cm H / LED	RHG Members
airlock	hanging rack - windchimes	coat rack - metal	GM
airlock	rack (unframed prints etc)	custom built	GM
bathroom	coat rack	for staff /volunteers	GM
bathroom	lockers x2	4 lockers per unit	RHG members
gallery	hanging - original nylon lines	60 x 2m; 100 x 3m	CC Fit Out
gallery	hanging - original screw hooks	150 x small; 150 x large	CC Fit Out
gallery	hanging - ratchet hooks	x 260 (15kg)	GM
gallery	hanging - s/steel wires		GM (grant)
gallery	Hanging - tracks	white metal	CC Fit Out
gallery	Laser level	Bosch	GM
gallery	seating - ottomans (purple)	2x 60cm squ (\$252 ea)	CC Fit Out
gallery	seating - ottomans (purple)	2x 60 x 120cm (\$341 ea)	CC Fit Out
gallery	spotlights	LED upgraded from halogen	CC Fit Out
gallery	Television HD LED LCD	39.6cm GVA	GM
gallery	walls 1x movable (2.7m H)	1x 4 metres Wide (\$2,894)	CC Fit Out
gallery	walls 4x movable (2.7m H)	4x 3metres Wide (\$2,894 ea)	CC Fit Out
gallery store	framed pin boards (x16)	for unframed artwork	GM
gallery store	glass cabinet	90cm W x 94cm H	RHG members
gallery store	hand truck	blue	GM
gallery store	ikea jewellery display x1		GM
gallery store	ikea jewellery display x2		GM
gallery store	Ladder 2.1m Platform	Bailey deluxe order picker	CC Fit Out
gallery store	Mobile display cabinet	Wood (custom built)	RHG members
gallery store	mobile screens	2 - 180cm H x 200cm W	GM (grant)
gallery store	purple fabric	4 - 120cm H x 200cm W	
gallery store	PA System		CC Fit Out
gallery store	PA System - tripod		CC Fit Out
gallery store	Plinths - Approx.35	assorted sizes, white	RHG members
gallery store	storage cabinet - Glass top	180cm W x 95cm H	RHG members
gallery store	Trestle tables 1x	ironstone finish 2400W x 750D	GM
gallery store	Trestle tables 1x (small)	grey plastic, lightweight	GM
gallery store	Trestle tables 2x	white laminate	RHG members
gallery store	trolley	utility cart	GM
gallery store	vacuum cleaner	Ornyx 2200	RHG members
gallery store	hanging rack - scarfs	coat rack - metal (2-rails)	GM
gallery store	shelf units	black metal 3 tier	GM
office	CC TV	upgraded as necessary	CC Fit Out
office	including 2x monitors		
office	Chairs gas lift 3x (Office)	balck, mesh inserts	CC Fit Out
office	computer (CoM network)	main office computer	CC Fit Out

ASSETS REGISTER

Gallery M / Red House Group

July 2018

office	digital safe	installed under desk	CC Fit Out
office	Memory card reader	Dick Smith 9/4/08	GM
office	mobile shelf unit (small)	castors, 60cmW x 95cm H	GM
office	pedestal cupboard 3	under desk storage	CC Fit Out
office	portable hard drive	Apollo - 250GB	GM
office	Printer	Ricoh SP C440DN	CC Fit Out
office	software	Adobe Creative Suite 5	RHG members
office	Telephone (internal)	CoM network	CC Fit Out
office	keyboard & mouse	wireless	GM
shop	acrylic display stands	various sizes	GM
shop	assorted white shelving	modular - approx. x18	GM
shop	barcode scanner		CC Fit Out
shop	card display racks x5	custom built (\$132 ea)	GM
shop	coat stand	for hanging bags etc	GM
shop	computer - point of sales	shop computer (CoM network)	CC Fit Out
shop	display unit - glass / metal lockable	custom built 60 x 60 x 140cm	CC Fit Out
shop	display units - glass / metal	custom built x6 60cm x 60cm x2 1m x 40cm	CC Fit Out
shop	glass window shelving	custom- support posts glass shelves inc spares	CC Fit Out
shop	hanging rack - silks etc	custom	GM
shop	jewellery display stands	various sizes	GM
shop	large white shelves x2	88cm W x 200cm H	GM
shop	mini hi fi system	LG	RHG members
shop	MYOB software	Retail Manager	CC Fit Out
shop	perspex cubes - lockable x2 (24/4/04) x2 (31/3/06) x3 (22/2/16)	custom built \$135 ea \$148.50 ea \$184 ea	GM
shop	Receipt printer		CC Fit Out
shop	shelving units x2	85cm H x 150cm W	GM
shop	Chairs gas lift 1x (high)	black fabric	CC Fit Out
utility	chair - leather gas lift	(ex meeting room)	CC Fit Out
utility	Clock	Kmart	GM
utility	computer (CoM network)	# 2 computer	CC Fit Out
utility	cupboard - 2 sliding doors	ex MCC office	CC Fit Out
utility	cutlery assorted		RHG members
utility	dinnerware assorted		RHG members
utility	Folding Machine F500	A4 size	RHG members
utility	Fridge Kelvinator 420L	Replaced original	CC Fit Out
utility	guillotine	Fiskars	GM
utility	guillotine	Fellowes 'Stella'	RHG members
utility	Hot water heater	Rheem Eco	CC Fit Out
utility	kettle	Kmart	GM
utility	Ladder 1.7m		GM
utility	Laminator A3	Lowell LOOL380	GM
utility	microwave oven	LG MS-2346VR	RHG members
utility	mobile shelf unit	castors, 90cmW x 150cm H	GM
utility	mobile trolley	wooden / laminate 64 x 45 cm	GM
utility	pedestal cupboard 1x	under desk storage	CC Fit Out

ASSETS REGISTER

Gallery M / Red House Group

July 2018

<i>utility</i>	shelving - office	wall storage	GM
<i>utility</i>	Tables 2x	85cm w x 120cm L	CC Fit Out
<i>utility</i>	toaster oven	Breville Pizzetta Oven	RHG members
<i>utility</i>	vacuum cordless	Dyson DC 35 stick	RHG members
<i>various</i>	Telephone - Uniden	(external line) 3 handsets + answer machine	GM
<i>various</i>	waste bins x4	small size only	RHG members

Galleon Theatre Group 3 year Agreement renewal

Originating Officer Unit Manager Cultural Facilities - Tyson Brown

Corporate Manager Manager City Property - Thuyen Vi-Alternetti

General Manager Acting General Manager City Development - Greg Salmon

Report Reference GC210511R13

Confidential ☐

REPORT OBJECTIVE

To consider the renewal of the 3 year venue hire subsidy Agreement with Galleon Theatre Group (GTG) for the provision of at least two theatrical productions per financial year at the Domain Theatre located within the Marion Cultural Centre.

EXECUTIVE SUMMARY

Galleon Theatre Group (GTG) is the sole amateur theatre group of this nature based in the City of Marion with a long history of well-respected quality award winning productions. GTG have been operating for over 50 years and since 2002 Council has provided a venue hire subsidy via a 3 yearly Agreement which is due to expire on 30 June 2021.

This subsidy is provided as a result of Council disposing of Pioneer Hall and GTG needing a quality performance space to entertain audiences annually. The agreement is for the hire of the Domain Theatre in the Marion Cultural Centre (MCC) to deliver 2 performance seasons with a minimum of 7 shows each, per annum. The past performances would not be able to proceed without the subsidy.

The annual subsidy for the draft 2021/22 agreement is \$13,581.59 and would then be indexed by CPI per annum for the term of the agreement.

The provision of a three year agreement is a minimum requirement to enable the quality development and production of the performance seasons.

RECOMMENDATION

That Council:

- 1. Endorses the execution of a new three year venue hire subsidy agreement with Galleon Theatre Group for \$13,581.59 ex GST and annual CPI increases commencing 1 July 2021 and concluding on 30 June 2024.**

BACKGROUND

Galleon is based at Park Holme Community Hall and requires the use of the Domain Theatre to perform shows within a quality theatrical space. Historically Galleon was based at Marino hall from 1968-78 and in the Pioneer Hall 78– 2001, in 2002 they moved their performances to the Domain Theatre. From 2002 until 2020 Galleon accommodated both Cosgrove Hall and Park Holme Community Hall.

There has been three yearly venue hire subsidy agreements with Galleon Theatre Group since 2002 for subsidised hire rates for the use of the Domain Theatre in the Marion Cultural Centre. This has been Council's support as a result of Council's decision to dispose of Pioneer Hall.

GTG receives the annual venue hire subsidy to reduce their operating costs and prioritise expenditure to the costs associated with creating and delivering quality performances such as licensing, set design construction, marketing and promotion, costumes etc. The current subsidy is \$13,157.20 and is indexed annually by CPI, this subsidy is critical to the viability of the theatre group.

DISCUSSION

The current venue hire subsidy agreement expires on 30 June 2021. Administration has undertaken a review of the Agreement in collaboration with GTG members. GTG seek to continue with the current agreement with some minor operational changes.

The agreement provides a discounted venue hire rate to the value of approx \$13,000 per annum. These reduced fees enable GTG to deliver a minimum of 2 performance seasons with 7 shows each financial year.

The venue hire subsidy attained by GTG over the last 6 years has been to the value of \$63,803.60.

The total ticketed income retained by GTG via performances from 2015 to 2019 was \$112,355.50. Additional income received by GTG consists of memberships, program sales, charity bookings, raffle sales and bank interest.

The last 8 years GTG financial performance incorporating the subsidy is summarised below:

	2012	2013	2014	2015	2016	2017	2018	2019
Income	\$ 16,523.43	\$ 16,727.26	\$ 17,258.31	\$ 16,639.46	\$ 16,246.74	\$ 16,203.40	\$ 20,050.18	\$ 20,364.15
Ticket sales income	\$ 21,723.05	\$ 19,777.66	\$ 26,755.60	\$ 22,579.00	\$ 20,767.90	\$ 22,800.70	\$ 24,696.00	\$ 21,512.00
Expenses	\$ 39,436.00	\$ 40,715.19	\$ 39,036.02	\$ 37,595.13	\$ 40,355.58	\$ 36,797.81	\$ 46,296.98	\$ 40,071.06
Profit / (Loss)	-\$ 1,189.52	-\$ 4,210.27	\$ 4,977.89	\$ 1,623.33	-\$ 3,340.94	\$ 2,206.29	-\$ 1,550.80	\$ 1,805.09

Since 2015, 6,609 people have attended one of Galleon's 80 performances.

In 2020 due to the restrictions GTG did not perform, however they utilised this time to engage Adelaide University students to review and assess their marketing and promotion activity.

GTG is continuing to evolve and planning is well underway for a new exciting development that may see the presentation of additional productions that sit outside of the main program of two productions per year.

The proposed new development and recommendations from uni students demonstrate GTG continue to explore mechanisms to build and diversify their audience and provide a new vehicle for directors, designers and a crew to learn their craft supported by experienced mentors.

Historical changes throughout the life of past 3 yearly agreements

Prior to the renewal of the current agreement, research was undertaken to assess the market for other performing arts groups that could provide these experiences for and with our community. It was identified that there were no groups or services that contribute the value of GTG within City of Marion. The current venue hire subsidy agreement was amended to include key performance indicators to demonstrate Council and community outcomes for the subsidy provided.

In 2018 the MCC introduced an online ticketing platform which is mandatory for all hires with a minimal per ticket charge. The total income the MCC has received from three production series was \$4,744.50.

In addition to the subsidy provided as of July 2019 when the City of Marion introduced a reduction to venue hire for residents and businesses that are located in the Council region enabled GTG to attain a further 50% off of venue hire.

Cultural and community outcomes

GTG has been successful in furthering careers of members, some members have progressed to become members of the Sydney Theatre Group, had lead roles in the SA Theatre company as well as managing many theatres in London.

GTG supports our community by offering fixed priced tickets for community groups who further on-sell as a fund raising opportunity. These charity nights continue to be important and are well attended by other community groups such as Kiwani's and Rotary clubs.

GTG was first awarded for the 'Best Revue of 1992' in award provided by the Advertiser then known as Oscars for the best theatre show for a 'Casablanca' send up. GTG have continued to be nominated and receive awards annually from their quality performances for categories such as best technical design, best comedy, best ensemble, and best female performer.

It is recommended to continue with the current arrangements with GTG and to formalise the subsidy and deliverables in a 3 year agreement as there is considerable community value as a result of the participation in our community that would not otherwise be possible.

Attachment

#	Attachment
1	Galleon Theatre Agreement 202124 DRAFT



GALLEON THEATRE GROUP INCORPORATED

and

CITY OF MARION

2021/2024 FUNDING AGREEMENT

CONTRACT CC



GALLEON THEATRE GROUP AGREEMENT

THIS AGREEMENT is made on the day of 2021

BETWEEN: GALLEON THEATRE GROUP INCORPORATED, PO Box 198 Park Holme SA 5043 ("Galleon")

and

The CITY OF MARION ABN 37 372 162 294 of 245 Sturt Road, Sturt SA 5047 ("Council")

PREAMBLE

The Council operates the Marion Cultural Centre ("Centre") which incorporates the Domain Theatre, the Green and Sturt Function Rooms, library, café and Gallery M. As a provider of inclusive community based theatre activities, Galleon are an important component of Marion's cultural fabric.

The intention of this Agreement is to ensure that throughout the life of the Agreement Galleon shall hire the facilities of the Centre at the prevailing "Community Subsidised" hire rates for a minimum of two full productions in each financial year.

IT IS AGREED AS FOLLOWS:

1 The Arrangement

- 1.1. That whenever Galleon requires access to facilities at the Centre it enters into a standard Hire Agreement for the use of those facilities at the prevailing "Community Subsidised" rates, and complies with all terms and conditions contained in that Hire Agreement.
- 1.2. This Agreement is not transferable.

2 Term of Agreement

The Term of this Agreement shall be for three (3) years from 1 July 2021 to 30 June 2024, subject to Galleon meeting its obligations under this Agreement.

3 Objectives of Agreement

Council and Galleon agree to the following objectives:

- 3.1 The maintenance of Galleon as a high quality and inclusive amateur theatre company within the City of Marion;
- 3.2 The continuation of an agreed schedule of regular public performances by Galleon in the Domain Theatre;
- 3.3 The maintenance of both an appropriate public profile by Galleon and audience base at performances by Galleon.



4 Roles and Responsibilities: Galleon

- 4.1 Galleon shall produce and present at least two theatrical productions in the Domain Theatre per financial year.
- 4.2 Each theatrical production shall receive at least seven (7) complete performances in the Domain Theatre. Galleon must where possible advise Council what its next production will be more than six (6) months prior to the opening performance of the production. Council shall have the right to veto any production it deems unsuitable provided that such veto occurs where possible at least six (6) months prior to the planned opening performance of the production.
- 4.3 While resident at the Centre, Galleon shall observe all the Centre's rules and operate in accordance with those rules and any other direction given by the appointed member of Centre staff.
- 4.4 Galleon shall comply with all Work Health and Safety requirements of the City of Marion including the provisions of the Work Health and Safety Act 2012 (SA) and all associated regulations (as amended from time to time) and will ensure that its own members and volunteers will comply with the Work Health and Safety Act 2012 (SA) and all regulations, improvement notices, prohibition notices and codes of practice issued thereunder and having application to this Agreement.
- 4.5 Where the Centre takes other bookings in the Domain Theatre or Green Rooms during periods when Galleon is in residence, Galleon shall cooperate with Centre staff to facilitate such bookings to the extent that such other bookings do not require the dismantling, moving or relocation of on-stage and off-stage scenic and other properties and do not change lighting and sound equipment and settings that cannot be easily reversed by Centre staff and that such reversal will not require the direct involvement of Galleon staff. (Refer 4.20 and 4.21)
- 4.6 Galleon shall present a production-only financial statement relating to the first production to Council no later than 31 July each year and a comprehensive financial statement relating to all Galleon activities within a calendar year no later than 15 February the following year. These statements shall itemise, at a minimum, all income and expenditure relating to Galleon productions, including full hire fees applied by the Centre, and any Council subsidies.
- 4.7 Galleon shall acknowledge support provided by City of Marion on promotional material and will provide to staff for review prior to use to ensure adherence to Council's style guidelines.
- 4.8 Galleon shall provide a written report to Council after the conclusion of each production including for the first production of any calendar year by no later than 31 July each year and for the second production by no later than 15 February the following year. Each report will include information about achievement towards measures / targets in the KPIs outlined in Appendix 1 of this Agreement, examples of promotional material, and detail of the expenditure and outcomes from the financial support provided by Council.
- 4.9 Galleon agrees to indemnify and to keep indemnified the Council, its servants and agents and each of them from and against all actions, costs, claims, damages, charges and expenses whatsoever which may be brought or made or claimed against them or any of them arising out of or in relation to the issuing of the Agreement.
- 4.10 Galleon shall take out and keep current a public risk insurance policy in the name of Galleon Theatre Group Inc insuring Galleon for the minimum sum of twenty million dollars (\$20,000,000) against all actions, cost, claims, damages, charges and expenses



whatsoever which may be brought or made or claimed against Galleon in relation to all activities.

- 4.11 Galleon shall provide confirmation of insurance to the Council. Such policy shall bear the endorsement of the Insurer indicating that the Insurer accepts the indemnity given by Galleon.
- 4.12 This Agreement shall not come into operation until proof of the appropriate insurance has been provided to Council and a copy of this document, signed by Council, has been returned to Galleon.
- 4.13 Galleon shall provide all staff requirements for its activities, apart from one Centre staff member with the necessary skills to act as a theatre technician as rostered by the Centre Coordinator.
- 4.14 Galleon shall participate in a comprehensive venue induction including emergency evacuation procedures prior to the first performance for each season.
- 4.15 Galleon shall comply with and give all notices required by any Act of Parliament, Ordinance, Regulation or By-law relating to its activities.
- 4.16 Galleon shall ensure compliance with the Children's Protection Act 1993 and the Children's Protection Regulations 2010 as amended from time to time with regards to working with young people, including undertaking child related employment screenings of persons working directly with people under the age of 18 years.

Roles and Responsibilities: Council

- 4.17 Council shall ensure that the Domain Theatre and adjacent facilities within the Centre are made available to Galleon Theatre Group for two productions (involving rehearsals and performances) in each financial year.
- 4.18 Council is responsible for the sale of all tickets to all performances of all productions during the life of the Agreement in accord of MCC box office conditions.
- 4.19 Wherever possible, Galleon has access to the Domain Theatre and Green Room while resident at the Centre, in arrangement with Centre Staff.
- 4.20 The Centre shall endeavour to avoid other bookings for the Domain Theatre and Green Room during the periods Galleon is in residence. (Refer 4.5)
- 4.21 Where another booking is accepted, Centre staff shall cooperate with Galleon to safeguard Galleon equipment. Council shall pay all costs generated by accepting such bookings and ensure that the Domain Theatre is re-instated to the performance specifications (including scenic properties, lighting and sound equipment and settings) of the production affected by the acceptance of the booking prior to Galleon's subsequent access time for that production, and that the success of the said re-instatement shall not be per reliant on the direct agency of Galleon staff. (Refer 4.5)
- 4.22 Council shall ensure that appropriate Centre staff are rostered to assist Galleon's activities.
- 4.23 Council shall provide Galleon with access to the Staff Kitchenette at the Centre during rehearsals and performances only noting that this access is specifically for cleaning up crockery, cutlery and glassware used during a production where food and/or beverages are consumed by cast on stage as part of the production.

5 Food and Beverage

Council is supportive of Galleon's point of difference within Adelaide's amateur theatre community and as such has negotiated an arrangement with The Café that overrides conditions within the Hire Agreement that would normally preclude Galleon and its patrons from supplying



their own food. This enables Galleon to continue providing the highly valued cabaret experience to its audience with the following conditions.

- 5.1 The Café will be the sole provider of beverages, excluding water, for all performances of all productions during the life of the Agreement unless written notification from both The Café and Council is provided to Galleon advising otherwise.
- 5.2 Galleon must use The Café for catering purposes for all functions held at the Centre unless written notification from both The Café and Council is provided to Galleon advising otherwise.
- 5.3 Patrons attending any performance of any Galleon production during the life of the Agreement will be permitted to bring their own food for consumption within the Domain Theatre only. Patrons will not be permitted to bring their own beverages, excluding water, nor will they be permitted to consume their own food within other areas of the Centre that are external to the Domain Theatre. Galleon will advertise these conditions to its patrons but shall not be responsible for enforcing them.
- 5.4 Notwithstanding clauses 5.1 and 5.2, while Galleon is resident at the Centre, The Café agrees to allow cast and crew of Galleon productions to provide their own food and non-alcoholic beverages for consumption within the Domain Theatre and Green Room areas of the Centre only.
- 5.5 Galleon shall not, without the written consent of both Council and The Café, receive, distribute, serve or sell any liquor within the Centre. In the event that written consent is granted and The Café waives its rights under Clauses 5.1 and/or 5.2, Galleon will be responsible for all applications and associated costs pertaining to the issuance of temporary event liquor licences and the temporary de-licensing of The Café in accordance with all SA State Government Laws.
- 5.6 Notwithstanding clause 5.4 and recognising that Council is supportive of Galleon's point of difference within Adelaide's amateur theatre community, The Café agrees to serve complimentary pre-show aperitif to patrons on behalf of Galleon. The aperitif and appropriate glasses will be supplied by Galleon to The Café who will not charge Galleon a fee for providing the service. At its discretion The Café may choose to delegate the management of the serving of the aperitif to Galleon staff providing such staff are appropriately skilled and provide service under the supervision of The Café.

6 Annual Subsidy to Galleon

- 6.1 Council shall provide an annual subsidy of \$13,581.59 + CPI annually during the life of this agreement.
- 6.2 The subsidy shall be administered by Council in the form of a discount on hire fees, to be paid in accordance with the Hire Agreement. There are to be a minimum of two productions per year, with a discount of \$6,791 per production (+ annual increases).
- 6.3 A condition of the annual subsidy shall be the achievement of the Objectives of the Agreement.

7 Termination

- 7.1 This Agreement may be terminated prior to the end of the Term of the Agreement:
 - 7.1.1 by agreement between Galleon and Council;
 - 7.1.2 by Council, by written notice to Galleon, if at any time Galleon fails to meet any of its obligations under this Agreement and such failure continues for more than 14 days after Council has given written notice of the failure to Galleon;
 - 7.1.3 by Galleon, by written notice to Council, if at any time Council fails to meet any of its obligations under this Agreement and such failure continues for more than 14 days after Galleon has given written notice of the failure to Council;



- 7.1.4 by Council immediately, by written notice to Galleon, if Council is of the opinion that damage may be caused to the Centre, the Centre facilities or any equipment in the Centre through the actions of Galleon, or where such actions may cause injury to Centre patrons;
- 7.2 Upon termination of this Agreement, Galleon shall pay within fourteen (14) days any outstanding hire fees for use of the Centre, minus the pro-rata Council rebate applicable to the elapsed period of hire, if any;
- 7.3 Termination of this Agreement for whatever reason shall not prejudice the right of either party against the other party for damages or otherwise.

8 Dispute Resolution

Notwithstanding clause 7, where a dispute, disagreement, difference or question arises between Council and Galleon which relates to or arises out of or is in connection with the terms and conditions of this Agreement, the parties will use their best endeavours to resolve any dispute or disagreement and to act at all times in good faith. In the event that dispute or disagreement cannot be resolved amicably the following dispute resolution procedures will be followed:

- 8.1 The parties will not start arbitration or court proceedings in respect of a dispute arising out of this agreement unless compliance with this clause (Clause 8) has been met.
- 8.2 A party claiming that a dispute has arisen must by written notice notify the other party giving details of the dispute.
- 8.3 During ten (10) Business Days after notice is given ('initial period') each party to the dispute ('disputant') must use its best efforts to resolve the dispute.
- 8.4 If the disputants are unable to resolve the dispute within the initial period, each disputant agrees that the dispute must be referred for mediation in accordance with the Mediation Rules of the Law Society of South Australia Incorporated, at the request of any disputant to:
 - 8.4.1 a mediator agreed upon by the disputants; or if the disputants are unable to agree on a mediator within five (5) Business Days after the end of the initial period,
 - 8.4.2 a mediator appointed by the Chair of LEADR, ACN 008 651 232, email leadr@leadr.com.au, or the Chair's designated representative.
- 8.5 The role of any mediator is to assist in negotiating a resolution of the dispute. A mediator may not make a decision that is binding on a disputant unless that disputant has so agreed in writing.
- 8.6 If the dispute is referred to LEADR, the LEADR Mediation Rules shall apply to the mediation.
- 8.7 Each disputant must bear its own costs of complying with this clause and the disputants must bear equally the costs of any mediator engaged.

9 Assignment

Galleon shall not assign any or all of its rights and obligations under this Agreement without the prior written consent of Council.

10 Variation



This Agreement may only be modified, varied, amended or added to in writing signed by both parties.

11 Whole Agreement

It is agreed that this Agreement inclusive of Appendix 1 comprises the entire agreement between the parties in relation to its subject matter.

12 Notices

Any notices required to be given under this Agreement shall be deemed to have been given if delivered by any means to the address of each party as set out in this Agreement.

13 No Partnership

Nothing in this Agreement shall operate or be deemed to create a partnership, joint venture or association of any kind between the parties or shall render them liable for the debts or liabilities incurred by the other party.

14 Governing law and Jurisdiction

The parties acknowledge that this Agreement is legally binding and shall be governed by the laws of South Australia. The parties unconditionally submit in connection with the Agreement to the jurisdiction of the Courts of South Australia.



Executed as an Agreement

Signed for and on behalf of **Council** by:

in the presence of:

Signature

Signature

Print name

Print name

Print position

Print position

Signed for and on behalf of **Galleon** by:

in the presence of

Signature

Signature

Print name

Print name

Print position

Print position



Appendix 1

Financial performance

- Annual General meeting minutes including financial reports
- Public liability – Certificate of currency
- Value of sponsorships
- Ticket sale revenue

Membership

- Number of members
- Number of new members

Performance activity

- Initiatives undertaken to increase membership
- Initiatives undertaken to increase audiences
 - Incorporating recognition of City of Marion support (ie flyers, posters etc)
- Number of volunteers
- Numbers of volunteers hours
- Evidence of volunteer training and support provided

Marion Outdoor Pool - Review 2020/21 Season and Fee Reduction

Originating Officer	Unit Manager Cultural Facilities - Tyson Brown
Corporate Manager	Manager City Property - Thuyen Vi-Alternetti
General Manager	Acting General Manager City Development - Greg Salmon
Report Reference	GC210511R14

Confidential ☐

REPORT OBJECTIVE

To provide Council with an overview of the review of the 25% fee reduction for City of Marion residents and businesses during the 19/20 and 20/21 Marion Outdoor Pool seasons. The report also provides an update on the 20/21 season.

EXECUTIVE SUMMARY

City of Marion residents and businesses have had the ability to access a 25% fee reduction for a variety of entry passes for the past two swimming seasons. The take up on these passes increased in the 20/21 season and feedback received indicated that residents and business were appreciative of this initiative by Council.

In 19/20 the total rebate provided to City of Marion residents and business was \$5,951.55 and 20/21 was \$14,371.20.

The 20/21 season health impacts enforced changes to the operation of MOP incurring many challenges that were worked through. The season saw 75,656 attendances which was below the previous average of 85,000. Despite the challenges this is a significant achievement.

This report recommends the continuation of reduced entry fees for City of Marion residents and businesses.

RECOMMENDATION

That Council:

- 1. Endorses an ongoing 25% reduction in entry fees for City of Marion residents and businesses for the following entry passes:**
 - Multi-use visit passes ie 10, 30, concession and seasonal
 - Aqua aerobics 10 visit pass and concession
 - General admission inclusive pass (entry and unlimited use of water slides)
 - Birthday parties
- 2. Notes the fee reduction will be incorporated into the Fees & Charges Schedule for 2021/22.**
- 3. Notes the Marion Outdoor Pool fees and charges are included within the 2021/22 Annual Business Plan and Budget process (ABP&BP) of 2021/22.**

BACKGROUND

At the 11 June 2019 General Council meeting, Council resolved the following:

- 1. Endorses from 1 July 2019 applying a 25% discount to residents and business registered within the City of Marion for all membership passes and advance hire passes at Marion Outdoor Pool (Multi-visit and*



season passes and party hire).

2. *Notes a review of the implementation of the fee reduction will occur at the end of the 19/20 season (May 2020) for inclusion within the Annual Business Plan & Budget process (ABP&BP) of 2020/21.*

It was then brought to the Elected Member Forum on 20 March 2020 where it was decided to continue for another season with a further report and analysis for Council's consideration to inform the 2021/22 budget planning process.

DISCUSSION

The 25% fee discount was applied to all City of Marion residents and businesses either online or with reception staff over the telephone. The discount was applied to the following memberships in both 19/20 and 20/21 seasons:

- 10 visit pass + concession.
- 30 visit pass + concession.
- Season pass + concession.
- Family season pass.
- Aqua aerobics 10 pass + concession.

The rebate provided to City of Marion residents and businesses made up 43% (19/20) and 49% (20/21) of total membership sales with Council providing a rebate to a value of \$5,307.05 (19/20) and \$6,264.95 (20/21) being the 25% discount applied.

Due to the health restrictions the 'Recreation Session' was created to enable general access to the facility for two hours. The 25% City of Marion resident and business reduction to recreation sessions was for the following passes:

- Recreation session inclusive (individual entry, access to all areas **including** unlimited use of 2x large waterslides).
- Recreation session family inclusive (4 x entry, access to all areas **including** unlimited use of 2 x large waterslides).
- Recreation session family (4 x entry, access to all areas **excluding** use of 2 x large waterslides) options to purchase 10 x waterslide passes available.

The rebate provided to City of Marion residents and businesses made up 9% of total recreation session passes (comparing only the passes that enable the CoM reduction) providing a rebate to a value of \$8,106.25 being the 25% discount applied.

In addition birthday parties also had the 25% reduction applied for City of Marion residents. In the 19/20 season 7 of the 75 birthday party hires were from City of Marion residents with rebate provided of \$644.50. The 20/21 season saw a sharp increase in birthday parties to our highest ever year totalling 119 (1596 individuals). None of these parties sought the 25% City of Marion reduction.

Promotion of the fee discount within pre-season print material incorporated within City of Marion rates notices, City Limits magazine, City of Marion website and several social media applications.

Community engagement was undertaken to identify if the reduction in price was a motivating factor to attendance with 23% of respondents indicating YES. A more detailed summary of this engagement is in attachment 1.1.

20/21 Season update

The greatest influence on attendance at a public outdoor pool facility is weather. In addition to weather, ensuring the facility and programs/services offered meet community expectations is crucial in ensuring continued and increasing attendances. The 2020/21 season saw an un-seasonal low quantity of days with weather greater than 30 degrees (34 in 2020/21 and 56 in 2017/18). Previous season comparisons are in attachment 1.2 and comparing this to additional aquatic facilities highlighting our success is attachment 1.3.

This season included the roll out of the 'Watch Around Water' guidelines influencing supervision ratio's and wrist banding children on entry seeking a safer pool for all users.

Community satisfaction with the Marion Outdoor Pool has improved as a result of the 2020/21 season with approval ratings on the Marion Outdoor Pool Facebook page increasing to 4.4 / 5 and also the Google five star rating increasing to 4.3.

MOP operational income and expenditure for the 2020/21 season saw a cost of approximately \$270,000.

Comparisons of profit/loss from 2016/17 to 2020/21 is seen in attachment 1.4.

Administration seek to increase community access and connectedness to the site through aquatic recreation programming as well as developing partnerships and relationships more broadly. Examples of this include continuing its partnership with Flinders University in hosting Social Work placement students whom support the team year round to plan, evaluate and deliver its expanding variety of programs. Some of these programs have included but are not limited to:

- 2 x movie nights, 539 attendees.
- Women in water (multicultural women swimming program) 42 attendances.
- Peaceful Play (newly accredited autism friendly facility and program) 19 attendances.
- Pool play dates increased attendances from 632 in 19/20 to 2196 in 20/21.

Partnerships and collaborations with external service providers saw the following:

- Royal Lifesaving South Australia to deliver Vacswim. 20/21 Marion Outdoor Pool had the greatest attendances of all SA metropolitan pool programs, 421 attendee's.
- Partnership with organisation working with vulnerable Young people, 250 attended a dedicated session in January.
- Collaboration with SA Government had 950 vulnerable young people attend in dedicated sessions over 2 days.

Additional initiatives implemented in the 20/21 season include:

- Completion of stage 3 of the renovations.
- New uniforms in accord of national standards.
- Further integration of safety management through Skytrust and contractor / lifeguard use/reporting.
- Implementation of online booking systems.
- Piloted contract staff induction program.

2021/22 Fee's and charges

As part of the annual fees and charges review, a benchmarking audit is undertaken to assess key Marion Outdoor Pool fees with seven additional indoor and outdoor aquatic facilities. These findings along with the staff wage increase (as per the enterprise bargaining agreement) and an approximate CPI increase of 2% along with rounding is undertaken. This process is undertaken as part of the Council wide annual review of proposed fees for consideration within the annual business plan and budget process.

Proposed increases for the 2021/22 season incorporate a majority of increases below 2% however some fees are below industry benchmarks and incur a greater percentage increase, refer to table 1.5 in attachment 1 for examples of these fees.

Attachment

#	Attachment
1	Appendix 1 - Attendance and Comparison Data

1.1 Community engagement on the reduced fee's

In the 20/21 season the Marion Outdoor Pool again collaborated with the University of South Australia to participate in the national CERM PI Customer Service Quality assessment where customers are surveyed. This assessment compares customer expectations compared to their perceptions of the facility in various areas including staff responsiveness, facility cleanliness, and value for money along with other measures that enable national benchmarking. An additional question was included this year, being:

- Did the 25% City of Marion resident offer encourage you to attend this centre?

Results demonstrated 23% of respondents said YES the reduction in price was an influencing factor (184 total responses).

1.2 MOP season attendances 15/16 to current

Season	Total attendance
20/21	75,656
19/20	80,922
18/19	93,750
17/18	100,580
16/17	79,411
15/16	83,616

1.3 2020/21 season attendance comparisons with additional aquatic facilities

Pool	20/21 Season attendances	Season average prior to 20/21
Marion Outdoor Pool	75,656	85,000
Unley (up to 5.4.21)	75,945	95,000
Waterworld	95,000	140-170,000
Burnside (George Bolton)	63,545	95,000
Murray Bridge	48,486	55,000-65,000

Attachment 1

1.4 Profit and loss comparison from 2016/17 to current

Operational Income and Expenditure - <i>Note this excludes building/pool maintenance and capital expenditure</i>					
	2016/17	2017/18	2018/19	2019/20	2020/21 YTD
Income	\$ 577,125.00	\$ 741,974.00	\$ 804,253.00	\$ 727,302.00	\$ 703,594.00
Expense	\$ 587,731.00	\$ 747,176.00	\$ 891,602.00	\$ 978,066.00	\$ 967,235.00
Profit/loss	-\$ 10,606.00	-\$ 5,202.00	-\$ 87,349.00	-\$ 250,764.00	-\$ 263,641.00

Note one of the costs in the 20/21 season was as a direct result form Covid-19 performing the role of Covid Marshal of approximately \$55,000.

1.5 Fee's and charges 2021/22 increase examples:

Fee	20/21	Proposed 21/22	% Increase
Spectator	\$4.20	\$4.40	4.8%
Water safety – program entry	\$3.40	\$3.60	5.9%
Pool play dates (1 x adult and 2 x children up to 5 and hot drink)	\$8.50	\$9.50	11.8%
Group vacation care bookings various pass types	\$0.30, to \$0.50c increases		4.0% to 6.1%
Hourly hire rate of various features ie. Waterslides, waterpark, pools	\$10 per hour		4.0% to 14.3%

Code of Practice - Procedures at Council Meetings Annual Review

Originating Officer	Governance Officer - Victoria Moritz
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager City Services - Tony Lines
Report Reference	GC210511R15

Confidential ☐

REPORT OBJECTIVE

The purpose of this report is for Council to review and adopt the proposed *Code of Practice, Procedures at Meetings 2021/22 (Attachment 1)*.

EXECUTIVE SUMMARY

Section 86 of the *Local Government Act 1999* (the Act), prescribes the procedures at meetings at a high level. Section 86(8) states:

Subject to this Act, the procedures to be observed at a meeting of a council will be:

1. *As prescribed by regulation*
2. *Insofar as the procedure is not prescribed by regulation, as determined by the Council.*

The relevant regulations are the *Local Government (Procedures at Meetings) Regulations 2013* (the Regulations). If Council determines to establish its own practices in certain matters, Council must prepare a Code of Practice or Policy.

Pursuant to section 6(1) of the Regulations, if Council establishes its own procedures it must be supported by resolution of at least two-thirds of the members of the Council as a whole (9 members when rounding up to a whole number).

As required by the Regulations, this Code of Practice is required to be reviewed once every financial year.

RECOMMENDATION

That Council:

1. **Adopts the amended 'Code of Practice – Procedures at Council Meetings 2021/22' provided at Attachment 1 to this report.**

OR

1. **Adopts the amended 'Code of Practice – Procedures at Council Meetings 2021/22' provided at Attachment 1 to this report, subject to the inclusion of the following changes:**

•

Legal / Legislative / Policy: Under the *Local Government (Procedures at Meetings) Regulations 2013* Council can establish its own practices in certain meeting procedure matters via a Code of Practice or Policy.

BACKGROUND

The Regulations allow for a Council to adopt a Code of Practice or Policy to vary procedures at meetings. The common practice is to adopt a Code of Practice as it can be a useful document that provides greater clarity (to both Council Members and the public) in relation to the procedures used at General Council and Council Committee meetings. This allows Council to have a degree of flexibility in meeting procedures.

Section 4 of the Regulations provides guiding principles that should be applied with respect to the procedures to be observed at formal meetings as follows:

- Procedures should be fair and contribute to open, transparent and informed decision making;
- Procedures should encourage appropriate community participation in the affairs of the council;
- Procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- Procedures should be sufficiently certain to give the community and decision makers confidence in the deliberations undertaken at the meeting.

DISCUSSION

The current Code of Practice, Procedures at Meetings was adopted by Council in April 2020 (GC200427R02). The most significant amendments were made in accordance with The Electronic Participation in Council Meetings Notice (No 1) 2020 made by the Minister for Transport, Infrastructure and Local Government made under section 302B of the Local Government Act (LG Act). The Notice provides variations to the LG Act to enable Council Members to meet by electronic means in order to alter a meeting procedure determined by the council, even where that procedure currently prevents or inhibits the Council Members meeting by electronic means.

In accordance with Section 302B(2)(d)(ii), the amendments have effect until 28 days after the cessation of all relevant declarations relating to the emergency to which the notice relates.

The Governor of South Australia has approved a further 28-day extension of the existing Declaration of a Major Emergency commencing on 1 May 2021.

A review of the current code has identified some minor changes. A copy of the Code is attached as Attachment 1 with marked-up changes as summarised below:

Suggested amendment (Section of Code)	Comment
1.7 - Confidential Items (Section 90(2) of the Local Government Act 1999)	Additional point around confidential items. In particular the debating of confidential motions - clarifying these are not considered procedural motions and debate may occur on the motion to move into confidence and motion to retain in confidence to allow sufficient consideration and determination of the motion.
7.10 - motions <i>may</i> not be accepted	change from ' <i>will</i> ' to ' <i>may</i> '

Pursuant to section 6(1) of the Regulations, the Code must be supported by resolution of at least two-thirds of the members of the Council as a whole (9 Members when rounding up at a whole number).

CONCLUSION

The adoption of the Code provides clarity to Council Members and the public on the procedures to be used at Council meetings.

Should Council endorse the revised Code, all Council Members will be provided with a copy of the document, which will also be published on Council's website to enable public access to the Code.

The regulations require that the Code of Practice be reviewed once per financial year and hence the next review will be undertaken during the 2022/23 financial year.

Attachment

#	Attachment
1	Attachment 1 - Council Member Code of Practice - Procedures at Council Meetings

Code of Practice - Procedures at Council Meetings



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Code of Practice - Procedures at Council Meetings



RATIONALE

The role of a council is to manage its local area by acting as an informed representative and responsible decision-maker in the best interests of its community. Council can only make decisions and act through a majority vote of the Council (or Committee). The effectiveness of Council Meetings directly contributes towards accountability to the community.

Council meeting procedures are largely determined by the Local Government (Procedures at Meetings) Regulations 2013 (the Regulations). In addition to the requirements of the Regulations, this Code of Practice identifies a number of discretionary procedures adopted by Council for Council meetings.

POLICY STATEMENT

Procedures at Council meetings are regulated by the Local Government (Procedures at Meetings) Regulations 2013. In accordance with these Regulations, Council is able to set discretionary procedures pursuant to Regulation 6. This Code of Practice is made pursuant to this Regulation and has been passed by a two thirds majority of Council Members.

The provisions set out in this Code of Practice reflect the provisions of the Regulations (including numbering) except where Council has utilised its discretionary powers. Regulations that have been varied by Council under these powers are highlighted in **bold** in this document.

OBJECTIVES

Guiding Principles

Council's approach to the conduct of its meetings adopts the **Guiding Principles** contained within the Local Government (Procedures at Meetings) Regulations 2013 which state:

- Procedures should be fair and contribute to open, transparent and informed decision making;
- Procedures should encourage appropriate community participation in the affairs of the council;
- Procedures should reflect levels of formality appropriate to the nature and scope of responsibilities exercised at the meeting;
- Procedures should be sufficiently certain to give the community and decision-makers confidence in the deliberations undertaken at the meeting.

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PROCEDURES AT COUNCIL MEETINGS

1. City of Marion General Procedures

1.1 Council Meeting Close Time

Where Council meetings continue to 9.30pm, unless there is a specific motion adopted at the meeting to continue beyond this time, the meeting will be adjourned to a date and time specified as part of the motion.

1.2 Publication of Council Agenda

Council meeting Agendas will be uploaded to Council's website at least three clear days before the meeting and available for inspection upon request.

1.3 Late Items (Reports)

Late items (reports) listed on a circulated Agenda will be emailed and/or delivered to members prior to the scheduled meeting. Late reports will only occur where information has not been provided in time for the delivery of the Agenda and where an urgent Council decision is required.

1.4 Council Member Verbal Communications

Council 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).

1.5 Council Committee Reporting Obligations

Council Committees will report to Council in the form of the minutes from each committee meeting. The minutes will be received and noted. Any matters discussed by the Committee where a Council resolution is required is to be considered as separate resolutions to the receiving and noting of the Committee minutes.

1.6 Moving Items "En Bloc"

Items listed on the Agenda for Council consideration may be "moved en bloc".

1.7 Confidential Items (Section 90(2) Local Government Act 1999)

Any item that has been identified as potentially confidential may include a report from the CEO that identifies the reason why the report should be discussed with the exclusion of the public. Any recommendation to consider an item in confidence will be presented to Council or Committee in accordance with the requirements under the Act.

The Council or Committee will consider the recommendation of the CEO and determine whether the matter will be considered in confidence. This section should be read in conjunction with Council's Code of Practice – Access to Council and Committee Meeting

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Documents, which outlines how Council or Committee may apply the confidential provisions of the Act and restrict public access to the specific matter under consideration (and any associated documents).

A motion to move into confidence will not be considered a procedural motion and debate may occur on the motion to allow for sufficient consideration and a determination to be made which satisfies the clauses of the Act.

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2. Commencement of Meetings and Quorums

Regulation 7

A meeting will commence as soon after the time specified in the notice of meeting as a quorum is present.

- 2.1 If the number of apologies received by the Chief Executive Officer indicates that a quorum will not be present at a meeting, the Chief Executive Officer may adjourn the meeting to a specified day and time.
- 2.2 If at the expiration of 30 minutes from the time specified in the notice of meeting as the time of commencement a quorum is not present, the presiding member or, in the absence of a presiding member, the Chief Executive Officer, will adjourn the meeting to a specified day and time.
- 2.3 If a meeting is adjourned for want of a quorum, the Chief Executive Officer will record in the minute book the reason for the adjournment, the names of any members present, and the date and time to which the meeting is adjourned.
- 2.4 If a meeting is adjourned to another day, the Chief Executive Officer must-
 - (a) give notice of the adjourned meeting to each member setting out the date, time and place of the meeting; and
 - (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be placed on display at the principal office of the council.

3. Minutes

Regulation 8

- 3.1 The minutes of the proceedings at a meeting must be submitted for confirmation at the next meeting or, if that is omitted, at a subsequent meeting.
- 3.2 No discussion on the minutes may occur before confirmation, except as to the accuracy of the minutes as a record of proceedings.
- 3.3 On the confirmation of the minutes, the presiding member will-
 - (a) initial each page of the minutes, which pages are to be consecutively numbered; and
 - (b) place his or her signature and the date of confirmation at the foot of the last page of the minutes.

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Code of Practice - Procedures at Council Meetings



3.4 The minutes of the proceedings of a meeting must include-

- (a) The names of the members present at the meeting; and
- (b) in relation to each member present -
 - i. the time at which the person entered or left the meeting; and
 - ii. unless the person is present for the whole meeting, the point in the proceedings at which the person entered or left the meeting; and
- (c) each motion or amendment, and the names of the mover and seconder; and
- (d) any variation, alteration or withdrawal of a motion or amendment; and
- (e) whether a motion or amendment is carried or lost; and
- (f) any disclosure of interest made by a member; and
- (g) an account of any personal explanation given by a member; and
- (h) details of the making of an order under subsection (2) of section 90 of the Act (see subsection (7) of that section); and
- (i) a note of the making of an order under subsection (7) of section 91 of the Act in accordance with the requirements of subsection (9) of that section; and
- (j) details of any adjournment of business; and
- (k) a record of any request for documents to be tabled at the meeting; and
- (l) a record of any documents tabled at the meeting; and
- (m) a description of any oral briefing given to the meeting on a matter of council business; and
- (n) any other matter required to be included in the minutes by or under the Act or any regulation including:
 - i. a question on notice asked by a Council Member of which five clear days notice has been given together with the reply provided (refer also to Clause 4.2(b) of this Code of Practice).
 - ii. if resolved by Council Members present at the meeting at which the question is asked, details of a question without notice together with the reply provided (refer also to Clause 4.5 of this Code of Practice).

Code of Practice - Procedures at Council Meetings



iii. In the event that a division is called by a member, the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote) (refer also to Clause 12.4 of this Code of Practice)

3.5 The minutes of relevant Council meetings will also include:

(a) Council Member communication reports to the following extent:

i. The Mayor's, Deputy Mayor's and Council Member reports (only the subject matter) where those reports have been provided in writing to the minute taker by 12 noon on the Wednesday next following the meeting.

ii. Types of activities to be included in reports are those attended by Council Members in their Representative or Civic capacity only. Examples include:

- Civic activities (e.g. citizenship ceremonies)
- Meetings with external bodies attended as Council Liaison
- Meetings with residents
- Training sessions attended

Attendance at Council meetings will not be recorded. Attendance at Development Assessment Panel or Committee meetings will be recorded.

(b) The name of a person or persons (representor) making a deputation. However, the details of the content of the deputation will not be included (refer also to Clause 6.9 of this Code of Practice).

(c) The time at which each item commences

3.6 Minutes will be forwarded by email to Council Members to confirm accuracy and then placed on Council's website by 5.00pm on the Friday next following the meeting, or at the latest, within five days after the meeting.

3.7 The minutes of the meetings will not include:

- (a) Apologies received from Council Members
- (b) Leave of Absences (except with the leave of the meeting)
- (c) Voting Patterns other than Divisions or as required by legislation

Code of Practice - Procedures at Council Meetings



4. Question

Regulation 9

- 4.1 A member may ask a question on notice by giving the Chief Executive Officer written notice of the question at least five clear days before the date of the meeting at which the question is to be asked.
- 4.2 If notice of a question is given under Clause 4.1:
- (a) the Chief Executive Officer must ensure that the question and answer is placed on the agenda for the meeting at which the question is to be asked; and
 - (b) the question and the reply must be entered in the minutes of the relevant meeting (refer also to Clause 3.4(n)(i) of this Code of Practice).
- 4.3 **In relation to Questions with Notice, all questions and answers will be included in the agenda papers and the minutes therefore will not be read out at the relevant meeting.**
- 4.4 A member may ask a question without notice at a meeting.
- 4.5 **Members are able to ask a maximum of three Questions without Notice at a Council meeting except with the consent of the meeting.**
- 4.6 The presiding member may allow the reply to a question without notice to be given at the next meeting.
- 4.7 Questions without Notice that were not answered at the same meeting will be entered into a register. This register will be tabled as an information report at the following meeting.
- 4.8 A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made (refer also to Clause 3.4(n)(ii) of this Code of Practice).
- 4.9 **The presiding member may rule that a question with or without notice not be answered if the presiding member considers that the question is vague, irrelevant, insulting or improper.**
- 4.10 **Questions may be asked prior to the moving of a motion or during a debate on a motion for clarification purposes only. Such questions are not considered "questions without notice" as described in Clauses 4.4, 4.5, 4.7 and 4.8 of this Code of Practice.**
- 4.11 **In asking a clarification question a member will not be considered to be speaking to the motion.**
- 4.12 **Council Members may not express an opinion when seeking clarification but can provide factual / contextual background at the discretion of the Chair.**
- 4.13 **A maximum of two clarification points may be asked by individual members in relation to each motion except with the consent of the presiding member.**
- 4.14 Members are encouraged to seek answers to questions prior to the Council meeting.

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Code of Practice - Procedures at Council Meetings



5 Petitions

Regulation 10

5.1 A petition to the council must-

- (a) be legibly written or typed or printed; and
- (b) clearly set out the request or submission of the petitioners; and
- (c) include the name and address of each person who signed or endorsed the petition.
- (d) be addressed to the council and delivered to the principal office of the council.

5.2 If a petition is received as detailed in 5.1, the Chief Executive Officer must ensure that the petition or a statement as to the nature of the request or submission and the number of signatures is placed on the agenda for the next ordinary meeting of the council.

5.3 Where further investigation is required on issues raised in a petition, the petition will be provided to the next meeting of Council from receipt of the petition to note the petition and a report providing further detail will be provided to Council once investigations have been completed.

5.4 On initial receipt of the petition, a summary and the first page only will be provided to Council. When the matter is considered the entire petition will be attached to the report.

6 Deputation

Regulation 11

- 6.1 A person or persons wishing to appear as a deputation at a meeting must deliver (to the principal office of the council) a written request to the council.
- 6.2 The chief executive officer must transmit a request received as detailed in Section 6.1 to the presiding member.
- 6.3 The presiding member may refuse to allow the deputation to appear at a meeting.
- 6.4 The chief executive officer must take reasonable steps to ensure that the person or persons who requested a deputation are informed of the outcome of the request.
- 6.5 If the presiding member refuses to allow a deputation to appear at a meeting, the presiding member must report the decision to the next meeting of the council.
- 6.6 The council may resolve to allow a deputation to appear despite a contrary ruling by the presiding member.
- 6.7 A council may refer the hearing of a deputation to a council committee.
- 6.8 A deputation must not exceed five minutes except with the consent of the meeting.**

Code of Practice - Procedures at Council Meetings



6.9 The name of the representor will be recorded in the minutes of a Council meeting however, the details of the content of the deputation will not be included (refer also to Clause 3.5(b) of this Code of Practice).

7 Motions

Regulation 12

- 7.1 A member may bring forward any business in the form of a written notice of motion.
- 7.2 The notice of motion must be given to the chief executive officer at least five clear days before the date of the meeting at which the motion is to be moved.
- 7.3 A motion the effect of which, if carried, would be to revoke or amend a resolution passed since the last periodic election of the council must be brought by written notice of motion.
- 7.4 If a motion as detailed in Clause 7.3 is lost, a motion to the same effect cannot be brought-
- (a) until after the expiration of 12 months; or
 - (b) until after the next periodic election, whichever is the sooner.
- 7.5 Where a notice of motion has been given by a member who is not present at the meeting the notice of motion may be moved by any other member present at the meeting.
- 7.6 Notice of motions cannot be added to on the night of the meeting where the notice of motion is presented. Additions to notices of motions will be dealt with separately as a motion without notice.
- 7.7 Subject to the Act and these regulations, a member may also bring forward any business by way of a motion without notice.
- 7.8 The presiding member may refuse to accept a motion without notice if, after taking into account the Guiding Principles, he or she considers that the motion should be dealt with by way of a written notice of motion.
- 7.9 The presiding member may refuse to accept a motion if the subject matter is, in his or her opinion, beyond the power of the council.
- 7.10 A motion without notice may not be accepted, where in the opinion of the presiding member, the motion relates to a significant issue or substantive information is required in order to make an informed decision on the motion (Refer Clause 7.8 above). Such issues should be provided as written notices of motion.
- 7.11 A motion will lapse if it is not seconded at the appropriate time.
- 7.12 A member moving or seconding a motion will speak to the motion at the time of moving or seconding the motion for no longer than two minutes (clause 10.1). If further time is required, it will be considered by the presiding member and granted at their discretion to a total maximum of five minutes.

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- 7.13** If the motion is seconded, the common practice of the meeting will be to put the motion without further debate/discussion unless there is a speaker against the motion.
- 7.14** The common practice of the meeting will be to alternate speakers for and against the motion until the debate is complete.
- 7.15** At the conclusion of the debate, if a member who has not already spoken wishes to raise a new matter that has not been covered in previous debate/discussion or a matter considered of high importance, they will be permitted to speak for a maximum of two minutes.
- 7.16** A member may only speak once to a motion except –
- (a) To provide an explanation in regard to a material part of his or her speech, but not so as to introduce any new matter; or
 - (b) with leave of the meeting; or
 - (c) as the mover in reply.
 - (d) for the mover who may exercise a right to speak in closing the debate.
- for no longer than two minutes (Clause 10.1). The period of speaking may be extended with the consent of the presiding member.**
- 7.17** In exercising the right of reply (Clause 7.16) the mover must confine the remarks to responding to the issues raised in the debate and not introduce new material.
- 7.18** A member who has spoken to a motion may not at a later stage of the debate move or second an amendment to the motion.
- 7.19** A member who has not spoken in the debate on a question may move a formal motion.
- 7.20** A formal motion must be in the form of a motion set out in 7.17 (and no other formal motion to a different effect will be recognised).
- 7.21** If the formal motion is-
- (a) that the meeting proceed to the next business, then the effect of the motion, if successful, is, in the case of an amendment, that the amendment lapses and the meeting proceeds with the consideration of the motion before the meeting without further reference to the amendment and, in the case of a motion, that the motion lapses and the meeting proceeds to the next item of business; or
 - (b) that the question be put, then the effect of the motion, if successful, is that debate is terminated and the question put to the vote by the presiding member without further debate; or

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- (c) that the question lie on the table, then the effect of the motion, if successful, is that the meeting immediately moves to the next item of business and the question can then only be retrieved at a later time by resolution (and, if so retrieved, debate is then resumed at the point of interruption); or
 - (d) that the question be adjourned, then the effect of the motion, if successful, is that the question is disposed of for the time being but debate can be resumed at the later time (at the point of interruption); or
 - (e) that the meeting be adjourned, then the effect of the motion, if successful, is that the meeting is brought to an end immediately without the consideration of further business.
- 7.22 If seconded, a formal motion takes precedence and will be put by the presiding member without discussion unless the motion is for an adjournment (in which case discussion may occur (but only occur) on the details for resumption).
- 7.23 A formal motion does not constitute an amendment to a substantive motion.
- 7.24 If a formal motion is lost-
- (a) the meeting will be resumed at the point at which it was interrupted; and
 - (b) if the formal motion was put during debate (and not at the end of debate) on a question, then a similar formal motion (i.e., a motion to the same effect) cannot be put until at least one member has spoken on the question.
- 7.25 A formal motion for adjournment must include the reason for the adjournment and the details for resumption.
- 7.26 Any question that lies on the table as a result of a successful formal motion under 7.20 lapses at the next general election.
- 7.27 The chief executive officer must report on each question that lapses under 7.25 to the council at the first ordinary meeting of the council after the general election.

8 Amendments to Motions

Regulation 13

- 8.1 A member who has not spoken to a motion at an earlier stage of the debate may move or second an amendment to the motion.
- 8.2 An amendment must be relevant to the motion and so framed that it forms a sensible alternative proposal. It must not be a direct negation of the original motion.
- 8.3 An amendment will lapse if it is not seconded at the appropriate time.
- 8.4 A person who moves or seconds an amendment (and, if he or she chooses to do so, speaks to the amendment) will, in so doing, be taken to have spoken to the motion to which the amendment relates.

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- 8.5 If an amendment is lost, only one further amendment may be moved to the original motion.
- 8.6 If an amendment is carried, only one further amendment may be moved to the original motion.
- 8.7 **Amendments are to be provided to the minute taker in writing to ensure accuracy of recording.**
- 8.8 **Note a division can not be called on an amendment as an amendment to a motion is an alteration to the wording of a motion – it is not a motion in its own right.**

9 Variations etc.

Regulation 14

- 9.1 The mover of a motion or amendment may, with the consent of the seconder, request leave of the meeting to vary, alter or withdraw the motion or amendment.
- 9.2 The presiding member must immediately put the question for leave to be granted and no debate will be allowed on that question.

10 Addresses by Members etc.

Regulation 15

- 10.1 A member must not speak for longer than two minutes at any one time without leave of the meeting.
- 10.2 Members are to speak through the Chair of the meeting when speaking to a motion.
- 10.3 A member may, with leave of the meeting, raise a matter of urgency.
- 10.4 A member may, with leave of the meeting, make a personal explanation.
- 10.5 The subject matter of a personal explanation may not be debated.
- 10.6 The contribution of a member must be relevant to the subject matter of the debate.
- 10.7 **Members will address other members as Councillor during council meetings.**
- 10.8 **Members may choose to sit or stand when addressing the Council meeting.**

11 Voting

Regulation 16

- 11.1 The presiding member, or any other member, may ask the chief executive officer to read out a motion before a vote is taken.

Code of Practice - Procedures at Council Meetings



11.2 The presiding member will, in taking a vote, ask for the votes of those members in favour of the question and then for the votes of those members against the question (and may do so as often as is necessary to enable him or her to determine the result of the voting), and will then declare the outcome.

11.3 **A person who is not in his or her seat is not permitted to vote unless extenuating circumstances exist, in which case the Council Member may be located elsewhere within the Chamber, but not in an area designated a public area.**

11.4 **For the purpose of clause 11.3 extenuating circumstances are;**

- infant or dependent care
- injury
- infirmity

12 Divisions

Regulation 17

12.1 A division will be taken at the request of a member.

12.2 If a division is called for, it must be taken immediately and the previous decision of the presiding member as to whether the motion was carried or lost is set aside.

12.3 The division will be taken as follows-

- (a) the members voting in the affirmative will, until the vote is recorded, stand in their places; and
- (b) the members voting in the negative will, until the vote is recorded, sit in their seats; and
- (c) the presiding member will count the number of votes and then declare the outcome.

12.4 The chief executive officer will record in the minutes the names of members who voted in the affirmative and the names of the members who voted in the negative (in addition to the result of the vote).

12.5 **Members wishing to vote in the affirmative but are unable (to stand) due to extenuating circumstances, may indicate their affirmative vote by raising a hand or by indicating in some other unambiguous manner.**

12.6 **Members voting in the negative, who are not currently in their seats due to extenuating circumstances may indicate their negative vote by raising a hand or by indicating in some other unambiguous manner.**

12.7 **A division cannot be called on an amendment to a motion as it is not a motion in its own right.**

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13 Tabling of Information

Regulation 18

- 13.1 A member may require the chief executive officer to table any documents of the council relating to a motion that is before a meeting (and the chief executive officer must then table the documents within a reasonable time, or at a time determined by the presiding member after taking into account the wishes of the meeting, and if the member who has required the tabling indicates that he or she is unwilling to vote on the motion until the documents are tabled, then the matter must not be put to the vote until the documents are tabled).
- 13.2 The chief executive officer may, in tabling a document, indicate that in his or her opinion consideration should be given to dealing with the document on a confidential basis under section 90 or 91 of the Act.

14 Adjourned Business

Regulation 19

- 14.1 If a formal motion for a substantive motion to be adjourned is carried-
- (a) the adjournment may either be to a later hour of the same day, to another day, or to another place; and
 - (b) the debate will, on resumption, continue from the point at which it was adjourned.
- 14.2 If debate is interrupted for want of a quorum and the meeting is then adjourned, the debate will, on resumption, continue from the point at which it was interrupted.
- 14.3 **The Presiding Member can allow for new business to be dealt with prior to business adjourned from a previous meeting.**

15 Short-term Suspension of Proceedings

Regulation 20

- 15.1 If the presiding member considers that the conduct of a meeting would benefit from suspending the operation of all or some of the provisions of this Division for a period of time in order to allow or facilitate informal discussions, the presiding member may, with the approval of at least two-thirds of the members present at the meeting, suspend the operation of this Division (or any part of this Division) for a period determined by the presiding member.
- 15.2 The Guiding Principles must be taken into account when considering whether to act in accordance with Clause 15.1.

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- 15.3 If a suspension occurs in accordance with Clause 15.1
- (a) a note of the suspension, including the reasons for and period of suspension, must be entered in the minutes; and
 - (b) the meeting may proceed provided that a quorum is maintained but, during the period of suspension-
 - (i) the provisions of the Act must continue to be observed; and
 - (ii) no act or discussion will have any status or significance under the provisions which have been suspended; and
 - (iii) no motion may be moved, seconded, amended or voted on, other than a motion that the period of suspension should be brought to an end; and
 - (c) the period of suspension should be limited to achieving the purpose for which it was declared; and
 - (d) the period of suspension will come to an end if-
 - (i) the presiding member determines that the period should be brought to an end; or
 - (ii) at least two-thirds of the members present at the meeting resolve that the period should be brought to an end.

16 Chief Executive Officer may submit report recommending revocation or amendment of council decision

Regulation 21

- 16.1 The Chief Executive Officer may submit a report to the council recommending the revocation or amendment of a resolution passed since the last general election of the council.
- 16.2 The Chief Executive Officer must ensure that the report is placed on the agenda for the meeting at which the report is to be considered.

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17 Points of Order

Regulation 28

- 17.1 The presiding member may call to order a member who is in breach of the Act or these regulations.
- 17.2 A member may draw to the attention of the presiding member a breach of the Act or these regulations, and must state briefly the nature of the alleged breach.
- 17.3 A point of order takes precedence over all other business until determined.
- 17.4 The presiding member will rule on a point of order.
- 17.5 If an objection is taken to the ruling of the presiding member, a motion that the ruling not be agreed with must be moved immediately.
- 17.6 The presiding member is entitled to make a statement in support of the ruling before a motion under 17.5 is put.
- 17.7 A resolution under 17.5 binds the meeting and, if a ruling is not agreed with-
- 17.7.1 the ruling has no effect; and
 - 17.7.1 the point of order is annulled.

18 Interruption of Meetings by Members

Regulation 29

- 18.1 A member of a council must not, while at a meeting-
- 18.1.1 behave in an improper or disorderly manner; or
 - 18.1.2 cause an interruption or interrupt another member who is speaking.
- 18.2 Clause 18.1(b) does not apply to a member who is-
- 18.2.1 objecting to words used by a member who is speaking; or
 - 18.2.2 calling attention to a point of order; or
 - 18.2.3 calling attention to want of a quorum.

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18.3 If the presiding member considers that a member may have acted in contravention of Clause 18.1, the member must be allowed to make a personal explanation.

18.4 Subject to complying with Clause 18.3, the relevant member must leave the meeting while the matter is considered by the meeting.

18.5 If the remaining members resolve that a contravention of Clause 18.1 has occurred, those members may, by resolution-

18.5.1 censure the member; or

18.5.2 suspend the member for a part, or for the remainder, of the meeting.

18.6 A member who-

18.6.1 refuses to leave a meeting in contravention of Clause 18.4; or

18.6.2 enters a meeting in contravention of a suspension under Clause 18.5, is guilty of an offence and the Maximum penalty is \$1,250

19 Interruption of Meetings by Others

Maximum Penalty \$500
Regulation 30

19.1 A member of the public who is present at a meeting of a council must not-

19.1.1 behave in a disorderly manner; or

19.1.2 cause an interruption.

20 Disruptive Behaviour by Members of the Public

20.1 Disruptive behaviour is to be assessed on a continuum. It amounts to more than strong emotions or opinions expressed during the course of discussion in a public forum and it is more than the expression of controversial and/or extreme points of view.

20.2 Generally, 'disruptive behaviour' is that which interferes with the business of the Council. The persistence, severity, and nature of the behaviour are key factors in determining the level of disruptiveness and the degree of tolerance with the perpetrator(s) of the disruptive behaviour and the nature of the action that Council will take to address the behaviour. Examples include (but are not necessarily limited to):

20.2.1. talking when others are speaking;

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20.2.2. constant interjection, particularly when the Presiding Member or Elected Members present at the Council Meeting are speaking, but also when Council staff, consultants or the public are addressing the Council Meeting;

20.2.3. refusal to accede to a Presiding Member's lawful and reasonable instructions, particularly when asked to desist from disruptive behaviour;

20.2.4. verbal badgering;

20.2.5. frequent interruptions (including of a non-verbal nature);

20.2.6. audible mobile phone use in a public forum;

20.2.7. swearing or using derogatory and demeaning language;

20.2.8. unreasonably monopolising public opportunities for discussion and refusal to give up the floor to allow other members of the public to ask questions;

20.2.9. stalking or intimidation;

20.2.10. verbal or physical threats or any other aggressive or threatening behaviour towards either Elected Members, Council staff or other members of the public;

20.2.11. erratic, or otherwise odd or unusual behaviour;

20.2.12. excessive noise-making;

20.2.13. appearing to be under the influence of intoxicating alcohol or drug use; and

20.2.14. physical aggression to other people or property.

20.3 Council notes that some of the above behaviours constitute a criminal offence, and Council will take appropriate action, as required, in such circumstances, including by calling the South Australia Police (SAPOL) and/or making a report to SAPOL.

21 Dealing with Member of the Public Disruptive Behaviours

21.1 Decisions about whether disruptive behaviour is occurring, and the appropriate action to take in the circumstances, will be made by the Presiding Member, in accordance with this Code of Practice.

21.2 If, in the view of the Presiding Member, the behaviour is considered to be disruptive, the person (or persons) will be directed to cease such behaviour immediately.

21.3 Should the behaviour continue, and is, in the view of the Presiding Member, disrupting the orderly conduct of Council business, the Council may adjourn the Council Meeting for a stated period of time. The details of the adjournment (including the reasons) must be included in the minutes.

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- 21.4 During that adjournment the Presiding Member and the Chief Executive Officer (CEO) (or delegate) will discuss the appropriate management of the situation with the person (or persons) involved, advising them of their statutory obligations and requesting that they cease disrupting the Council Meeting. The Elected Members will not engage with the person (or persons) involved during this time but, rather, will remove themselves from the situation while the Presiding Member and the CEO discuss the matter with the disruptive person(s).
- 21.5 If, after resuming the Council Meeting, the disruptive behaviour continues, the Presiding Member may take one or more of the following actions:
- 21.5.1. Request the assistance of a member of SAPOL to attend the Council Meeting and remove the offending person(s) pursuant to Section 18A(2) of the Summary Offences Act 1953, and/or any other relevant legislative provision, and, in conjunction with the CEO seek to have the person(s) prosecuted for a breach of Section 18A(1) of the Summary Offences Act 1953, and/or any other relevant legislative provision that may have been breached in the circumstances.
- 21.5.2. In the event that a member of SAPOL is not immediately available to attend, the Council Meeting will remain adjourned until such time as a member of SAPOL can attend, or after a reasonable period of time has elapsed (as determined by the Presiding Member), the Council Meeting will be adjourned to a time and date to be fixed.
- 21.5.3. As soon as practicable following the Council Meeting (that has either naturally concluded or has been adjourned in accordance with 21.3), if a member of SAPOL has been unable to attend, the Presiding Member, in conjunction with the CEO, will arrange for a comprehensive report to be made to SAPOL regarding the behaviour exhibited and setting out the identity of the person(s) (if known).
- 21.5.4. The Council will also consider any other legal avenues that may be open to it, including making application for an intervention order to restrict a person's access to Council land and/or Council meetings as may be appropriate.
- 21.6 In all cases, the Council will, upon the outcome of any successful prosecution or other civil action, seek to recover from the offending person or persons, its full indemnity costs in pursuing the matter.
- 21.7 Upon the outcome of any successful prosecution as part of the sentencing process, the Council will in all cases:
- 21.7.1. make application to the Court for an order restraining the offending person(s) from attending at any Council Meeting for a period of no less than six calendar months; and
- 21.7.2. make submissions to the Court that a criminal conviction be recorded against the offending person(s).
- 21.8 Nothing in this Policy prevents an Elected Member, Council employee or member of the public from making their own report in relation to disruptive behaviours to the appropriate public authority, and taking any lawful action they consider appropriate in the circumstances.

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22 Ability to Conduct Committee Meetings Electronically

Section 90(7a)

22.1 Committee Meetings of Council established under Section 41 of the *Local Government Act 1999* may be held via telephone or other electronic means:

- (a) When notice is given by the Presiding Member of the intent to hold the meeting electronically in the circumstance the meeting cannot be held in person. Notice must be given at the time the agenda is made available or earlier;
- (b) Due to individual circumstances where a Committee Member is unable to attend, they may after seeking approval from the Presiding Member and confirmed by the CEO join the meeting electronically;
- (c) Whilst participating in a Committee Meeting in accordance with this clause a Committee Member shall be considered as being present at the meeting for all purposes.

DEFINITIONS

In these procedures, unless the contrary intention appears-

"**Act**" means the *Local Government Act 1999*;

"**clear days**" means days, inclusive of Saturdays, Sundays and public holidays, which do not include:

- the day on which the notice is given
- the day on which the meeting occurs

"**deputation**" means a person or group of persons who wish to appear personally before a council or council committee in order to address the council or committee (as the case may be) on a particular matter;

"**electronic**" means includes a telephone, computer or other electronic device used for communication.

"**formal motion**" means a motion-

- (a) that the meeting proceed to the next business; or
- (b) that the question be put; or
- (c) that the question lie on the table; or
- (d) that the question be adjourned; or
- (e) that the meeting be adjourned¹;

"**member**" means a member of the council or council committee (as the case may be);

"**point of order**" means a point raised to draw attention to an alleged breach of the Act, Regulations or this Code of Practice in relation to the proceedings of a meeting;

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"presiding member" means the person who is the presiding member of a council or council committee (as the case may be) and includes any person who is presiding/chairing at a particular meeting.

"written notice" means legibly hand written or typed in either hard copy or email form.

REFERENCES

Local Government Act 1999

Local Government (Procedures at Meetings) Regulations 2013

REVIEW AND EVALUATION

Review 2022/23

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Public Health Emergency: Amendments to Allow Electronic Participation in Council Meetings

On 15 March 2020, the Chief Executive of the Department for Health and Wellbeing in the State of South Australia, pursuant to section 87 of the *South Australian Public Health Act 2011*, declared that an emergency which threatens to cause the death of, or injury or other damage to the health of any person is occurring or about to occur in relation to the transmission of COVID-19, and declared the emergency to be a public health emergency.

On 22 March 2020, the State Co-ordinator for the State of South Australia declared, pursuant to section 23 of the *Emergency Management Act 2004*, that a Major Emergency is occurring in respect of the outbreak of the Human Disease named COVID-19 within South Australia.

On 30 March 2020 the Minister for Transport, Infrastructure and Local Government issued a notice pursuant to section 302B of the *Local Government Act 1999* (*Notice No 1*) varying or suspending the operation of the specified provisions of the Local Government Act 1999 as set out in Schedule 1 to Notice No 1. Notice No 1 commenced operation on 31 March 2020.

For the period Notice No 1 has effect (as provided for in Notice No 1), this Code of Practice is altered as set out below and those alterations have effect notwithstanding any other provision in this Code of Practice to the contrary.

For the avoidance of doubt, save for the alterations to the Code of Practice as set out below, this Code of Practice otherwise applies to all meetings of the Council.

Alterations to this Code of Practice to Facilitate Electronic Participation

Definitions

Act means the *Local Government Act 1999*.

regulations means the *Local Government (Procedures at Meetings) Regulations 2013*.

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disconnection of the electronic includes:

- (a) ending a telephone connection such that the discussion and voting at the meeting cannot be heard;
- (b) ending a video conferencing connection such that the discussion and voting at the meeting cannot be seen or heard;
- (c) logging out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard;
- (d) signing out of a virtual meeting room or space such that the discussion and voting at the meeting cannot be seen or heard; or
- (e) disconnecting any other electronic means such that the discussion and voting at the meeting cannot be seen or heard.

Attendance at Council Meetings

Members of the Council may participate in a meeting of the Council by electronic means if the reason for not attending in person is related to COVID-19.

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A member of the Council participating in a Council meeting by electronic means is taken to be present at the meeting provided that the member:

- (a) can hear all other members present at the meeting;
- (b) can be heard by all other members present at the meeting; and
- (c) can be heard by the person recording the minutes of the meeting.

Quorum

Regulation 7

A member of the Council participating in a Council meeting by electronic means is taken to be present at the meeting provided that the member:

- (a) can hear all other members present at the meeting;
- (b) can be heard by all other members present at the meeting; and
- (c) can be heard by the person recording the minutes of the meeting.

A quorum is taken to be present even if 1 or more Council members constituting the quorum is present by electronic means.

Leave of the Meeting

A vote on whether **leave of the meeting** is granted may be conducted by:

- (a) a show of hands; or
- (b) where a member is participating in a meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative.

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A division may be called in relation to the vote.

Adjourned Meetings

Regulation 7

If a meeting is adjourned to another day, the Chief Executive Officer must:

- (a) give notice of the adjourned meeting to each member of the Council setting out the date, time and place of the meeting;
- (b) give notice of the adjourned meeting to the public by causing a notice setting out the date, time and place of the meeting to be published on a website determined by the chief executive officer.

Minutes

Regulation 8

On confirmation of the minutes the presiding member may initial or sign the minutes in hardcopy or electronically.

The minutes of the proceedings of a meeting must include in relation to each member present at the meeting the method of attendance by the person.

Example:

The following are examples of methods of attendance:

- (a) physical attendance;
- (b) by an audio-visual link;
- (c) by an audio link;
- (d) by telephone.

Petitions

Regulation 10

A petition must be addressed to the Council and delivered to the Council by means determined by the Chief Executive Officer as follows:

- Via post - PO Box 21, Oaklands Park SA 5046
- Via email – council@marion.sa.gov.au

Deputations

Regulation 11

A person or persons wishing to appear as a deputation at a meeting must deliver (to the Council by means determined by the Chief Executive Officer as set out below) a written request to the Council.

- Via post - PO Box 21, Oaklands Park SA 5046
- Via email – mayor.ea@marion.sa.gov.au

A person or persons wishing to appear as a deputation at a meeting may appear by electronic means.

The Chief Executive Officer will (with respect to a request that has not been refused), when informing the person or persons who requested the deputation of the outcome of their request, indicate the method by which the person or persons are to appear at the meeting.

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Voting

Regulation 16

A vote in relation to a question for decision before the Council may be taken:

- (a) a show of hands; or
- (b) where a member is participating in a meeting by electronic means which has audio only, a verbal indication of voting in the affirmative or voting in the negative.

The presiding member, or any other member, may ask the chief executive officer to read out a motion or amendment before a vote is taken.

In relation to a member participating in a Council meeting by electronic means, a member is not permitted to vote in circumstances where there has been a disconnection of the electronic means.

Divisions

Regulation 17

A division is taken as follows:

- (a) except for a member participating in a meeting by electronic means which has audio only:
 - (i) the members voting in the affirmative will, until the vote is recorded, stand in their places;
 - (ii) the members voting in the negative will, until the vote is recorded, sit in their seats;
 - (iii) the presiding member will count the number of votes and then declare the outcome;
- (b) where a member is participating in a meeting by electronic means which has audio only, the member will provide a verbal indication of voting in the affirmative or voting in the negative.

Form of Participation by Electronic Means

Where:

- (a) a Council member is to participate in a Council meeting by electronic means; and
- (b) the electronic means has the functionality to allow the Council member to participate in the meeting by being heard but not seen or by being both seen and heard; and
- (c) the electronic means of the Council has the functionality to allow the council member to be heard but not seen or to be both seen and heard,

the member must participate by being both seen and heard.

Suspension of other Inconsistent Provisions

To the extent that any other discretionary provision of this Code of Practice or specific procedure adopted by the Council in this Code of Practice could be read as being inconsistent or incompatible with the ability of a member of the Council to participate in a meeting of the Council by electronic means, the provision is suspended in respect of the member while they are participating in the meeting by electronic means.

In circumstances where a provision is suspended under this paragraph, the presiding member may give

City of Marion 245 Sturt Road, Sturt SA 5047
PO Box 21, Oaklands Park SA 5046
T 08 8375 6600
F 08 8375 6699
www.marion.sa.gov.au

Category: Public / Legislative
Owner: Manager Corporate Governance
Authorisation Date: ~~11 May~~
2021 Review Date: ~~2021/22~~

Deleted: 27 April 2020

Deleted: 2020/21

Code of Practice - Procedures at Council Meetings



directions to a member of the Council in respect of an alternative method of compliance with the suspended provision.

Any member who disagrees with a direction of the presiding member under this paragraph may move a motion that the direction not be adhered to. Such a motion must be moved immediately following the issuance of the direction. In the event such a motion is successful, the meeting may give directions to a member, by resolution.

Expiry of Public Health Emergency Amendments

In accordance with Section 302B(2)(d)(ii), the amendments have effect until 28 days after the cessation of all relevant declarations relating to the emergency to which the notice relates.

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Category: Public / Legislative
Owner: Manager Corporate Governance
Authorisation Date: ~~11 May~~
2021 Review Date: ~~2021/22~~

Deleted: 27 April 2020

Deleted: 2020/21

CORPORATE REPORTS FOR INFORMATION/NOTING

Economic Development - Six Monthly Update

Originating Officer	Acting Manager City Activation - Donna Griffiths
Corporate Manager	N/A
General Manager	Acting General Manager City Development - Greg
Report Reference	Salmon GC210511R16

Confidential ☐

REPORT OBJECTIVE

The purpose of this report is to provide Elected Members with a six monthly update on the Economic Development function within the City of Marion. The last report was prepared in October 2020.

EXECUTIVE SUMMARY

The Economic Development team at the City of Marion is responsible for providing an environment ripe for business growth and investment.

The team provides the following broad services for the business community:

- Open for Business Program - A collation of business support services available within the City of Marion including networking events such as Multicultural Event for Business and the Mayor's End of Year function, to support connections and collaboration across the city.
- Business Engagement - At least one monthly e-news to help businesses to keep up to date with what is happening in the business community. Other supporting business engagement activities are conducted as needed to support other areas of the business such as planning and regulatory services, environmental health, open space and civil departments.
- Urban Renewal - Revitalisation of the Edwardstown Employment Precinct - delivery of a 12-month action plan endorsed by Council.
- Cove Business Hub – A Calendar of business events consisting workshops, networking, digital literacy programs, education and peer-to-peer support. Annual feature events include International Women's Day, Co-working week and an End of Year Celebration.
- Cove Business Hub Co-working Space – A community co-working space, welcoming a variety of small businesses to the Cove Civic Centre.
- Business advice - The Southern Business Mentoring Program, a regional service now supporting four Councils, provides access to a number of disciplines including general business, digital marketing, social media, strategic marketing, mental health and wellbeing and retail. This program is managed and administered regionally by the City of Marion on behalf of the participating Councils.
- Peer to peer support – Support for two local business associations, i.e. Southern Business Connections and Hallett Cove Business Association.
- Economic Impact Statements – Support CoM grant applications through the provision of economic impact statements that identify cost-benefit analysis for jobs and return on investment for infrastructure projects.
- Strategic Economic Industry Analysis – Provision of industry briefings and round-table discussions, aligning with the Growth State Agenda, with key industry leaders to identify opportunities for business growth and investment.

This function generates a sense of belonging within a business community, connections into the business support ecosystem and creates the environment for a vibrant prosperous economy.

RECOMMENDATION

That Council:

1. Note the Economic Development function report and that this report will be brought to Council at six monthly intervals.

DISCUSSION

Benefits

The benefits of an Economic Development function within the City of Marion include:

- Support business owners - one in five people own a business in the City of Marion
- Promote awareness of local suppliers - Council has procured \$2.3 million of goods and services from 138 local City of Marion suppliers to date in 2020/21.
- Open for Business Program - that supports approximately 5,000 home-based businesses
- Welcome new business entrants into the business support ecosystem each year. In 2020/21 we have already welcomed 1785 new ABN registrations.
- Operate a co-working space with an active community of over 50 co-workers, and providing home-based businesses with networking and meeting facilities at Cove Civic Centre
- Program the Cove Business Hub that has now attracted over 1,500 businesses to the Cove Civic Centre and programmed 45 workshops or activations in 2020/21.
- Generated approximately \$192,000 worth of volunteer hours by supporting business associations.
- Build and maintain strong local collaboration with Federal Government, State Government, Local Government, not-for-profits and private sector.

In Attachment 1, an infographic provides an overview of the Economic Development function and highlights the current state of play, and current inputs and outputs generated in 2020/21 to date.

Marketing and Communications

Economic development implicitly performs a marketing function. The following elements are conducted:

- Ongoing promotion of the following brands:
 - 'Open for Business' program,
 - 'Cove Business Hub', and
 - 'Southern Business Mentoring Program'.
- End-to-end management and promotion of all business engagement activities. This includes, but is not limited to, generation of marketing content and scheduling, development of collateral, management of business databases and newsletter content.
- Modes of communication include: City Limits, City of Marion Facebook, 'What's Happening' booklet; City of Marion Libraries Facebook, City of Marion Libraries Instagram, Eventbrite, monthly e-newsletters, direct mail to new entrants / businesses as required, email, Making Marion project pages, City of Marion website, and City of Marion and Southern Business Mentoring Program's LinkedIn pages.
- Brand development: Continuing to work with a creative agency to create an appropriate brand for Edwardstown - as a place to live, work, invest and do business.

COVID-19 Update

In response to COVID-19, the Federal Government introduced its JobKeeper Payment; a wage subsidy program to support employees and businesses. This payment was available to qualifying businesses until 28 March 2021. With the cessation of the JobKeeper payments, jobs are expected to be lost across the country over the coming months.

Victoria recorded the greatest number of JobKeeper applications as a result of their extended lockdown period. Of metropolitan LGAs in South Australia, Marion had the highest percentage of claims. The 5158 post code recorded the largest number of applications, with 14% of Marion's total.

In Marion, the total percentage of businesses claiming JobKeeper in August 2020 was 49.1%. In January 2021, the percentage of businesses claiming JobKeeper was 17.5%; a decrease of 31.6%. As at February 2021, there were 5184 residents claiming JobSeeker or youth allowance payments. This is an almost 45% increase from March 2020's figures of 3578.

Despite the comparatively high number of JobKeeper applications, the City of Marion's economy has fared well to date. The Education and Training and Transport, Postal and Warehousing industries have seen an expected decline while the Construction, Financial and Insurance services, and Health Care and Social Assistance industries saw increases.



In Marion, prior to COVID-19, the total employment across all local industry sectors was estimated at 22,983. For January 2021, total employment is estimated at 22,992; an increase of 9 jobs. The total monthly output across all local industry sectors was estimated at \$539.737 million prior to COVID-19. For January 2021, the City of Marion's industry output is estimated at \$543.075 million; an increase of 0.6%.

Attachment

#	Attachment
1	Attachment One ED Infographic March 2021

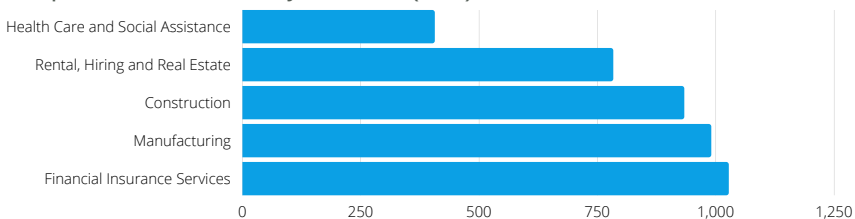
PROSPEROUS

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

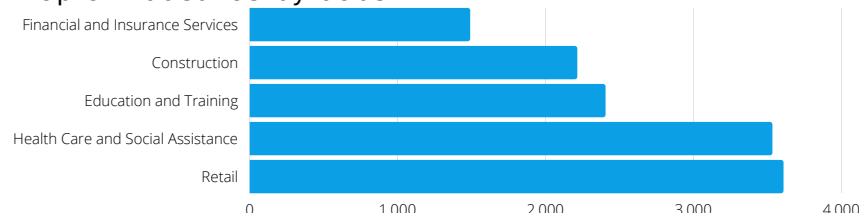
CURRENT STATE OF PLAY

August 2020 - March 2021

Top 5 Industries by Value (\$M)



Top 5 Industries by Jobs



Percentage of business types

64%

Sole Traders

22%

Partnerships/
Trust

14%

Private

1%

Public

City of Marion spent

\$2.3m

on

138

local

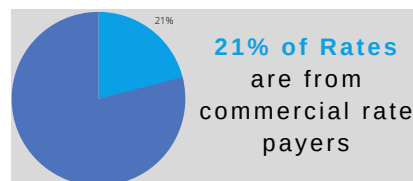
suppliers in
20/21.



\$27.6m

invested into capital
projects generating

76 jobs



5000
Home-based
Businesses



1:5 People own a
business

22,900

Jobs



41,867

Workers



INPUTS

3.3
FTEs



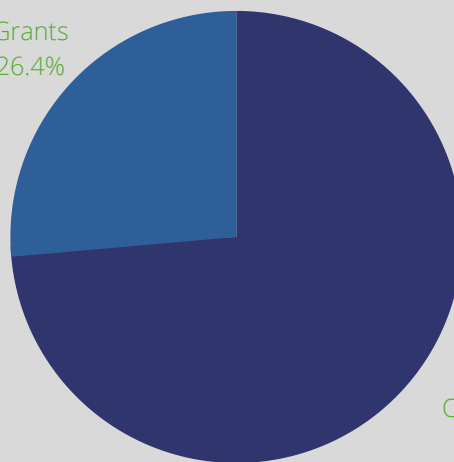
35 Collaborative
Partners



Collaborated with Flinders University
supporting 8 students



Grants
26.4%



Operational
73.6%

REVITALISATION OF THE EDWARDSTOWN EMPLOYMENT PRECINCT

Creative space EOI
with **\$105k** seed
funding

7



businesses
with **25+**
years were
celebrated

Stobie pole art and mural
installation



Creating the
Edwardstown
Brand

Projects 2019-2021
7 Access, **12** Amenity,
23 Activation

Tonsley and
Edwardstown Value
Proposition and
Capability mapping

Study into local area
traffic management

Community Celebration
Held

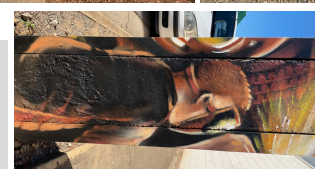


Greening of
Edwardstown
Part One
concluded

Retained the
Edwardstown
business
community group



\$60k + \$60k CoM
funded successful



COVE BUSINESS HUB

Page 267

Co-working at
Cove Business Hub

Co-working

50

Active co-workers

115

monthly bookings

70%

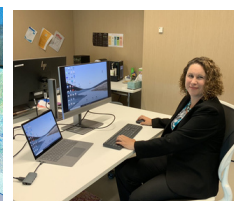
of co-workers
currently on a
membership plan

\$1550

in revenue

9/10

customer satisfaction



Programming

45

Workshop, events and
activations

277

Program participants



SOUTHERN BUSINESS MENTORING PROGRAM

542 Completed
Appointments
Nov 2019 - Feb 2021

5

Yankalilla

98

Holdfast Bay

269

Onkaparinga

170

Marion

9.5/10

Customer
satisfaction



67%

received referrals

100%

Would refer others to the
service

86%

Rate the service
10/10

Breakdown of appointments by Discipline and Council Area



4375

enews
subscribers

Additional Services

Mental Health & Wellbeing added April 2020
Retail added May 2020
Social Media added February 2021

BUSINESS ENGAGEMENT

1920

Business Association
Volunteer hours totalling
\$192,000 of value

23

Business association
events and workshops
delivered

110

Tonsley
Walking
Tour
Participants

Tonsley

Managed fortnightly
volunteer walking tours

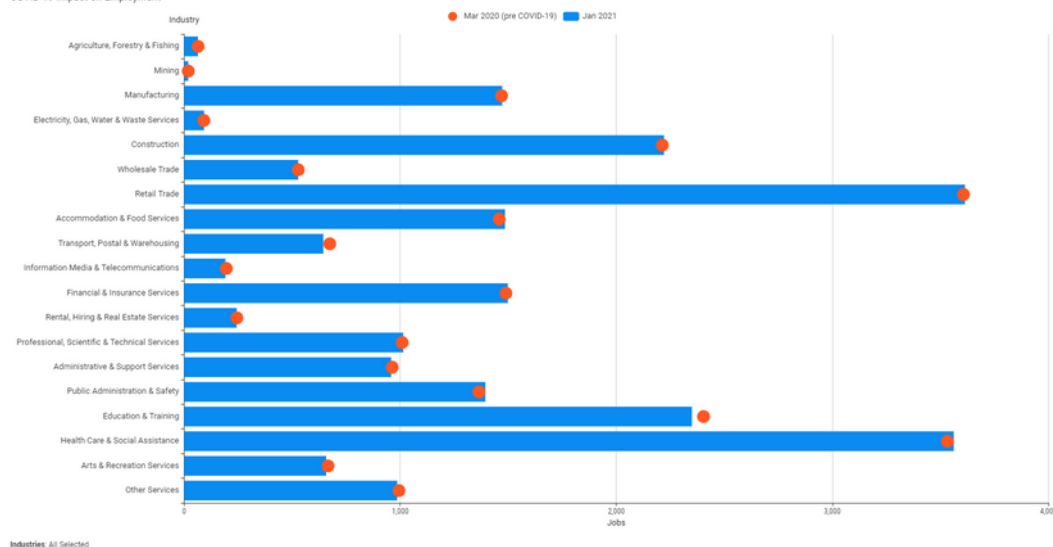


COVID-19 IMPACTS

In Marion, prior to COVID-19, the total employment across all local industry sectors was estimated at 22,983. For January 2021, total employment is estimated at 22,992, an **increase of 9 jobs**.

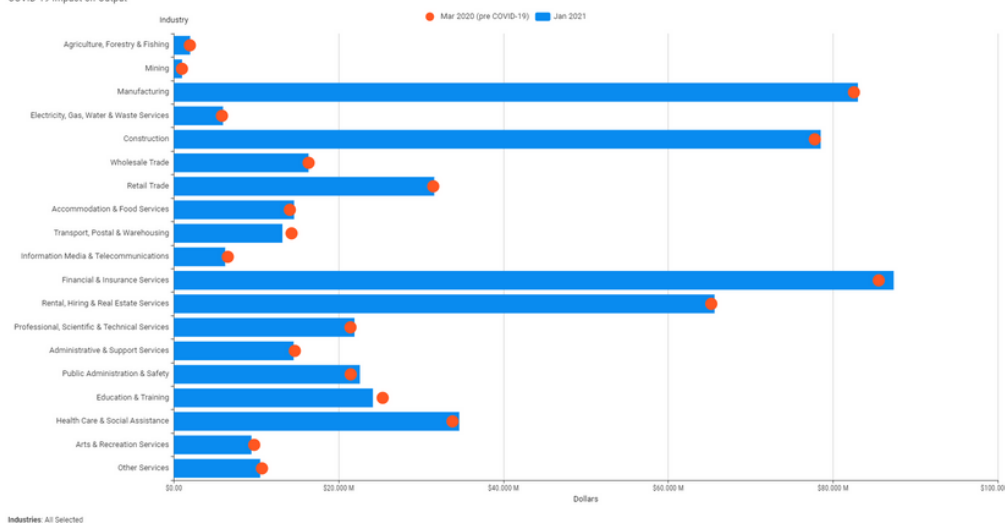
Marion

COVID-19 Impact on Employment



Marion

COVID-19 Impact on Output



In Marion, prior to COVID-19, the total monthly output across all local industry sectors was estimated at \$539.737 million. For January 2021, industry output is estimated at \$543.075 million, an **increase of 0.6%**.

In Marion, the total percentage of businesses claiming JobKeeper in August 2020 was 49.1%. In January 2021, the percentage of businesses claiming JobKeeper was 17.5%, a **decrease of 31.6%**.

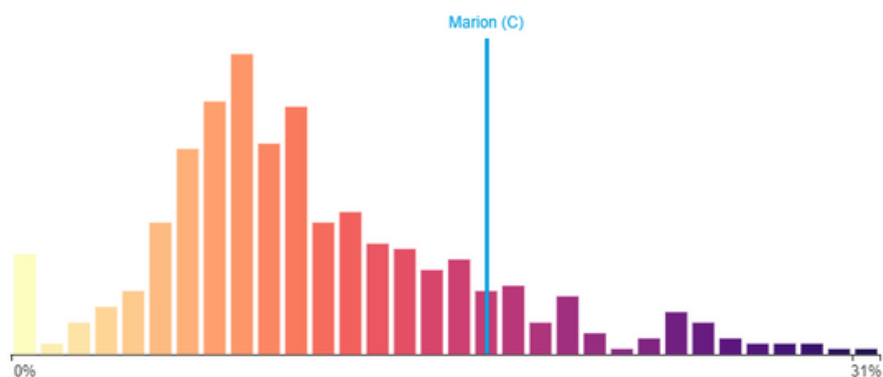
Despite this decrease, Marion has the highest percentage of JobKeeper claims of metropolitan SA LGAs.

Marion (C)

Businesses eligible for JobKeeper have experienced a decline in revenue of at least 30%.

Higher levels of JobKeeper applications are a likely indicator of greater negative economic impacts from COVID-19.

In Marion (C) it is estimated that **17.5%** of local businesses have applied for JobKeeper support.



Marion (C) JobKeeper applications as a percentage of total local businesses compared to LGAs and unincorporated areas in Australia:

- Ranked 64 out of 506 areas in Australia.
- 63 areas in Australia have more applications.
- 442 areas in Australia have less applications.

Work Health & Safety - Monthly Performance Report - March 2021

Originating Officer	Unit Manager Risk - Sherie Walczak
Corporate Manager	Manager Corporate Governance - Kate McKenzie
General Manager	General Manager City Services - Tony Lines
Report Reference	GC210511R17

Confidential ☐

REPORT OBJECTIVE

The objective of this monthly report is to provide Council with assurance that the City of Marion has effective strategies in place to meet its legal obligations as outlined in the *Work Health and Safety Act (SA) 2012*, and to monitor Council's core target of a 10% reduction of the Lost Time Injury Frequency Rate (LTIFR) from the previous year.

RECOMMENDATION

That Council:

- 1. Notes the report and statistical data contained therein.**

DISCUSSION

Targets and performance indicators have been established in order to measure the continual improvement of the program. Performance against these targets are outlined in **Attachment 1** which are measured in two ways:

- Positive performance indicators (PPI's); and
- Lag performance indicators (LPI's)

Council's KPI is the achievement of a 10% reduction on last year's 6.1 LTIFR, to reach 5.4 or less in 2020-21.

The *rolling* LTIFR, based on internal incident reports, is **14.7** with **ten** lost time injuries being recorded over the last twelve months.

The *current* LTIFR, based on LGAWCS (Schemes) claims data, is **11.6** with **eight** lost time injury claims being submitted this year to date, however only **six** have been accepted and **two** deferred for investigation.

The well-being of the staff involved is paramount and Management has reviewed each incident individually to ensure appropriate controls are in place to reduce or eliminate risk.

The organisation is continuing to implement various initiatives including the Health, Safety and Environment (HSE) Strategic Plan 2019-23 (currently in its second year) to address compliance, key risks and reduce the LTIFR.

Attachment

#	Attachment
1	GC210427R - WHS Monthly Performance Report Mar 2021

Attachment 1 – WHS Monthly Performance Report – March 2021

City of Marion's HSE Vision is that **'We can all make a difference towards achieving zero harm, to people and the environment'**. We are specifically focused on further developing our leadership styles, organisational culture and systems committing to:

- Developing our people to lead the change across the City of Marion
- Embedding a culture of safety and wellbeing as a part of normal business practice
- Continually improving our WHS Management System (WHSMS) and Environmental Management System (EMS) to achieve best practice

Hazard and Near Miss Reports (Internal WHS SkyTrust reporting data)

Historical statistics inform us that when there is a healthy culture of Hazard/Near Miss Reporting, there is a consequential reduction in injuries to Workers. Hazards and Near Misses are reported to date for this financial year and are outlined in Table 1. They can be compared against those reported last financial year which are outlined in Table 2.

➤ **Annual Target Total = 118 hazard and near miss reports (ave 9.8 per month) during 2020-21.**

Table 1: Hazard and Near Miss Reports - Financial Year 2020-21

Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Total	Ave
11	7	12	14	17	11	7	8	10				97	10.8

Table 2: Hazard and Near Miss Reports - Financial Year 2019-20

Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Total	Ave
14	13	10	9	10	9	9	6	7	6	7	12	112	9.3

Lost Time Injuries Reported (Internal WHS SkyTrust reporting data)

Lost Time Injuries (LTI's) are those injuries where a whole work day or more has been lost due to a workplace injury. LTI's reported to date for this financial year are outlined in Table 3 and can be compared against those reported last financial year which are outlined in Table 4.

Table 3: Number of LTI's per month - Financial Year 2020-21

Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Total
1	2	2	0	0	1	0	2	0				8

Table 4: Number of LTIs per month - Financial Year 2019-20

Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Total
0	1	0	0	1	0	0	0	0	0	1	1	4

Table 5: Outline of LTIs reported - Financial Year 2020-21

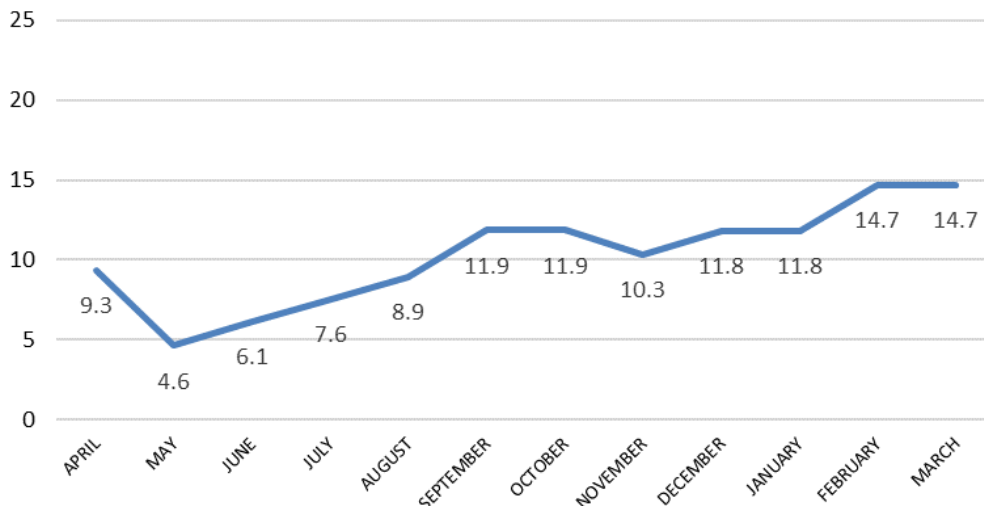
No.	Description of Incident	Mechanism of Injury	Injury Description
1	Experienced left shoulder pain while lifting, dragging & feeding branches into the woodchipper	Muscular stress while lifting, carrying or putting down objects	Sprain to left shoulder
2	Foot got stuck on the footstep and landed heavily on left leg which buckled	Falls from a height	Strained left Knee
3	Dropped an 8kg bollard base onto the top of foot during assembly	Hit by a falling object	Bruised left foot
4	While loading truck, foot twisted in pavers	Stepping, kneeling or sitting on object	Fractured foot
5	Stepped out of backhoe into kerb excavation and twisted left knee	Stepping, kneeling or sitting on object	Trauma to left knee joints / ligaments
6	After Hours Emergency Management - Call Out member impacted by branch resulting in a fall with pain to ribs and limbs	Being hit by falling objects	Fractures, unspecified
7	Standing, squatting and bending to erect new fence and have developed sore feet	Stepping, kneeling, or sitting on objects	Trauma to joints and ligaments, unspecified
8	Walking off the verge onto the road and left foot slipped off the kerb twisting left knee	Stepping, kneeling, or sitting on objects	Trauma to joints and ligaments, unspecified

Rolling Lost Time Injury Frequency Rate (Internal WHS SkyTrust reporting data)

Rolling injury frequency rate over a 12 month or greater period is a common monitoring for performance of WHS and Return to Work performance. It continues over financial and calendar years rather than starting from zero so that longer term trends can be observed and appropriate action taken to address upward trends and/or seasonal spikes in injuries..

The rolling LTIFR, outlined with a solid blue line in Figure 1 from internal incident report data, provides analysis of the average LTIFR over the last 12 months.

Figure 1: Rolling LTIFR over 12 months

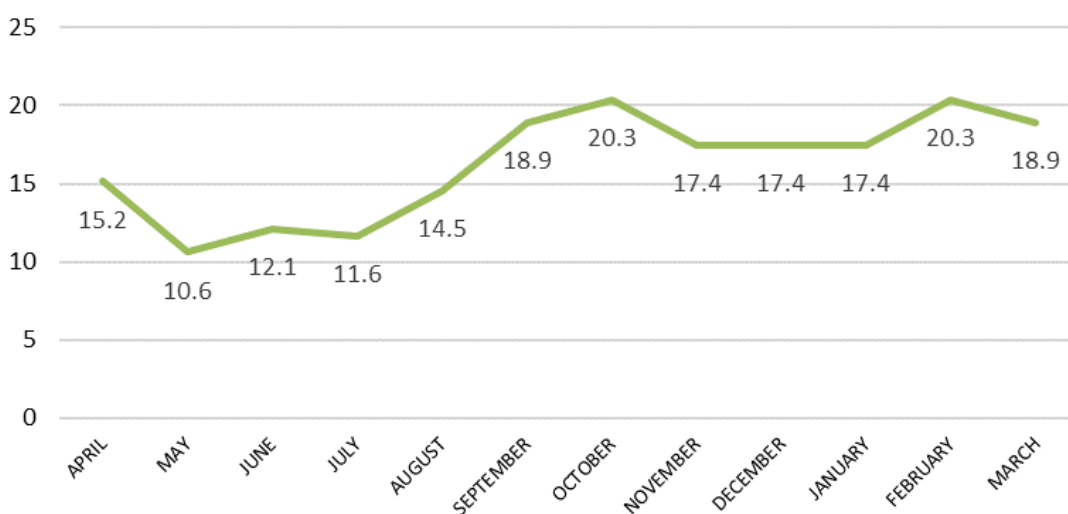


The current 12 month rolling LTIFR for the City of Marion is **14.7** which represents a **57%** increase over the previous 12 months.

Rolling Total Recordable Incident Frequency Rate (Internal WHS SkyTrust reporting data)

Total Recordable Incidents include fatalities, LTI's and incidents resulting in the employee receiving medical treatment and/or is certified as only fit to undertake suitable duties. The Rolling Total Recordable Incident Frequency Rate (TRIFR), outlined with a solid green line in Figure 2 from internal incident report data, provides analysis of the average TRIFR over the last 12 months.

Figure 2: Rolling TRIFR over 12 months

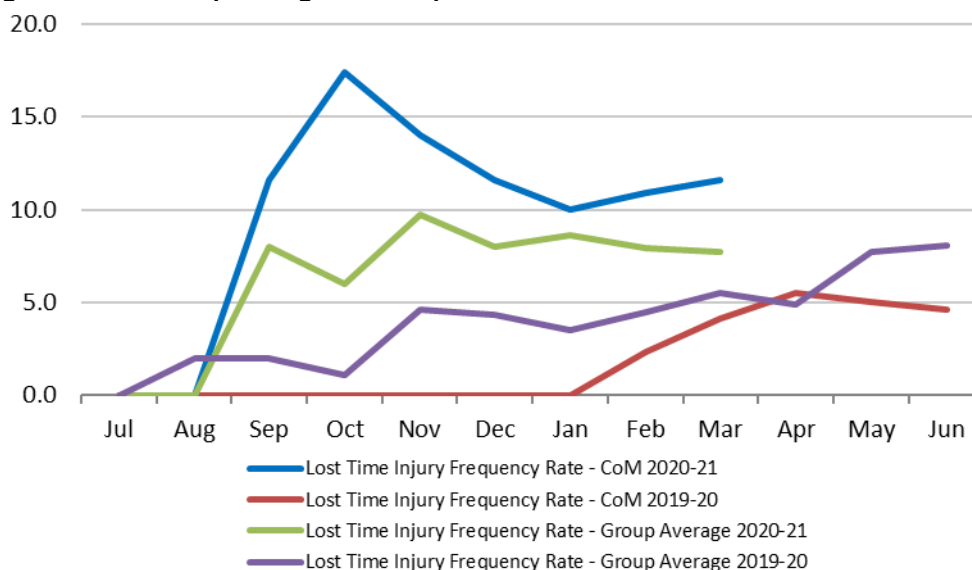


The current 12 month rolling TRIFR for the City of Marion is **18.9** which represents a **25%** increase over the previous 12 months.

Lost Time Injury Frequency Rate (LGAWCS Claims Data)

Lost Time Injury Frequency Rate (LTIFR), is an industry standard tool for measuring LTI's within a given reporting period which enables comparison to other organisations. Council's LTIFR is outlined in Figure 3, from the LGA's Member Portal data once claims have been determined and can be measured and monitored against our industry counterparts being the Group A Councils (1GaC).

Figure 3: LTIFR compared against Group A Councils

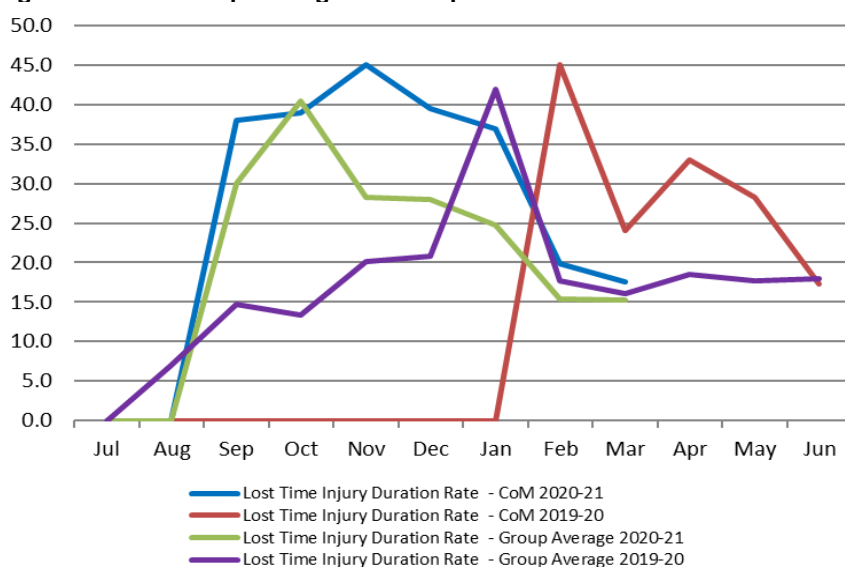


The current LTIFR for the City of Marion (represented in blue) is **11.6**, compared to GaCs recording **7.7** with six claims being accepted to date this year and two yet to be determined.

Lost Time Injury Duration Rate (LGAWCS Claims Data)

The Lost Time Injury Duration Rate (LTIDR), is an industry standard tool for measuring the average days lost from LTI's within a reporting period to enable comparison to other organisations. Council's LTIDR is outlined in Figure 4, data is sourced from the LGA's Member Portal once claims have been determined and can be measured and monitored against our industry counterparts being the GaC.

Figure 4: LTIDR compared against Group A Councils



The current LTIDR for the City of Marion (represented in blue) is **17.5**, compared to GaCs recording **15.2** with six claims being accepted to date this year and two yet to be determined.

1 GaC are metropolitan councils with more than 300 staff (Marion, Adelaide, Charles Sturt, Onkaparinga, Playford, Port Adelaide Enfield, Salisbury and Tee Tree Gully).

Finance Report - March 2021

Originating Officer	Assistant Financial Accountant - Melissa Virgin
Corporate Manager	Manager Finance - Ray Barnwell
General Manager	General Manager Corporate Services - Sorana Dinmore
Report Reference	GC210511R18

Confidential ☐

REPORT OBJECTIVE

This report provides Council with information relating to the management of financial resources under its control as at March 2021. This report is one of a series of reports designed to assist Council in achieving and maintaining a financially sustainable position. Other reports assisting in this process include the Quarterly Budget Reviews and the Long Term Financial Plan.

This report includes financial information regarding major projects. The principles used for the assessment of reportable projects are:

- Council has agreed to proceed with the project and approved a Prudential Report under Section 48 of the *Local Government Act 1999*.
- The Whole-of-Life Cost is greater than \$4 million dollars (including grant assisted projects).

RECOMMENDATION

That Council:

1. Receives the report “Finance Report – March 2021”

GENERAL ANALYSIS

BACKGROUND

This report is presented on a monthly basis to provide Elected Members with key financial information to assist in monitoring Council's financial performance against budget.

APPENDICES

Appendix 1: Monthly Financial Reporting

Appendix 2: Capital Works Reporting including Major Projects

Appendix 3: Debtors Reports for Sundry Debtors & Rates Debtors

Attachment

#	Attachment
1	Finance Report_March Appendix 1 pt 1 2 3 4
2	Finance Report_March Appendix 2 pt 1 2
3	Finance Report_March Appendix 3 pt 1 2

Funding Statement – Actual versus Budget

The Funding Statement provides a view of Council's financial performance against the approved budget and is consistent with the information provided at budget reviews. It provides a review against all of the elements contained within the Statement of Comprehensive Income and the Statement of Financial Position that are adopted as part of the Annual Budget Report. It details Council's:

Statement of Comprehensive Income -

The operating result is recognised as one of Council's key financial indicators. The budget framework includes a commitment to its ongoing Financial Sustainability maintaining an Operating Surplus Ratio of between 0% and 10%, on average over each five-year period, which for 2020/21 means a targeted operating surplus of between \$0 and \$9.652m.

Comment: Council currently has a net operating surplus result of \$4.499m before capital revenues, against a year to date forecast budget of \$4.268m surplus. This position is detailed in the attached Funding Statement and variation notes.

Capital Budget -

The Capital Budget is linked to Council's key financial indicator – "Asset Sustainability Ratio" and an actual to budget comparison reflects Council's progress in achieving its Capital program.

Comment: The actual to budget position reveals that 66.05% of the year to date Capital Renewal Budget has been spent.

Loans -

The loans component of the Funding Statement identifies any new proposed loan receipts or principal payments. Council's borrowings are included in Council's key financial indicator – "Net Financial Liabilities" which reflects Council's total indebtedness.

Comment: \$2.0m of new borrowings are included in the 2020/21 budget and principal repayments of \$1.245m, meaning that the overall loan liability balance is forecast to increase by \$0.755m to \$6.39m at 30 June 2021.

Reserves & Cash -

Various fund movements such as surplus budget review results, unspent grants and carryover projects at year end are reflected as transfers to reserves, whilst utilisation of reserve funds are recognised as transfers from reserves.

Cash may be utilised to fund expenditure within the context of Treasury Management to ensure loans are not drawn down where temporary cash holdings are available.

Comment: Council's Reserves are detailed in the below table. Transfer to Reserves of \$1.804m and Transfers from Reserves of \$28.851m are forecast to occur in 2020/21, and after accounting for amounts quarantined for specific projects or works, there is \$3.864 available.

Reserves (\$000s)	Asset Sustainability Reserve						Water Reserve - Oaklands Wetland	Open Space Reserve	Grants & Carryover Reserve	TOTAL ALL RESERVES
	Major Infrastructure Failure	General	Other	Major New Projects	CFPP	TOTAL ASR				
Opening Balance	2,000	9,753	840	1,525	3,517	17,635	613	2,055	20,882	41,185
Savings from 2019/20 audited accounts	0	3,398	0	0	0	3,398	265	0	0	3,663
Budgeted transfers to reserve	0	0	240	0	20	260	40	38	1,466	1,804
Budgeted transfers from reserve	0	(6,331)	(140)	(1,430)	(2,660)	(10,561)	(30)	0	(18,260)	(28,851)
Current Budgeted Closing Balance	2,000	6,820	940	95	877	10,732	888	2,093	4,088	17,801
Quarantined Funds	(2,000)	(5,675)	(900)	(70)	(320)	(8,965)	(884)	0	(4,088)	(13,937)
Projected Available Balance	0	1,145	40	25	557	1,767	4	2,093	0	3,864

The 2020/21 budget forecasts a net cash surplus of \$0.049m.

*CFPP: Community Facilities Partnership Program

*Other includes Walking & Cycling and Energy Efficiency.

**Funding Statement
as at 31 March 2021**

Original Adopted Budget \$'000	Carryovers \$'000	Budget Review Adjustments \$'000		YTD Actual \$'000	YTD Budget \$'000	YTD Variance \$'000		Annual Budget \$'000	Note
Operating Revenue									
80,044	-	88	Rates	60,162	60,145	17	F	80,132	
2,161	-	7	Statutory Charges	1,767	1,701	66	F	2,168	
2,278	-	278	User Charges	2,090	1,864	226	F	2,556	A
7,824	(1,620)	1,807	Operating Grants & Subsidies	6,352	5,871	481	F	8,011	B
755	-	(251)	Investment Income	369	381	(12)	U	504	
1,164	-	99	Reimbursements	932	691	241	F	1,263	C
1,235	-	285	Other Revenues	276	597	(321)	U	1,520	D
365	-	-	Net gain - Equity Accounted Investments	-	-	-	-	365	
95,826	(1,620)	2,313		71,948	71,250	698	F	96,519	
Operating Expenses									
37,973	-	-	Employee Costs	26,694	27,853	1,159	F	37,973	E
20,848	3,136	3,791	Contractual Services	18,373	17,760	(613)	U	27,775	F
4,808	3	663	Materials	3,652	3,780	128	F	5,474	G
322	-	-	Finance Charges	159	159	-	-	322	
15,708	-	-	Depreciation	11,856	11,790	(66)	U	15,708	
9,478	14	(455)	Other Expenses	6,715	5,640	(1,075)	U	9,037	H
89,137	3,153	3,999		67,449	66,982	(467)	U	96,289	
6,689	(4,773)	(1,687)	Operating Surplus/(Deficit) before Capital Revenues	4,499	4,268	231	F	230	
Capital Revenue									
8,163	(2,307)	15	Capital Grants & Subsidies	2,134	812	1,322	F	5,871	
-	-	-	Contributed Assets	-	-	-	-	-	
-	-	-	Asset Disposal and Fair Value Adjustment	(1,627)	-	(1,627)	U	-	
8,163	(2,307)	15		507	812	(305)	U	5,871	
14,852	(7,080)	(1,671)	Net Surplus/(Deficit) resulting from operations	5,006	5,080	(74)	U	6,101	
15,708	-	-	add Depreciation	11,856	11,790	66		15,708	
-	-	-	add (Gain)/Loss on Asset Disposal	1,627	-	1,627		-	
(365)	-	-	less Share of Profit Equity Accounted Investments	-	-	-		(365)	
30,195	(7,080)	(1,671)	Funding available for Capital Investment	18,489	16,870	1,619	F	21,444	
Capital									
17,119	2,193	(7,939)	less Capital Expenditure - Renewal	4,474	6,774	2,300	F	11,373	I
27,993	5,533	4,296	less Capital Expenditure - New	6,152	11,023	4,871	F	37,822	J
-	-	-	less Capital - Contributed assets	-	-	-	-	-	
-	-	-	add Proceeds from Sale of Surplus Assets	-	-	-	-	-	
(14,917)	(14,806)	1,972	Net funding increase/(decrease)	7,863	(927)	8,790	F	(27,751)	

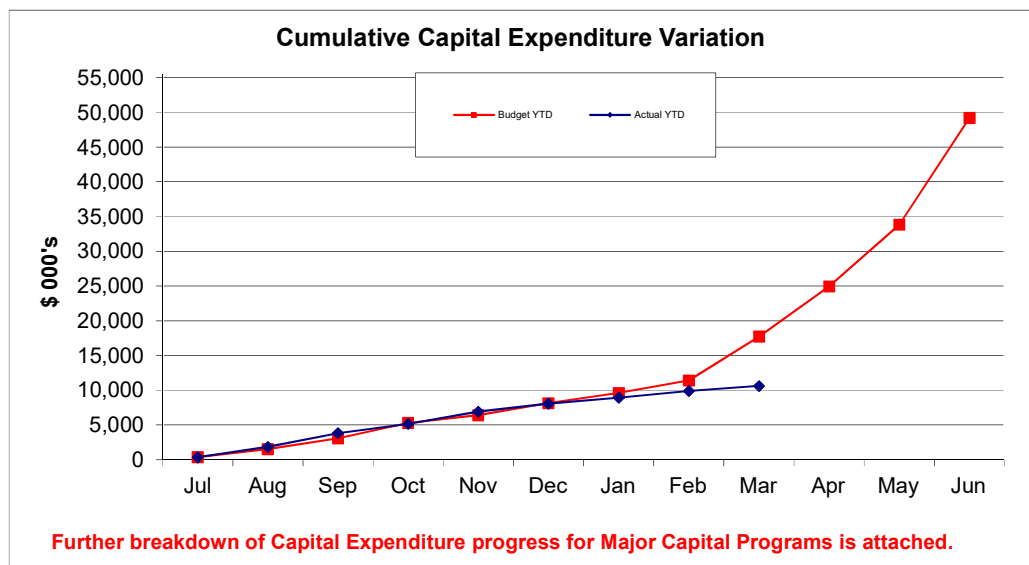
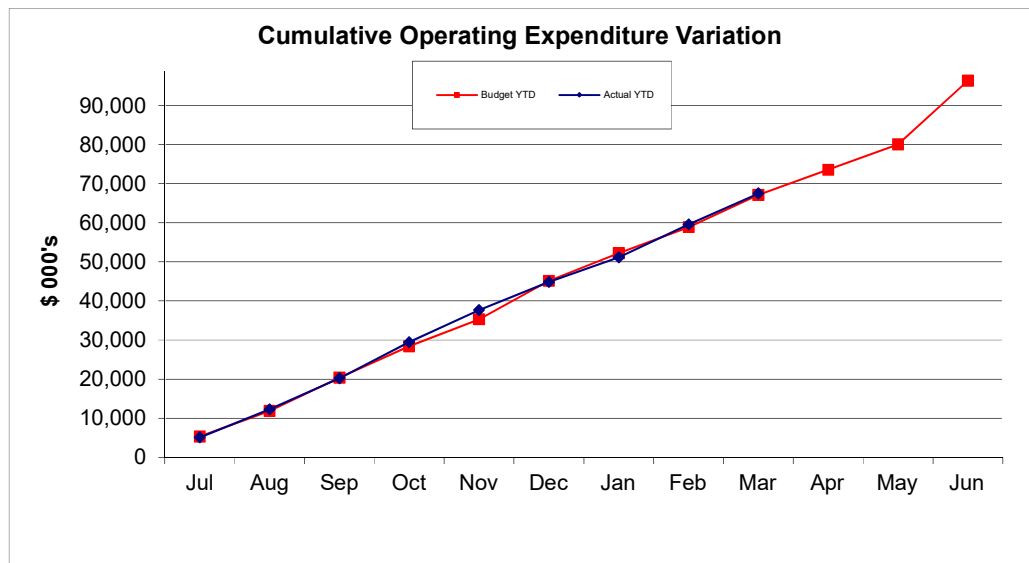
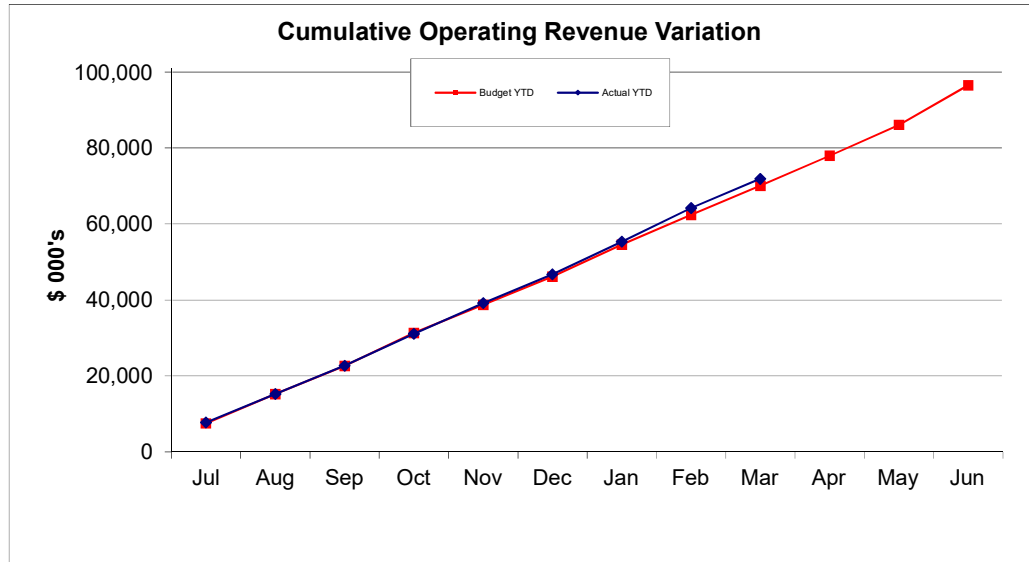
Original Adopted Budget	Carryovers	Budget Review Adjustments		YTD Actual	YTD Budget	YTD Variance	Annual Budget	Note
\$'000	\$'000	\$'000		\$'000	\$'000	\$'000	\$'000	
Funded by								
Loans								
2,000	-	-	Loan Principal Receipts (Net)	-	-	-	2,000	
-	-	-	Loan Receipts/(Payments) from Sporting Clubs (Net)	-	-	-	-	
(1,245)	-	-	Loan Principal Repayments	(613)	(613)	-	(1,245)	
755	-	-	Loan Funding (Net)	(613)	(613)	-	755	
Movement in level of cash, investments and accruals								
154	-	(105)	Cash Surplus/(Deficit) funding requirements	34,295	25,505	8,790	49	
(14,317)	(14,806)	2,078	Reserves Net - Transfer to/(Transfer from)	(27,045)	(27,045)	-	(27,045)	
(14,163)	(14,806)	1,973	Cash/Investments/Accruals Funding	7,250	(1,540)	8,790	(26,996)	
14,917	14,806	(1,972)	Funding Transactions	(7,863)	927	(8,790)	F 27,751	K

Variation Notes

A	User Charges	Favourable \$226k	Reflects budget-timing variances with regards to Community Hubs Programs Tuition income (\$71k) and Community Home Support Program User Charges (\$56k), Admission Charges being greater than budgeted for the Marion Outdoor Pool (\$47k) and with a number of variances which are individually insignificant.
B	Operating Grants & Subsidies	Favourable \$481k	Reflects unbudgeted grants received for Mitchell Park Integrated Artwork (\$100k), Edwardstown Greening Project (\$60k), budget-timing variances for Lonsdale Highway Tree Planting (\$67k) and a number of variances which are individually insignificant.
C	Reimbursements	Favourable \$241k	Reflects unbudgeted funding for the Risk Incentive Program (\$112k), budget-timing variances with regards to private infrastructure works (\$75k) and a number of variances which are individually insignificant.
D	Other Revenue	Unfavourable \$321k	Predominantly reflects budget-timing variances which are individually insignificant.
E	Employee Costs	Favourable \$1,159k	Predominantly reflects budget-timing variances in addition to savings from temporarily vacant positions.
F	Contractors	Unfavourable \$613k	Reflects budget-timing variances with regards to waste (\$291k), payment of IT licences in advance (\$252k) and a number of variances which are individually insignificant.
G	Materials	Favourable \$128k	Predominately reflects budget-timing variances with regards to Water.
H	Other Expenses	Unfavourable \$1,075k	Predominately reflects a reclassification of Birch Crescent grant funding from capital to operating.
I	Capital Expenditure (Renewal)	Favourable \$2,300k	Reflects budget-timing variances with regards to Fleet Replacement (\$481k) Footpath Construction (\$427k), Oakland's Precinct Streetscape Development (\$338k), Road Reseals (\$305k), unbudgeted income from the sale of Travers Street Land (\$361k) and a number of variances which are individually insignificant.
J	Capital Expenditure (New)	Favourable \$4,871k	Reflects budget-timing variances with regards to Southern Regional Football Facility (\$1,169k), Mitchell Park Sports and Community Club Redevelopment (\$1,129k), Drainage construction (\$526k), Sturt Road Streetscape (\$405k), Tarnham Road Tennis Courts (\$400k), Sam Willoughby International BMX Facility (\$373k) and a number of variances which are individually insignificant.
K	Funding Transactions	Favourable \$8,790k	This variance is the sum total of all variances and reflects an increase against council's expected YTD cash position.

The above comments referring to budget timing variations are where some monthly budget estimates are not reflective of the actual expenditure patterns as at the reporting date.

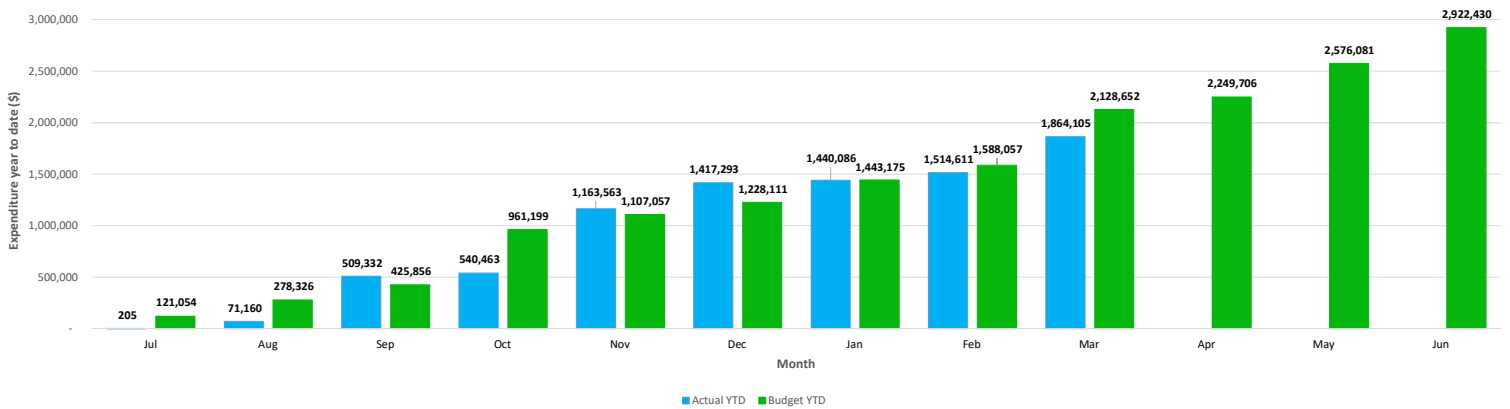
Funding Statement Cumulative Position - 2020/21



Road Reseal

Monthly Comment

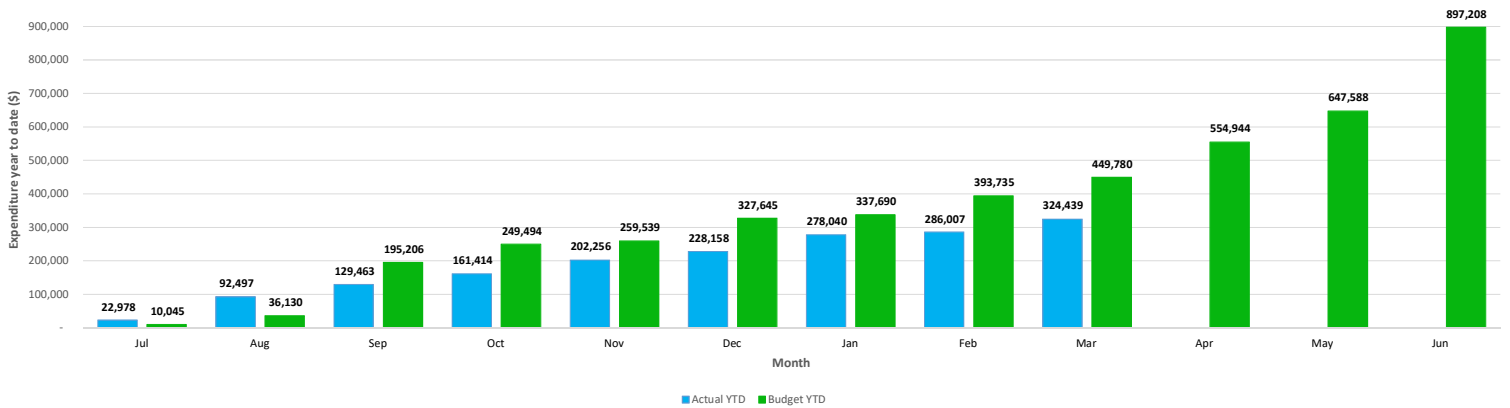
Road reseal program is 83% complete and on track to be completed in 20/21.



Kerb and Water Table

Monthly Comment

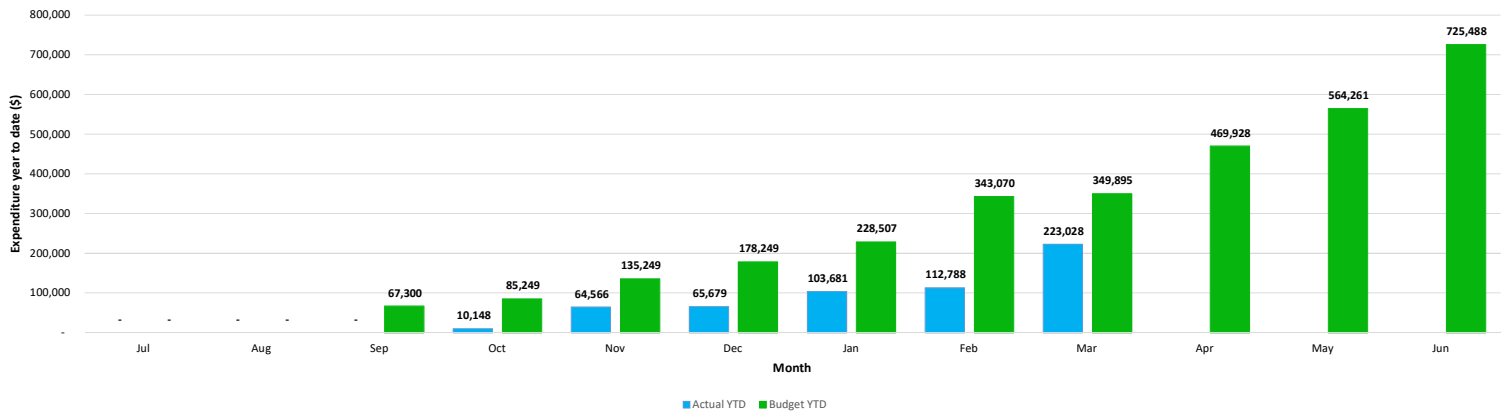
Program is 56% complete and on track to be completed by end of financial year. The Kerb Ramp program is progressing with a focus on high priority locations.



New Footpath Construction

Monthly Comment

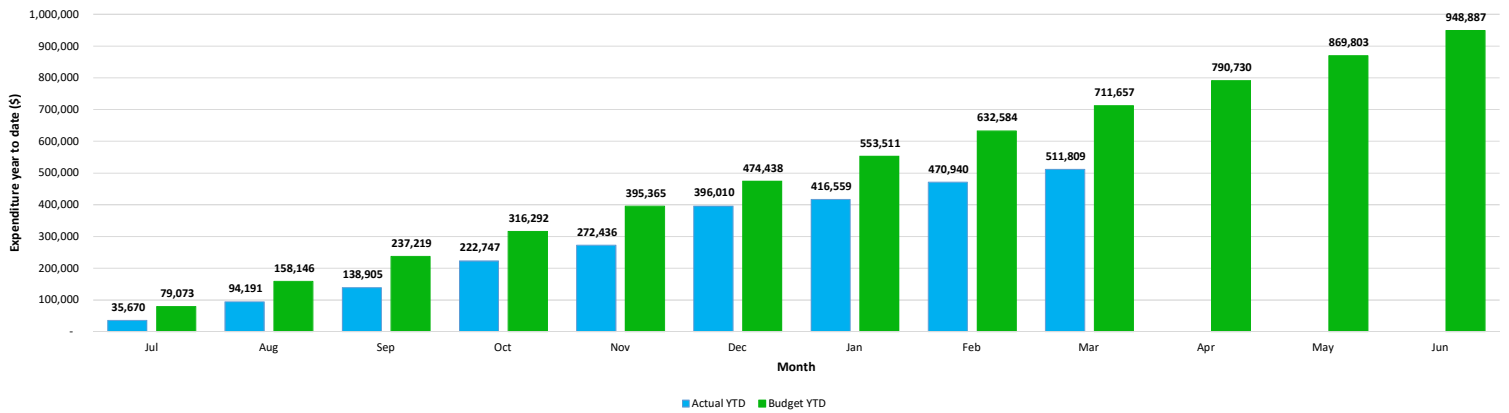
Program is in progress with 78% complete, and on track to be completed by end of financial year. A number of projects situated near schools are progressing during the school holiday periods.



Renewal Footpath Construction

Monthly Comment

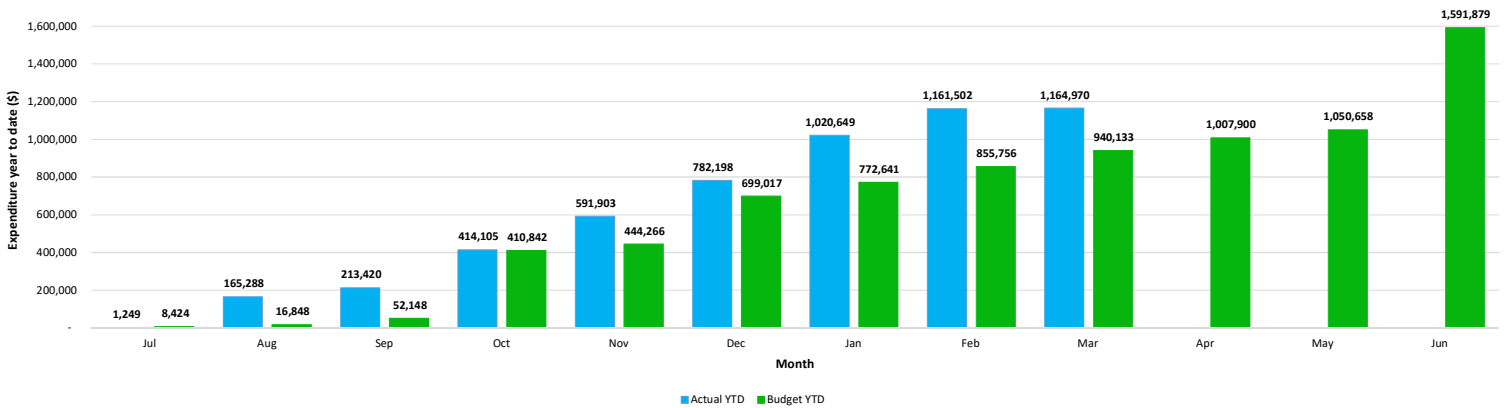
Program is 62% complete and on track.



Transport

Monthly Comment

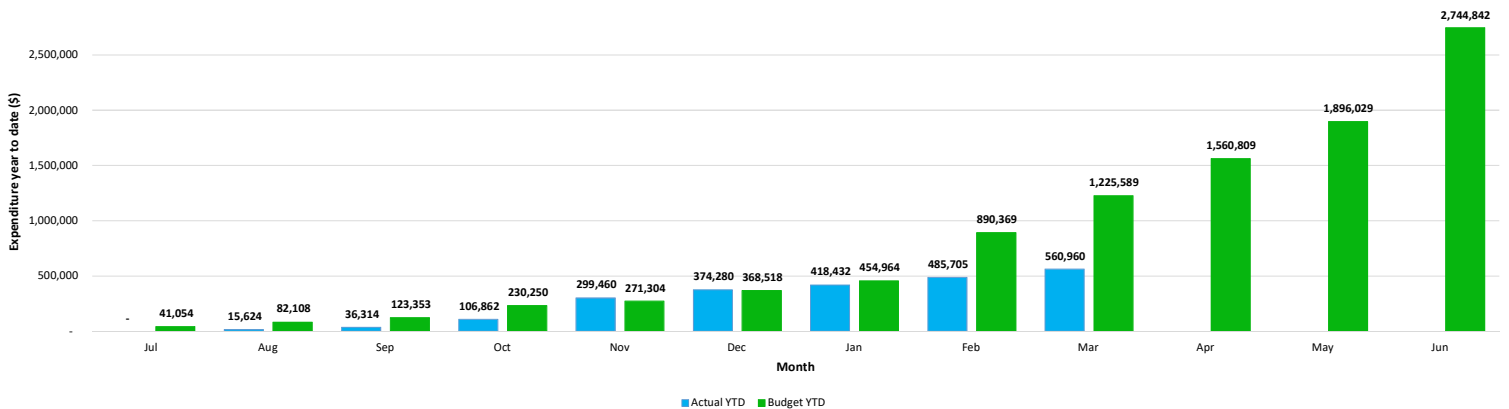
Program in progress and on track with the exception of Lander Road and Young Street, this projects is anticipated to be a carryover.



Drainage

Monthly Comment

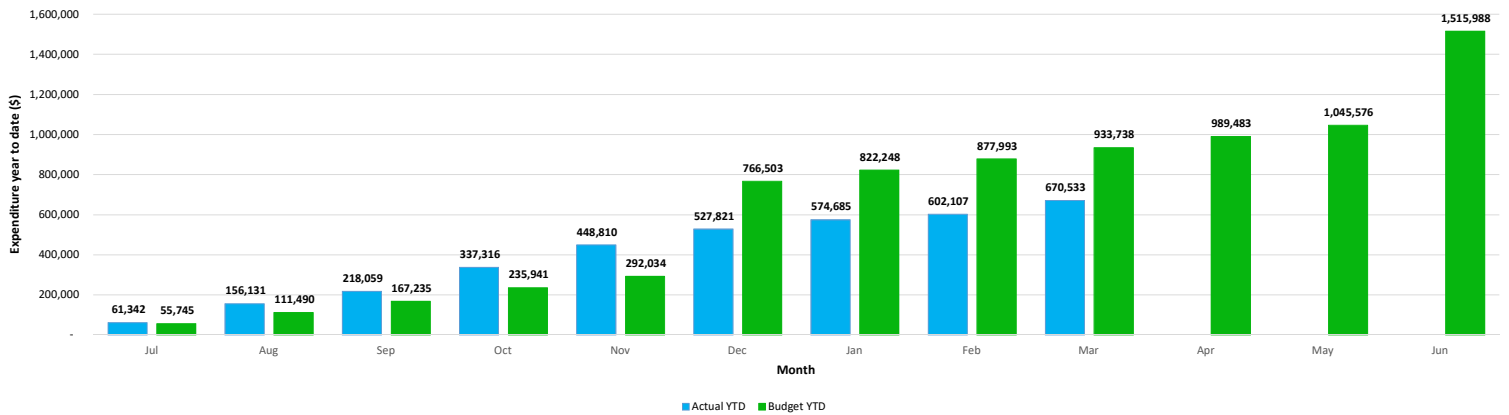
Program in progress and on track. Designs are complete for all drainage projects in the 20/21 program. Lucretia Way, Hallett Cove and Lynton Avenue and Castle Street, South Plympton have progressed to construction phase, a carryover is anticipated for Lucretia Way.



Street Trees

Monthly Comment

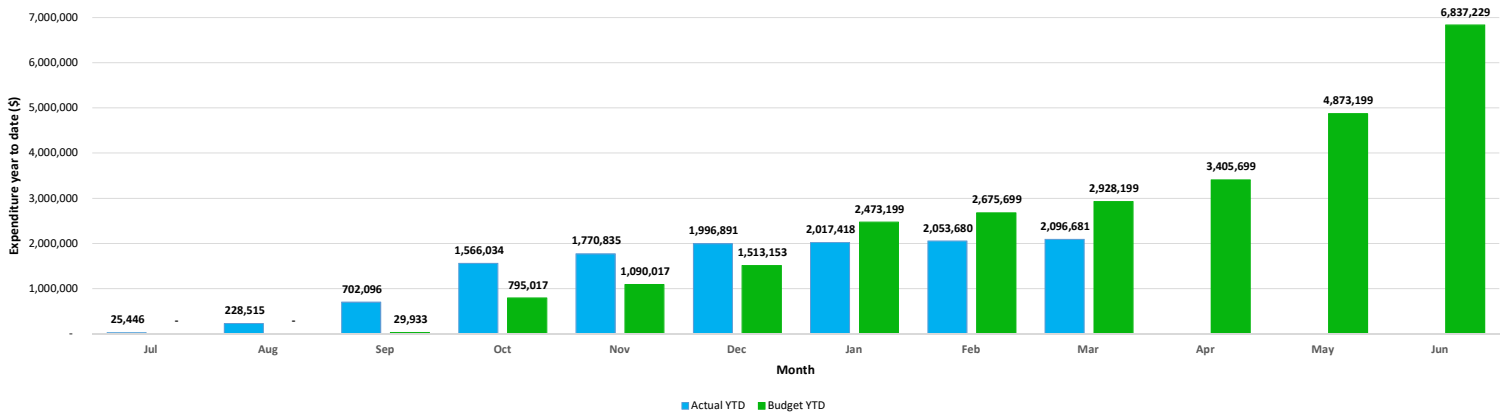
The Tree Planting program has been completed for this season with the focus now being on tree watering over the summer months. Planting is anticipated to recommence in April, tree pits are being created in preparation.



Streetscapes

Monthly Comment

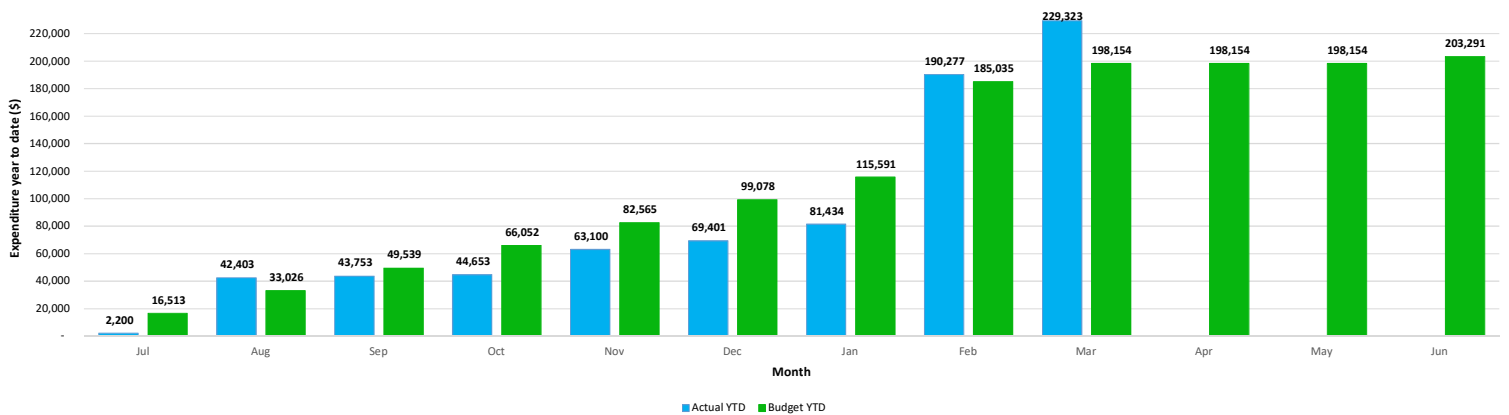
Program in progress with Sturt Road (Stage 1 - South Road to Marion Road), Diagonal Way and Quick Rd (carryover c/o) streetscapes complete. Works on Sturt Road (Marion Road to Diagonal Road) and Birch Crescent (c/o) have commenced. A carryover is anticipated for Sturt Road (Marion Road to Diagonal Road) due to restrictions with working on arterial roads.



Irrigation

Monthly Comment

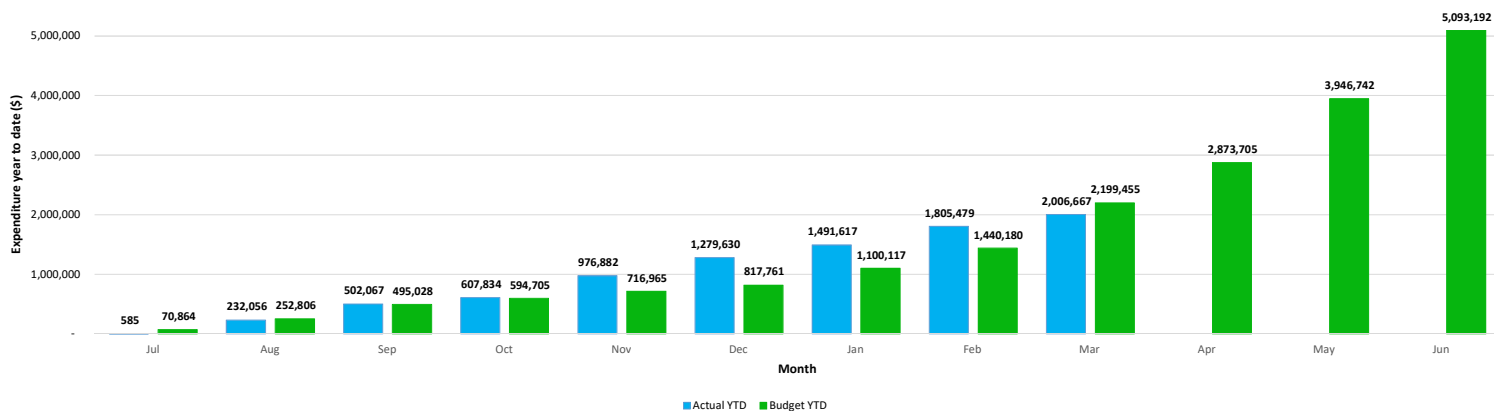
Irrigation program is complete.



Open Space Developments

Monthly Comment

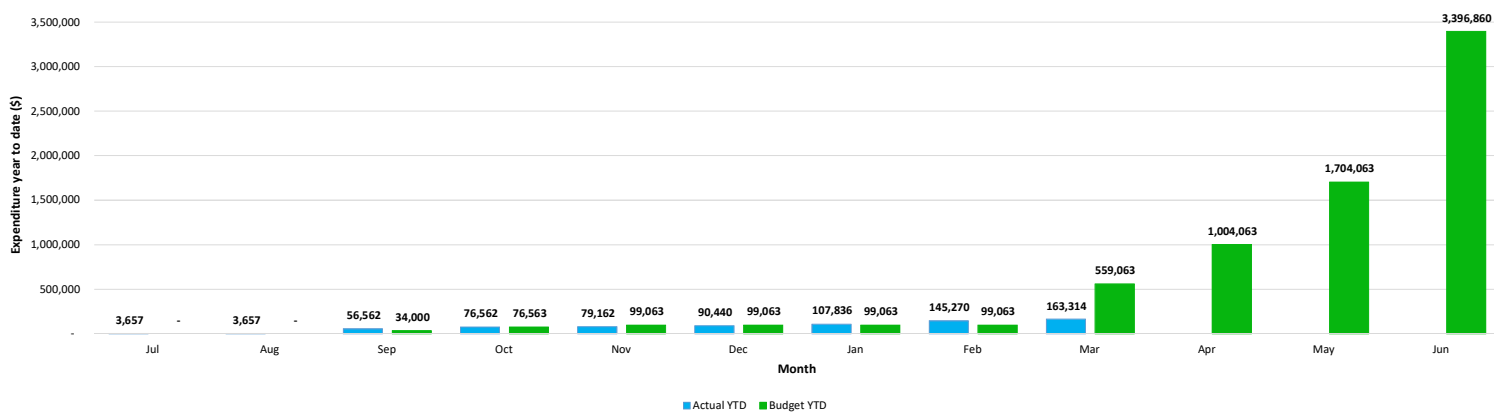
Program in progress and on track for completion by the end of financial year with the exception of Capella Drive Reserve Skate Park which is being impacted by volume of work in the market.



Sports Facilities and Courts

Monthly Comment

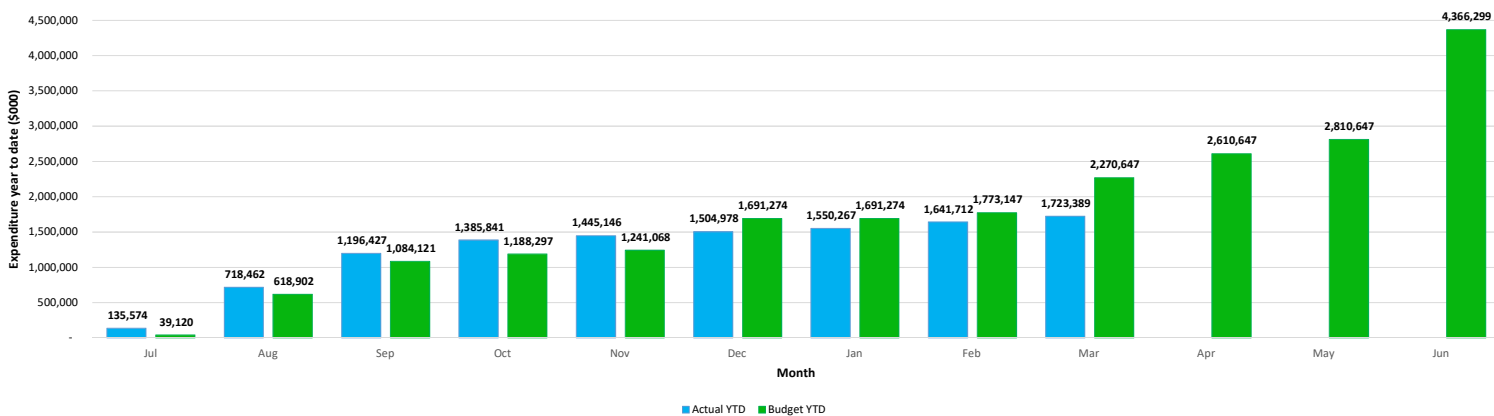
Edwardstown Bowls Shade Sails (c/o) and Sports Light Tracker (c/o), Glandore Oval Storage Shed and Marion Bowls Carpet replacement are complete. A number of key projects including the Marion Golf Club, Tarnham Road Reserve and Glandore Crickets Nets are subject to further council reports and grant applications. The tender documentation for the LED lighting are being finalised for install and connection only, council will purchase the structures to assist in delivery of this project, a carryover is anticipated for this project. The remainder of this program is on track.



Building Upgrades

Monthly Comment

Program in progress with 80% of planned projects complete. Works on Marion RSL carpark have commenced and units for Admin Air Conditioner have been ordered, completion is anticipated by end of financial year. Re-scoping of the CCTV project has caused delays, this project is anticipated to go to tender in April 2021, there is a risk of carryover with this project. There is also a risk of carryover with the Marion Outdoor Pool Boiler Replacement.



Major Projects

Mitchell Park Sports and Community Club Redevelopment

	2020/21 Actual YTD 31/03/2021	2020/21 Budget	Project Cost At Completion
Income			
Commonwealth Government Grant Contribution	1,000,000	4,605,000	5,000,000
Total Income	1,000,000	4,605,000	5,000,000
Expenditure			
Operating	-	-	-
Capital Construction	(829,961)	(6,605,000)	(16,250,000)
Total Expenditure	(829,961)	(6,605,000)	(16,250,000)
Project Result Surplus/(Deficit)	170,039	(2,000,000)	(11,250,000)

The net deficit forecast will be funded in the following manner:

**Funded By :
(Over Project Life)**

\$

Proposed Borrowings	10,920,000
Open Space Capital budget	250,000
Reserve Transfer	
- Asset Sustainability Reserve – Energy Efficiency	80,000
	11,250,000

Sam Willoughby International BMX Facility

	2020/21 Actual YTD 31/03/2021	2020/21 Budget	Project Cost At Completion
Income			
City of Onkaparinga Contribution	-	750,000	750,000
State Government Grant Contribution	-	-	3,550,000
Total Income	-	750,000	4,300,000
Expenditure			
Operating	-	-	-
Capital Construction	(421,774)	(5,800,000)	(6,050,000)
Total Expenditure	(421,774)	(5,800,000)	(6,050,000)
Project Result Surplus/(Deficit)	(421,774)	(5,050,000)	(1,750,000)

The net deficit forecast will be funded in the following manner:

Funded By : (Over Project Life)

\$

Reserve Transfer	
- Asset Sustainability Reserve	1,750,000

1,750,000

Council have received \$3.3m of the State Governments contribution to this project.

Southern Regional Football Facility

	2020/21 Actual YTD 31/03/2021	2020/21 Budget	Project Cost At Completion
Income			
State Government Grant Contribution	-	-	2,500,000
Total Income	-	-	2,500,000
Expenditure			
Operating	-	-	-
Capital Construction	(231,159)	(6,121,741)	(7,000,000)
Total Expenditure	(231,159)	(6,121,741)	(7,000,000)
Project Result Surplus/(Deficit)	(231,159)	(6,121,741)	(4,500,000)

The net deficit forecast will be funded in the following manner:

Funded By : (Over Project Life)

\$

Reserve Transfer

- Asset Sustainability Reserve

4,500,000

4,500,000

Council have received the State Governments contribution to this project.

Sundry Debtors Report - Ageing report as at 31 March 2021

Debtor	Total Balance	Current	30 Days	60 Days	90 Days	90+ Days	Percentage of total 90+ day balance	Comments for 90+ Day balances
General Total	10,179.07	6,170.17	1,725.00	2,283.90	.00	.00	0%	
Neighbourhood Centres Total	3,109.00	1,254.00	.00	.00	.00	1,855.00	3%	Made up of 1 out of 4 debtors. The debt collection process is being worked through for this account.
Regulatory Services Land Clearing Total	3,381.28	.00	490.34	.00	.00	2,890.94	4%	Made up of 4 out of 6 debtors, with one account totalling \$1,725.35.
City Property Facilities Total	47,804.83	20,698.21	6,721.46	444.39	9,476.31	10,464.46	15%	Made up of 2 out of 19 debtors. One account totalling \$7,500.00 is on a payment plan.
Civil Services Private Works Total	43,343.75	21,695.00	890.00	.00	3,003.75	17,755.00	26%	Made up of 9 out of 23 debtors in this category with two accounts totalling \$4,200.00 relating to works not commenced, awaiting payment, one of the remaining accounts totals \$3,190.00. Five accounts totalling \$9,475.00 are on payment plans, payments of \$250.00 have subsequently been received in April.
Swim Centre Debtors Total	9,433.25	7,821.50	1,093.35	518.40	.00	.00	0%	
Grants & Subsidies Total	615,993.59	589,354.85	.00	26,638.74	.00	.00	0%	
Environmental Health Inspections Total	56,017.23	4,835.13	5,940.70	36,062.80	151.00	9,027.60	13%	Made up of 49 out of 140 debtors, with none individually significant. One account totalling \$121.00 has subsequently been settled in April.
Regulatory Services Other Total	36,559.65	.00	2,915.00	.00	6,777.65	26,867.00	39%	Made up of 110 out of 140 debtors in this category. The debt collection process is being worked through for five accounts totalling \$4,006.50.
Supplier Refund Totals	36,689.18	.00	.00	.00	36,689.18	.00	0%	
Marion Cultural Centre Total	5,826.00	4,885.00	135.00	806.00	.00	.00	0%	
Living Kaurna Cultural Centre Total	9,818.60	8,469.20	1,349.40	.00	.00	.00	0%	
Local Government	53,188.74	.00	.00	53,188.74	.00	.00		
Economic Development Total	132.00	132.00	.00	.00	.00	.00	0%	
Total	931,476.17	665,315.06	21,260.25	119,942.97	56,097.89	68,860.00		
Total Aging Profile		71%	2%	13%	6%	7%		

Category	Description
Employees	Anything that relates to CoM employees.
General	Anything that does not fit into one of the below categories.
Neighbourhood Centres	For hire of rooms in Neighbourhood Centres, etc. - usually charged out at an hourly rate. Also includes cultural workshops and tours.
Regulatory Services Land Clearing	When council has had to clear land due to non-compliance of owner.
Sporting Clubs & Other Leases	Rent, electricity, water, maintenance, etc. charged out to lessees.
Civil Services Private Works	Repairs or modifications to infrastructure (footpaths, kerbs, driveway inverts). Can be at resident request.
Swim Centre Debtors	Outdoor Swimming Centre - used for lane hire, school visits, etc.
Grants & Subsidies	Government grants and subsidies.
Environmental Health Inspections	Food inspection fees.
Regulatory Services Other	Vehicle impoundment fees and other regulatory services.
Supplier Refunds	Where a supplier owes the City of Marion funds. This category is used to keep track to ensure we have received payment for credits.
Development Services	Includes contribution from residents and/or developers for the removal and/or replacement of Council Street Trees and significant trees.
Living Kaurna Cultural Centre	Relates to programs run through the LKCC.
Environmental Health Testing	Environmental testing fees.
Local Government	Transactions with other Local Government corporations.
Communications	Anything related to communications.
Economic Development	Events, etc. relating to economic development within the City of Marion.
Marion Cultural Centre	Hiring of the Marion Cultural Centre.

*any category that does not have any outstanding invoices will not be displayed.

Rates Report - Collection of Rates to 31 March 2021

ANALYSIS OF OUTSTANDING RATES AS AT 31 MARCH 2021

	<u>Note</u>		% of Total Annual Rates
CURRENT	1	\$ 15,712,571	19.6%
OVERDUE	2	\$ 1,726,726	2.2%
ARREARS	3	\$ 1,136,497	1.4%
INTEREST	4	\$ 42,287	0.1%
POSTPONED	5	\$ 202,738	0.3%
LEGALS	6	\$ 50,049	0.1%
		\$ 18,870,868	23.6%
TOTAL ANNUAL RATES FOR 2020/21		\$ 80,044,096	

Note 1: Current

Current rates represent the total amount of rates levied in the current financial year that are not yet due for payment. For example at 1st January this represents Quarter 3 & Quarter 4 rates unpaid.

Note 2: Overdue

Overdue rates represent rates levied in the current financial year that remain unpaid past their due payment date. For example on 1st January, this represents rates from Quarter 1 and Quarter 2 that remain unpaid.

Note 3: Arrears

Rates in arrears represent rates and charges levied in previous financial years that remain unpaid .

Note 4: Interest

Interest represent the fines and interest applied to overdue rates and rates in arrears.

Note 5: Postponed

Postponed rates represent any rates amount due by seniors that have been granted a deferral, until the eventual sale of their property, as allowable under the Local Government Act. Interest is charged on these deferred rates and is recoverable when the property is sold.

Note 6: Legals

Legals represent any legal fees, court costs that have been incurred by Council in the collection of rates in the current financial year. These amounts represent costs that have been on-charged to the defaulting ratepayers and are currently outstanding.

Questions Taken on Notice Register

Originating Officer Governance Officer - Angela Porter

Corporate Manager Manager Corporate Governance - Kate McKenzie

General Manager General Manager City Services - Tony Lines

Report Reference GC210511R19

Confidential ☐

REPORT OBJECTIVE

To receive and note the information contained within the *Questions Taken on Notice Register* provided in Attachment 1.

EXECUTIVE SUMMARY

At the 8 May 2018 General Council meeting Council resolved that (GC080518M01):

Questions without Notice that were not answered at the same meeting will be entered into a register. This register will be tabled as an information report at the following meeting.

Under Regulation 9 of the Local Government (Procedures at Meetings) Regulations 2013 (The Regulations):

- (3) A member may ask a question without notice at a meeting.
- (4) The presiding member may allow the reply to a question without notice to be given at the next meeting.
- (5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.

RECOMMENDATION

That Council:

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

Attachment

#	Attachment
1	Attachment 1 - GC210511 - QON Register
2	Attachment 2 - Question Taken on Notice - Historical Land Developments

Questions Taken on Notice Register



Report Reference	Meeting Date	Councillor	Responsible Officer	Question taken on notice during the meeting	Response								
GC210323R07 – Tree Management	23 March 2021	Cr Joseph Masika	Manager Operations – Fiona Harvey Team Leader Planning – Alex Wright	The Planning and Design Code states each house block has to plant one tree, how many houses are going to be built in a year and how many trees are expected to be planted?	<p>The Planning & Design Code outlines the number and size of trees desired to be planted for new development.</p> <p>Tree planting should be provided in accordance with the below requirements, however there are a number of exceptions and exemptions for these requirements. Therefore it is difficult to determine how many trees are expected to be planted.</p> <table><tr><th>Site size per dwelling (m²)</th><th>Tree size and number required per dwelling</th></tr><tr><td><450</td><td>1 small tree</td></tr><tr><td>450-800</td><td>1 medium tree or 2 small trees</td></tr><tr><td>>800</td><td>1 large tree or 2 medium trees or 4 small trees</td></tr></table> <p>The Code specifies the size of small, medium and large trees.</p> <p>On average 460 new dwellings are constructed in Marion each year.</p> <p>A more detailed response has been emailed to Members.</p>	Site size per dwelling (m²)	Tree size and number required per dwelling	<450	1 small tree	450-800	1 medium tree or 2 small trees	>800	1 large tree or 2 medium trees or 4 small trees
Site size per dwelling (m²)	Tree size and number required per dwelling												
<450	1 small tree												
450-800	1 medium tree or 2 small trees												
>800	1 large tree or 2 medium trees or 4 small trees												
GC210427F04 - Edwardstown Urban Renewal Project - Prudential Report	27 April 2021	Cr Bruce Hull	Sascha Frost – Project Director Urban Renewal Ray Barnwell – Manager Finance	What are the losses that Council has incurred on previous projects such as the Hallett Cove Shops and the Domain?	Response provided as Attachment 2 to this report.								

Questions Taken on Notice Register



GC210427F06 - Edwardstown Soldiers Memorial Recreation Ground (ESMRG) 100 Percent Profit Share Model Revision	27 April 2021	Cr Ian Crossland	Thuyen Vi-Alternetti – Manager City Property	<p>How do we ensure no monies are paid to clubs without Council approving that expenditure?</p>	<p>Section 44 (4) of the <i>Local Government Act 1999</i> states:</p> <p>A delegation—</p> <ul style="list-style-type: none"> (a) is subject to conditions and limitations determined by the council or specified by the regulations; and (b) if made to the chief executive officer authorises the subdelegation of the delegated power or function unless the council directs otherwise and if made to anyone else authorises the subdelegation of the delegated power or function with the approval of the council; and (c) is revocable at will and does not prevent the council from acting in a matter. <p>This means that Council set parameters around a specific delegation or revoke it.</p> <p>If Council wished to revoke a delegation, this would require that any future decisions under that delegation come to Council for consideration.</p> <p>Alternatively, if Council had concern about a particular matter, Council could include a condition to the delegation that Council approve a certain process or arrangement to provide the Council further assurance.</p>
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What are the losses that Council has incurred on previous projects such as the Hallett Cove Shops and the Domain?

The following information in relation to the above-mentioned projects has been obtained from historical records at Council:

1. Lot 530 Sturt Road

Land purchased 1995 \$ 935,881*

Sold 2002 (\$1,349,700)

Gain on Project **(\$ 413,819)**

*Council acquired two parcels of land at the rear of the Administration Centre for \$1.2m. A smaller lot (Lot 527) was retained for additional car parking and the larger parcel of land (Lot 530) was sold to a private developer.

2. Hallett Cove Shops

Land Purchased 1984 \$104,958

Less on-sold portion: (\$41,822) \$ 63,136

Capital Improvements 1986/87 \$ 19,647

Construction of Shops 1989/90 \$338,077

Total Capital Cost of Site \$420,860

Sale of Property 1996 (\$219,920)

Loss on Project **\$200,940**

The experience in the operations of the Shopping Centre indicated that there was minimum return on investment, hence the decision to sell.

3. Domain Project (1995 – 2010)

The Domain Project prior to the development of the State Aquatic Centre and the Marion Cultural Centre consisted of multiple undertakings including;

- Purchase and Sale of Property
- Property Management (housing was rented out prior to demolition)
- Project Management
- Land retained for Community benefit (Aquatic Centre & Cultural Centre)
- Infrastructure Works

A financial summary of the project is as follows;

Expenditure

Property Purchases	\$ 7,833,000	
Project Management & Property Management	\$ 2,975,000	
Infrastructure Works	\$ 2,144,000	
Interest on Cash Advance Loan Facility	<u>\$ 631,000</u>	<u>\$13,583,000</u>

Revenue

Land Sales	(\$2,894,000)	
Property Rent	<u>(\$632,000)</u>	<u>(\$3,526,000)</u>

Net Loss before Land Transfer & Land Retained \$10,057,000

Value of Land Transfer for Aquatic Centre (\$ 7,450,000)

Value of Land Retained (Cultural Centre) (\$ 1,737,000) (\$9,187,000)

Net Loss after Land Transfer & Land Retained **\$ 870,000**

Corporate and CEO KPI Report Quarter Three 2020/21

Originating Officer Governance Officer - Victoria Moritz

Corporate Manager Manager Corporate Governance - Kate McKenzie

General Manager General Manager City Services - Tony Lines
Chief Executive Officer - Tony Harrison

Report Reference GC210511R20

Confidential ☐

REPORT OBJECTIVE

To advise the Council of the results of the CEO and Corporate KPI's for quarter three 2020/21.

RECOMMENDATION

That Council:

1. **Notes this report and information contained within the attachments for Quarter Three.**

Attachment

#	Attachment
1	Attachment 1 - KPI Overview
2	Attachment 1a - Supporting Information for KPI2
3	Attachment 2 - KPI Summary
4	Attachment 3 - FTE Employees (Staff and Agency)
5	Attachment 4 - Labour and FTE Movement Summary



CHIEF EXECUTIVE OFFICER and CORPORATE KEY PERFORMANCE INDICATORS 2020/21

QUARTER THREE: JANUARY '21 – MARCH '21 - ATTACHMENT 1

1

Financial Sustainability

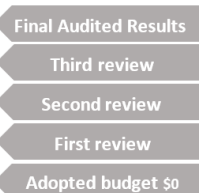
Core target: Council maintains, on average a break even or better funding (cash) position over the Long-Term Financial Plan

Stretch target: Council maintains a break-even or positive position in delivering its Annual Budget.

Measure: This target compares funding cash position at the relevant budget review with the adopted budget figure.

Result: Second budget review forecasts end of year surplus of \$0.049M. Stretch target is forecast to be met.

Forecast = \$0.049M



4

Total Employee Costs

Core target: Less than or equal to 3% increase in actual employee costs (including agency staff) against prior year's actual costs – adjusted for Council endorsed changes to meet resourcing requirements.

Stretch target: Less than or equal to 2% increase in actual employee costs (including agency staff) against prior year's actual costs – adjusted for Council endorsed changes to meet resourcing requirements.

Measure: The 2019/20 Actual audited figure = \$36.487M

Result: Actual Forecast is 4.0% - after adjusting for the additional positions approved by Council (Digital Transformation and CSI Resource) the KPI forecast result is reduced to 2.04%. Core Target is forecast to be met.



1.....21.....31.....41

2

Delivery of agreed projects identified in ABP and 4-year Plan (33 projects)

Core target: Greater than or equal to 95%

Measure: Monthly data as at 31 March 2021

Result: 97% 32 projects are on track (including year 2 completed and deferred projects). 1 Project is off-track.

Note: Refer Appendix 1a for supporting information



..901.....951.....1001

5

Overall Satisfaction with Council's performance

Core target: Greater than or equal to 75% rated as satisfied or above.

Stretch target: Greater than or equal to 85% rated as satisfied or above.

Measure: Community Survey

Result: N/A

Note: As this is an annual measure the next survey results will be available at the end of the 2020/21 reporting year.

3

Lost Time Injury Frequency Rate.

Core target: Greater than or equal to 10% reduction from 2019/20 = 5.49

Stretch target: Greater than or equal to 15% reduction from 2019/20 = 5.19

Measure: The LTIFR for Q3 2020/21 is 11.6

Result: 90.17% Increase. The Core Target has not been met.



20.....01.....201.....401.....601.....801.....1001

6

Asset Sustainability

Core target: Asset Renewal Funding Ratio greater than or equal to 80%

Stretch target: Asset Renewal Funding Ratio greater than or equal to 90%

Result: Projected at 87% per adopted budget. Core Target is forecast to be met.



601701801901

The Asset Renewal Funding Ratio indicates whether Council is renewing or replacing existing assets at the rate of consumption.



7 Delivery of Council's capital works program

Core target: Greater than or equal to 85% delivery of Council's planned capital works program (adjusted for extraordinary items)
Stretch target: Greater than or equal to 90% delivery of Council's planned capital works program (adjusted for extraordinary items)
Result: This is an Annual Measure. The Core Target is expected to be met.

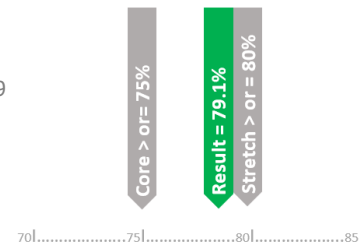
10 Carbon Neutrality

Core target: Actual annual emissions less than the plan's annual target emissions
Stretch target: Actual annual emissions 5% less than the plan's annual target emissions.
Measure: Carbon emissions footprint, measured against Council's endorsed Carbon Neutral Plan
Result: This KPI is applicable 2021/22 onwards and will not be reported during the 2020/21 financial year.

8 Staff Teamgage Survey and Field Staff

Survey Results

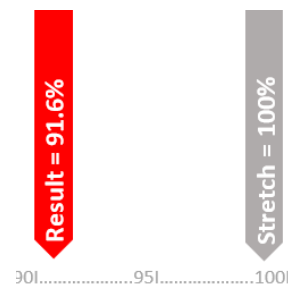
Core target: Achievement of an overall employee pulse survey result of 75%, based on 9 metrics
Stretch target: Achievement of an overall employee survey result of 80%
Measure: Staff Teamgage survey results.
Result: 79.1%. The Core Target has been met.



***Note:** The Teamgage employee engagement tool is now being utilised, based on 9 metrics (including Communication, Leader Support, Collaboration, Resources, Integrity, Respect, Innovation, Safety and Wellbeing).

9 Community Engagement / Communications

Core target: Project specific communications to the public should be timely and accurate
Stretch target: 100%
Measure: Based on feedback received on project specific distributed communications.
Result: 91.6%. The Stretch Target has not been met.
 There was one piece of project specific communication that was identified with inaccuracies.



ATTACHMENT 1a – Supporting Information

As at 31 March 2021 - 97% (32 projects) are on-track and 3% (1 project) is off track.

1 project was completed in Q3 – Transition to the New Planning and Design Code

The on-track includes projects that were started or completed in the 2020/21 financial year and also includes those projects that are deferred.

Table 1: Year 2 Projects by exception (all other projects are considered on-track or completed)

Project Name	Start Date	Completion Date / Due Date	Q1	Q3 Supporting Comments
Metrics that Matter 2.0	01/08/19		Deferred	Project is still deferred. There is a scope of works to still be worked out for Phase 2. This project is a cross council collaboration with more discussion to be had.
Third Community Bus Trial	01/07/2019		Deferred	New route information was being promoted when COVID 19 pandemic was announced the Community Bus service, including the new route and the third bus, was placed on hold. Unfortunately the new volunteers and some existing volunteers resigned during this time.
Transition to New Planning and Design Code	01/01/2020	31/03/2021	Complete Q3	
City Property Strategic Asset Management Plan	01/07/2019	30/06/2020	Off-track	This project was a year 1 deliverable but due to the delay in recruitment for the City Property manager it didn't commence until year 2. Advise of a revision start and end date for this deliverable.

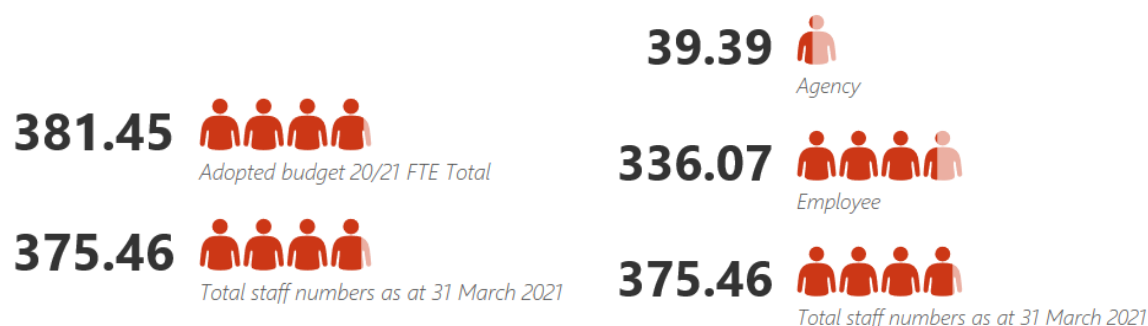
Corporate and CEO KPI Report Quarter Three 2020/21 – ATTACHMENT 2

KPI	Details	Target	Stretch Target	Qtr 1	Qtr 2	Qtr 3	Qtr 4
1	Financial sustainability.	Council maintains, on average a break even or better funding (cash) position over the Long Term Financial Plan	Council maintains a break-even or positive cash funding position in delivering its Annual Budget	\$0.154M	\$0.163M	\$0.049M	
				Result: Second budget review forecast and end of year surplus of \$0.049M. Stretch target is forecast to be met.			
2	Delivery of agreed projects identified in the <i>Annual Business Plan</i> and the second year targets in the four-year plan.	Greater than or equal to 95%	No Stretch Target	97%	100%	97%	
				Result: 97% - 32 projects are on track including 1 project that was completed in Q3. 1 Project is identified as off-track.			
3	Lost Time Injury Frequency Rate.	Greater than or equal to 10% reduction from the previous year's result 2019/20 = 5.49	Greater than or equal to 15% reduction from the previous year's result 2019/20 = 5.19	47.4% increase	47.4% increase	90.17% increase	
				Result: 90.17% Increase. The Core Target has not been met.			
4	Total employee costs (inc agency).	Less than or equal to 3% increase in actual employee costs (including agency staff) against prior year's actual costs – adjusted for Council endorsed changes to meet resourcing requirements	Less than or equal to 2% increase in actual employee costs (including agency staff) against prior year's actual costs – adjusted for Council endorsed changes to meet resourcing requirements	2.0%	2.04%	2.04%	
				Result: Actual Forecast is 4.0% - after adjusting for the additional positions approved by Council (Digital Transformation and CSI Resource) the KPI forecast result is reduced to 2.04%. Target is forecast to be met.			
5	Overall Satisfaction with Council's performance	Greater than or equal to 75% rated as satisfied or above	Greater than or equal to 85% rated as satisfied or above	N/A	N/A	N/A	
				As this is an annual measure the next survey results will be available at the end of the 2020/21 reporting year.			
6	Asset sustainability.	Asset Renewal Funding Ratio greater than or equal to 80%	Asset Renewal Funding Ratio greater than or equal to 90%	109% (projected)	87% (projected)	87% (projected)	
				Result: Projected at 87% per adopted budget. Core Target is forecast to be met.			
7	Delivery of Council's capital works program.	Greater than or equal to 85% of Council's planned capital works program (adjusted for extraordinary items)	Greater than or equal to 90% of Council's planned capital works program (adjusted for extraordinary items)	N/A	N/A	N/A	
				This is an Annual Measure. Expected to achieve core target.			
8	Staff Engagement	Achievement of an overall employee pulse survey result of 75% based on 9 metrics	Achievement of an overall employee pulse survey result of 80%	80.6%	78.4%	79.1%	
				Result: 79.1%. The Core target has been met.			
9	Community engagement / communications	Project specific communication to the public should be timely and accurate	100%	96.5%	100%	97%	
				Result = 97% accuracy. There was one piece of project specific communications during this period with identified inaccuracies.			
10	Carbon Neutrality – carbon emissions footprint, measured against Council's endorsed Carbon Neutral Plan (applicable 2021/22 onwards)	Actual annual emissions less than the plan's annual target emissions	Actual annual emissions 5% less than the plan's annual target emissions	NA	NA	NA	
				This KPI is applicable 2021/22 onwards and will not be reported during the 2020/21 financial year.			

ATTACHMENT 3

FULLTIME EQUIVALENT (FTE) EMPLOYEE AGENCY

The number of FTE employees (staff and agency) employed across the organisation as at 31 March 2021.



There are currently 10 temporary vacant positions comprised of:

- | | |
|---|---|
| • Recruitment in progress (required position) | 9 |
| • Currently under review | 1 |
| • Vacant required position | 0 |

The following tables provide comparative FTE data with the Gap Year Team Members, Pool Staff, and Grant Funded positions being excluded.



ATTACHMENT 4

LABOUR AND FTE MOVEMENT SUMMARY

	2020/21 \$000's	2019/20 \$000's	2018/19 \$000's	2017/18 \$000's	2016/17 \$000's	2015/16 \$000's	2014/15 \$000's	2013/14 \$000's	2012/13 \$000's
Total Employee Costs (including Agency) % Movement on Prior Year	37,973* 4.07%	36,487 4.66%	34,861 4.77%	33,274 3.27%	32,221 1.40%	31,783 0.10%	31,757 0.70%	31,532 4.30%	30,239
Total Number of Employees (FTE at 31 March 2021)** % Movement on Prior Year	375.46 4.74%	358 -1.9%	365 1.38%	360 4.80%	344 0.60%	342 -1.70%	348 -0.90%	351 -2.20%	359

5-Year average FTE to June 2020 353.8

*Adopted Budget used for second quarter comparative

WORKSHOP / PRESENTATION ITEMS - Nil**MOTIONS WITH NOTICE****Rescission Motion - City Limits Magazine**

Elected Member Councillor Joseph Masika

Report Reference: GC210511M01

Confidential Report ☐

Motion:

That Council:

1. Rescinds the following resolution of Council relating to City Limits Magazine made on 8 December 2020 (City Limits magazine - Report Reference: GC201208R11):

That Council:

1. Publishes a 12-page City Limits community magazine six times a year from February 2021.
2. Publishes a Mayoral column each edition of the magazine.
3. Discontinues publishing Councillor columns but incorporates comments, where possible, into news stories.
4. A draft Publications Policy and a draft City Limits Publications Policy be brought to Council early 2021 for consideration.

And

2. Resolves the following:

That Council:

1. Publishes City Limits community magazine six times a year – three editions of 12 pages and three editions of 16 pages.
2. Publishes a Mayoral column (maximum 200 words) each edition of the magazine.
3. Publishes Councillor columns three times a year (February, August and December) in the 16-page edition of City Limits.
4. Each Councillor will receive 200 words per column or 400 words per Ward.
5. Amend the draft City Limits Policy to reflect these changes.

Supporting Information:

Nil

Response Received From: Craig Clarke - Unit Manager Communications

Corporate Manager Acting Manager Customer Experience - Vicky Travers

General Manager Acting General Manager Corporate Services - Ray Barnwell

Staff Comments:

A 12-page edition of City Limits is currently delivered to households six times a year so as to increase the amount of local news and information sent to the community. Elected Members resolved (GC201208R11) to discontinue Councillor columns but incorporate comments into stories where possible. The Mayoral column would continue each edition as per the previous resolution.

Should Council wish to support the motion, Elected Member columns can easily be returned to City Limits three times a year. The columns would take up just under three pages (with each member receiving 100 words) and four pages if Council decided to revert back to the previous arrangement of 200 words per Member.

Regardless of which approach is adopted, it is recommended that the number of pages is increased from 12 to 16 for the editions that contain EM columns otherwise there will be little space for news. In printing of publications, we're locked in to increases by multiples of four pages.

The cost for the increase from 12 to 16 pages three times a year is an additional \$3400 per year (excluding GST), which can be absorbed in the operational budget of the Communications Unit.

Verbatim comments from community focus groups held last year about the new-look City Limits are included as *Attachment A*.

ATTACHMENTS:

#	Attachment
1	Attachment A City Limits focus groups community feedback

Feedback summary

Community Leadership session 1 – Wednesday 23 September 3pm

General Community Focus Group session 1 – Monday 28 September 6pm

General Community Focus Group session 2 – Tuesday 29 September 2pm

Email feedback from Youth Advisory Committee

**3 sessions were offered via telephone inviting residents to one of two sessions.
Email feedback was also invited from our Youth Advisory Committee**

We heard from the following suburbs:

Hallett Cove, Marion. Oaklands Park, Glenelg, Seaview Downs, Morphettville

We heard from people in the 20year age bracket and also people between 50 and 70 but not from anyone in the 30 or 40 year age group.

Feedback on current City Limits and what do you like/don't like about the magazine?

Positive

- MCC pages layout of events pages looks as good as good publications
- My partner would not read the city limits, he would put it in the recycling. I'd like to know what's happening in the community
- I am quote happy with the name of it, why change it I think it's a good name
- Budget breakdown image was fantastic – more infographic to break down complex information – present it differently
- I like what I saw, available on digital – a couple of things

Negative

- The concept of telling people over and over again, its all good to have the focus over the 9 areas our state is focussed on. For someone who's not high tech, coming from a community space, I am wondering whether this is really engaging with our community?
- We are strongly placed to be a model community, I wonder whether the word City really represents what the city.
- Members comments are not an attractive page – perhaps if there is a story about something then refer to your ward member – these pages are informative but not very attractive.

Ideas/suggestions

- Elected member columns – we may not need to hear an update from EMs every single edition, maybe maintain 3 time a year similar to now even if we increase our editions
- Their comments have to be newsworthy – to be honest I turn through those pages and if you are doing 12 pages, we can condense this material and reduce the pages of EM content
- Why you use the word 'limits'
- Use dot points for the text heavy information like members columns to reduce the space
- Marion should really be pushing the huge extent of parks and reserves that are around – how many places can you walk to 5 major parks, Glenthorne and the fact Marion Council is putting money into BMX and Soccer – we tend to put ourselves in silos – broaden the focus across boundaries.
- Collaborate with other councils to share across boundaries stories and events, parks and recreation and project.

General comments

- You use this to communicate your community
- I like change I like things changing all the time, but a lot of people, if this is what they are used to, will the change mean they will think it means
- If something is interesting and new
- Could be a combined effort between 3 councils and they held this at different council areas

Feedback summary

Community Leadership session 1 – Wednesday 23 September 3pm

General Community Focus Group session 1 – Monday 28 September 6pm

General Community Focus Group session 2 – Tuesday 29 September 2pm

Email feedback from Youth Advisory Committee

How many times a year would you like to receive it?

The general sentiment here was to increase editions in lieu of Messenger being printed, however some good ideas were presented about the mix of digital editions being more frequent

- I think it is important council presents something on a monthly basis – a lot of older people in the community relied on the Messenger for their local information.
- You must increase frequency
- What is the driver for frequency to be increased? Do you think it's because the messenger – its more about community
- When I thought about City Limits, I thought it was a quarterly publication, you hear from Council about your rates – I had in my mind that is how it is
- If you print at the beginning of the month and drop the Jan edition you could have 11
- Option 3 – no EM column
- Move the publication to 6 times a year
- 5-6 editions
- Its an attractive magazine with a lot of different information in it – I think of a different council and this publication is ahead of that.
- 3 times a year is not enough, with the newspaper gone now it is our main source of information.
- It would be front page more often if there was
- Culling a little
- Newsletter and then quarterly magazine - Then you get your community newsletter, notices, businesses and local news, then the magazine is more story based
- preference at least 4 quarterly
- This is filling the hole from the Messenger so it's important
- Digital publication that has more information and detail, but then the physical printing document

Feedback summary

Community Leadership session 1 – Wednesday 23 September 3pm

General Community Focus Group session 1 – Monday 28 September 6pm

General Community Focus Group session 2 – Tuesday 29 September 2pm

Email feedback from Youth Advisory Committee

What format would you like to receive it in? (Digital, print, mixture.)

All focus groups covered the benefits of both digital and print, however generally people were not in favour of digital only as they value the printed magazine.

Positive towards print

- Older people are tech phobic – we must also include the 4,000 copies in our venues and old age homes in our district
- I like it in the print format – the people in our volunteering group thought the quality of paper and magazine is great, if you get it in hard copy, you will read it. If you get it on a screen, you will skip it and scan it.
- I'd prefer it hard copy - I'd like to subscribe via email and get it digitally than not get it at all (if not distributed to house).

Positive towards digital

- I'm interested in digital aspect – people my age would be more interested in it on a tablet and to be honest, every couple of months would be great
- The only challenge I think is about how we engage the younger people in digital editions. I am subscribed to a few magazines, and I look forward to them, it would be good to have people waiting for the publication/information
- I think the website – you can subscribe to an email
- Have website more accessible so when it comes out – you have to want to find it
- I like mixed digital and print.
- Digital magazine could link from social media back to the ward members stories

Ideas/suggestion

- If I was reading this digitally, I could click through to my members comments in my ward
- There is 4 pages on councillors
- Maybe that could be reduced – I've always wondered, I probably don't read what the councillors say. I tend to look at name of contact details and that's it
- Maybe all these four pages in one.
- I'd watch a video of my councillor – printed on media in magazine and link to their video
- One councillor per ward
- Length of magazine is currently good
- Option 2 or 3
- Mayor at front of page is good, in robe makes sense.
- EMs need a place to have a say and if it was dispersed through the magazine would work better
- Would dispersing it stop the flow of the magazine?
- Maybe reducing the EM content, rather than moving it around the magazine
- What about a quote that shows which Ward Member is responsible for the project or story
- How members can have more local reporters

Feedback summary

Community Leadership session 1 – Wednesday 23 September 3pm

General Community Focus Group session 1 – Monday 28 September 6pm

General Community Focus Group session 2 – Tuesday 29 September 2pm

Email feedback from Youth Advisory Committee

What type of content would you like to see in the magazine?

People spoke about more opportunity for community listings and events of what's happening in the City. People appreciated the human based stories and promotion of local businesses.

Some ideas that came up included the opportunity to have some interactivity where community can get involved, by submitting ideas or content.

Feedback about stories

- For me, I would love to hear inspiring human-interest stories, young people. Businesses and a mix of everything and have everything for each age group
- If you get children involved, you will get your adults involved and then the children will continue to read this in future.
- I'd also like to see more focus on community issues and sporting groups in our district
- More information to diverse topics
- More youth centric content – have you spoken to the youth group?
- Make sure that you can service most needs
- Allow notifications when a story is dropped and good photography
- I like to see articles about what's going on or what's coming up, eg Sturt creek railway – what's going on to explain why we were doing it.
- Like stories about the 'people' in the city of Marion, this is the only place you get it
- More room for business – you could talk more about all the community groups, societies, choirs, lions clubs to stimulate peoples thoughts about other activities in the city.
- Coast to vines trails, all the amazing trails that are in the City and you could tie in historical
- Could have a small article about the area of interest and then you can provide a link to more information if you wanted it.
- Signs on Oaklands Wetlands etc, the tone is written from the ducks perspective - Use your articles as an educational tool
- Hoarding is a massive community problem and are accumulating stuff, with advertising, if there are major issues in our community – such as mental wellbeing in CoVid – connecting people to services and support
- Marion Community Forum has list of agencies that could be compiled into the magazine
- Magazines like this shouldn't have one full page – it should be reduced, smaller stories, art and counselling, employment training for the area – multicultural language information for people with ESL – doing more in this space

Feedback about community information and events

- I'd like to know what's going on events, arts and culture
- We would like to hear more about other neighbourhood centres about other community areas as well
- Youth centric around art and culture, Adelaide film festival – activities around youth collective committee. Not a lot of people follow City of Marion Facebook group.
- How amazing Cove Civic Centre promotes events – puzzles and crosswords to be included, competition submitting to encourage paintings and stories from writers.
- Community who's who for clubs – with a note underneath is and listing for community associations and an information page
- Boring bits like reading Elected Member comments, you skip past that.
- I think EM columns are interesting
- Reliability of distribution is important
- To be able to put little snippets from community groups
- How do I find out more about what's happening and local news and I support local, so I would like to know things that are happening?

Feedback summary

Community Leadership session 1 – Wednesday 23 September 3pm

General Community Focus Group session 1 – Monday 28 September 6pm

General Community Focus Group session 2 – Tuesday 29 September 2pm

Email feedback from Youth Advisory Committee

- New local business
- I think MCC pages once covid is over, the gallery is good.
- Interactivity and explanation of the why
- Lions club hat – I'd like to see more info about events that are coming up, eg Australia Day breakfast and those sort of stories.
- Smaller everyday stories, almost a story from each suburb, get residents to volunteer the stories. What's going on in the street?
- Community stories, less longer stories
- Make the stories shorter, more local stories
- Could have 3 people in their suburb to submit stories to get on the ground stories from community to submit them
- Community submit stories
- Current MCC article is an area that can be activated and talk about that asset

If we could use advertising would you support this, if it would offset cost?

Overall people could see some benefit in the advertising but were sensitive to the amount and type.

People would encourage small local business promotion and also stories about businesses that therefore promoted them.

- If you compare readers digest the advertising – too much
- Too much advertising gets people to drop out of receiving the publication
- We could tell a story to provide advertising – e.g. tell the story about the business which generates revenue without looking like its advertisement
- Local fish and chip shops and businesses could use this as a platform to advertise
- Small advertisement corner of pages, not big pages, but marketing local business then they can advertise around that business. IT creates a wholesome story about the business
- Instead of 2 pages of EM updates have a smaller information page of members updates, but more promotion to their site for more information.
- Lists work really well '8 things to do with your family'
- Health and wellbeing articles, story first and promotion of event second
- Would be good to make it sustainable
- Why wouldn't you want to advertise to something that is going to 43,000 people?
- Wouldn't want to have a lot of advertising probably
- If someone is wanting to help the community with a skill would this be advertising?
- people see this as a privilege to have something advertised in here - wouldn't go for anything bigger than a ¼ page
- I think one of the nice things about it is that it doesn't currently have advertising, however I wouldn't be
- Add to relevant stories – then this could add business.
- Its nice to read something that isn't all about ads.
- Advertising on local would be a good idea, little local shops
- Non commercial – I am not keen on advertising, who do you allow McDonalds.
- If you allow advertising it takes up more space.
- Council could pay to be in the Messenger
- How many little restaurants there are now in City of Marion here
- Article about restaurants
- Something about new businesses

Feedback summary

Community Leadership session 1 – Wednesday 23 September 3pm

General Community Focus Group session 1 – Monday 28 September 6pm

General Community Focus Group session 2 – Tuesday 29 September 2pm

Email feedback from Youth Advisory Committee

What publications/media do you follow? When do you do your reading?

- New Yorker opinion pieces and life stories – digital
- Before work and after works I would read online, I do subscribe to Adelaide Now notifications as part of my job
- I don't read a physical paper unless I am in café, I read In Daily on the internet only on my phone. I don't have any computers that I use.
- I watch TV news but I don't subscribe to newspapers
- I read when I travel, I read my smartphone all the time as a retired person and I get my news through various methods through Facebook and Instagram and google news feed
- If you compare readers digest the advertising – too much
- If people are looking for human stories, hosted in one location a regular theme it could be content for social media, bit more on demand and current information sporting groups and monthly to push more information
- Opportunity for two-way interactivity you don't want a pop up in every article
- If pop ups were to come up on digital
- I like seeing things like recipes, design visual and interesting format and what it is other communities can see sharing cultures and food etc with more colourful
- A group like Southern Business Connection might not look at this because it is more a community thing, rather than a business focus
- It can't be everything to everyone
- I like the opportunity to be able to create suggestions for how to Make Marion better what could improve your neighbourhood, a place for people to submit their ideas and suggestions

Outcomes/Recommendations**How many pages would you like to see the magazine?**

- Looking at type of paper your using and printing it doesn't have to be a glossy page and as far as advertising goes? People understand that council needs to reduce costs 30% a guideline for advertising as a general rule.
- Is the print and digital – has there been consideration about a blog to supplement publications so anything digital could be way more frequent.
- e-talk newsletter – we can upgrade this to make it better.
- If you are engaging a lot more people get people to rate the types of stories rate the types of stories they have as a priority.
- If the option is print and digital – has there been consideration about a blog to supplement publications so anything digital could be way more frequent.
- e-talk newsletter – we can upgrade this to make it better.
- People wanted the higher cost options, but its important to the community to the offset the costs by advertising
- Multicultural groups can help distribute the information – save a lot of money. Could be a cost analysis to see what their preference was online vs digital and you would get more readership
- Need more of a robust communication plan prior to it coming out - I wasn't aware of the E-newsletter
- I really liked the messenger and the scrutiny of councils and I miss the challenges
- Messenger – I lived on the boundary and get both messengers, people like to hear about their own community, lots of little communities
- Nighttime reading, read the paper in the morning, letterbox reading afternoon and evenings I mainly watch television and news and current affairs.
- ABC have some interesting things on there – I really enjoy going through the articles and choosing which one I like to read, being more informative
- Preference at least 4 quarterly

Feedback summary

Community Leadership session 1 – Wednesday 23 September 3pm

General Community Focus Group session 1 – Monday 28 September 6pm

General Community Focus Group session 2 – Tuesday 29 September 2pm

Email feedback from Youth Advisory Committee

- This is filling the hole from the Messenger so it's important
- Digital publication that has more information and detail, but then the physical printing document

Session Feedback

- I have spoken a lot more today than I anticipated today because of the questions you asked.
- A spend of over 100k we can't compare option as a glance, a snapshot less detail in options slide
- Happy with the way it's been run, offering different hours is good
- Maybe not on school holiday
- Getting to younger demographic
- I've enjoyed it and we have had plenty of time to say our bit, glad there wasn't a long PowerPoint

QUOTES

"The Elected Member columns, these pages are informative but not very attractive"

"If people are looking for human stories, hosted in one location a regular theme it could be content for social media, bit more on demand and current information sporting groups and monthly to push more information"

"I like the idea of community reporters"

"Non commercial – I am not keen on advertising, who do you allow McDonalds"

"This is filling the hole from the Messenger so it's important"

"It can't be everything to everyone"

"I like the opportunity to be able to create suggestions for how to Make Marion better what could improve your neighbourhood, a place for people to submit their ideas and suggestions"

Email received by community member

I think that City Limits has always been an important publication, but is more so than ever now that the Messenger newspaper barely exists, and had been reducing its local content for the few years before its recent shift away from print.

I would like to see it produced quarterly and continue to be produced in paper as well as online forms. A reasonable proportion of the people I come across in my daily life and voluntary work do not and probably will never get their information from a computer.

I would like to see it continue to include the types of stories that it has since its inception, i.e.:

- *Reports and comments from the Mayor and each councillor*
- *Information about council projects*
- *Good news stories about activities being undertaken by the council and local community groups*
- *Profiles of local heroes and citizens of the year*
- *Contact details for local community groups and services*

I realise that it requires some investment by the City of Marion, but hope that the returns on investment, though unquantifiable, justify the investment. I see the returns as being:

- *Improved understanding in the community about council services*

Feedback summary

Community Leadership session 1 – Wednesday 23 September 3pm

General Community Focus Group session 1 – Monday 28 September 6pm

General Community Focus Group session 2 – Tuesday 29 September 2pm

Email feedback from Youth Advisory Committee

- *Improved understanding in the community about who their elected local representatives are and what they do*
- *Turning the attention of readers to great things happening in their local area – **I see this as really important these days when so much of the state, national and international news is depressing, upsetting and annoying***
- *Influencing readers to feel that they are getting great value for money when they pay their council rates.*

Youth Advisory Committee feedback:

- Do you read City Limits and what do you like/don't like about the magazine?
 - I hadn't heard of the magazine until a YCC meeting
- How many times a year would you like to receive it?
 - Every 3/4 months would be good!
- What format would you like to receive it in? (Digital, print, mixture.)
 - If it was digital, it would be cool if it were in this kind of format – like reading a magazine but online:
 - I think a print one would be good if it were mailed only once a year, or if they were accessible in public areas i.e. the library in the foyer for example.
- How many pages would you like to see the magazine?
 - Around or under 30.
- What type of content would you like to see in the magazine?
 - More youth focus
 - Would be cool to have more charity content in there, i.e. like non-profit of the month or something?
 - Definitely more young people – perhaps a focus on a school initiative or a good news story?
 - I put a few more ideas under the imagine if section also.
- If we could use advertising would you support this, if it would offset cost?
 - Yes if it would offset cost – but preferably not many pages of advertising.

'Imagine if...' you were charged with this as Council, how would you communicate to residents, but also, what would you say and what would you be willing to spend? Would you like more human-interest stories, or more service-based information?

- I think a balance of both is important. Rate payers are probably looking to see where their money is going, but I think human-interest stories foster community. It's really great to get an idea of who is in your suburb, but also good to know what services are available.
- Also sorry but I'm not sure I understand the question, charged with what? Making the city limits?
- Would be really great if community could submit articles to be part of the city limits – maybe a creative writing competition, or if there is a community story they want to share or something like that.
 - Could be a review of a local restaurant or something of the like?
 - I also really enjoyed as a kid putting in a picture I drew into the advertiser
 - And you can never go wrong with a letter challenge, sudoku or word-a-find
- Also for advertising – would be great to keep it to local business!!

Please also tell us your age and suburb.

- 21, Seacombe Heights.

Do you read city limits and what do you like/don't like about the magazine?

I have read city limits a few times and I like the content but I don't like that it is in a magazine format. I feel making an online version would help more people to read it because most people just see a magazine and throw it in the bin.

Feedback summary

Community Leadership session 1 – Wednesday 23 September 3pm

General Community Focus Group session 1 – Monday 28 September 6pm

General Community Focus Group session 2 – Tuesday 29 September 2pm

Email feedback from Youth Advisory Committee

How many times a year would you like to receive it?

I think every 2 months so that everyone can know what is going on in their local council.

What format would you like it in?

I would like it to be a magazine for people that might not like technology and might not be up with the times and to also have an only version would be great so that younger- middle age people who have mobiles could read it in whatever way they like it in.

How many pages would you like to see in the magazine?

I would like to see between 20-30 pages in the magazine.

What type of content would you like to see in the magazine?

I would like to see more youth focused content in the magazine and I would also like to see like some highlights from different things and progress updates on projects that are going in the council.

If we could use advertising would you support this, if it would offset cost?

Yes I would support if it would offset costs.

‘Imagine if’

I would communicate the info to residents in many ways. I would make it easy to understand, I would make it for everyone and I would make sure that everyone would be able to be asked any question about council and they could say the answer to the question. I would say things in a straight forward way but at the same time I would also have links to an online version that would be a more in-depth report. I would be willing to spend whatever it takes to make the residents know what is going on and I think this would make the City of Marion known as one of the best informed suburbs in Australia. I would make more human-interest stories but I would also have some service-based info.

Vinnall Street Reserve - Irrigation

Elected Member Councillor Bruce Hull

Report Reference: GC210511M02

Confidential Report ☐

Motion:

That Council:

1. Alters the public value of the Vinnall Street reserve to 4;
2. Allocates funding in the 2021/22 financial year to upgrade the irrigation system at Vinnall Street Reserve.
3. Advises the residents adjacent Vinnall Street Reserve of this resolution.

Supporting Information:

Vinnall Street Reserve is an attractive area located in Dover Gardens. This reserve was previously irrigated; residents highly value this area and would like to see the Reserve irrigated again.

Response Received From: Rebecca Deans - Open Space and Recreation Planner

Corporate Manager N/A

General Manager Acting General Manager City Development - Greg Salmon

Staff Comments:

Vinnall Street Reserve, Dover Gardens is classified as a Local level natural landscaping area. The reserve is 1,429m² with mature trees and natural ground cover.

The recently endorsed Open Space Plan considers Vinnall Street Reserve but recommends no further improvements apart from a continuance of regular maintenance.

The reserve has a current total irrigation score of 5, with a public value of 1.

Reserves are irrigated when they have a total score of 12 (or above), or a public value of 4.

Council endorsed an Irrigation Management Plan on 9 September 2014. The Plan is part of a suite of documents within Council's Environmental Management System (EMS) framework. It also aligns with the Climate Change Adaption Planning and the general requirements of the Irrigation of Public Open Space Water Licence issued by SA Water (which requires Council to be "Water Wise"). The Plan has been reviewed by Council on a number of occasions since.

While the Plan outlines Council's commitment to sustainable water usage and responsible management in relation to the irrigation of open spaces, it also identifies a number of objectives. These are to:

- Ensure compliance with government legislation, regulations and water restrictions as they arise.
- Achieve a balance between the provision of an amenity landscape that is aesthetically pleasing and meets the needs of the community and is economically and environmentally sustainable.
- Achieve a consistent approach in the provision and development of the irrigated landscape.

- Provide a clear direction and framework for irrigation and water management strategies to enable accountability in relation to water usage and financial impacts.
- Complement and integrate with existing Council strategies and plans and the General Environmental Policy.

The provision of irrigated turf areas and landscape treatments is currently guided by functional benefit, that is, the area irrigated is kept to the minimum required to meet the purpose of the reserve. This applies to all reserves. The intent of this is to encourage low maintenance and water wise landscaping (using non-native and native plants and grasses) to complement the area and the environment. This is often referred to as 'dry-landscape' treatments.

Function is related to the intended use as opposed to aesthetic purpose. Areas deemed to be functional include athletic fields, cricket ovals, winter sport areas (e.g. AFL, rugby), informal ball play/recreation areas, picnic areas, BBQ, and seating.

Council's Irrigation Decision Support Tool:

- Allows the selection of which sites are functional (as defined above) and of Public Value.
- Allows the selection of how much of each site is irrigated.
- Allows the selection of turf quality (turf quality visual assessment levels 1-4) and therefore watering frequency.
- Determines the corresponding cost of watering and maintenance.

The Reserve is a 200m walk from the recently upgraded Crown Street Reserve, which has new irrigation and turf. Less than 400m walking distance is Scarborough Terrace Reserve which is extensively irrigated with a large open space.

The Open Space Plan does not include budget to renew or upgrade the irrigation at Vinall Street Reserve.

Staff have inspected the existing irrigation system at Vinall Street Reserve and found that it will be fully functional with a \$1,000 upgrade.

The estimated ongoing cost if Council endorses this motion is \$1,300 per annum for water. Existing maintenance levels have been assessed as appropriate with irrigation.

There are approximately 117 non-irrigated reserves with currently assessed public values of one, two or three. A spreadsheet is attached in Appendix 2.

ATTACHMENTS:

#	Attachment
1	Vinall Street Reserve Location
2	Irrigation Support tool for Public Value 27-04-2021



City of Marion Web Map Printout



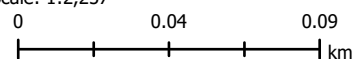
Disclaimer

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

About this Document

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

Created by svc.ArcGIS
15/04/2021 12:41 PM
Coordinate System:
WGS 1984 Web Mercator Auxiliary Sphere
Scale: 1:2,257



Reserve Name	Ward		Property Location	Count	Natural Amenity 1-3	Developed Amenity 1-3	Communit y Usage 1-3	Public value 1-5	Irrigated Turf Function 1-3	Functional system YES / NO	Total Score	Comments			IDST Desirable Irrigated Turf Area (m2)	Difference (IDST Desirable Vs Current)	Water Supply Bore - 1 ASR - 2 GAP - 3 Mains - 4			
		Reserve Type	Property Description											Landscape Area (m2)	Estimated Irrigated Area Pre 2007 (m2)		Current Irrigated area			
Alawaona Reserve 1	Warraparinga	Reserve Mains	LT 119 BRADLEY GR MITCHELL PARK LT 119	RES	1	1	1	1	1		5	Undeveloped reserve near old mitsubishi plant	9,000	5,000	5,000	-	-	4		
Alawaona Reserve 2	Warraparinga	Reserve Mains	86B ALAWOONA AVE MITCHELL PARK LT 10	DEVELOPEDRESERV	1	1	1	1	1		5	Undeveloped reserve near old mitsubishi plant	-	-	-	-	-	4		
Albatross walk 1	Coastal	Undeveloped Reserve	LT 276 PETREL CL HALLETT COVE LT 276	UNDEV RES	1	1	1	1	1		5	Coastal Reserve	-	-	-	-	-	4		
Albatross walk 2	Coastal	Undeveloped Reserve	LT 270 ALBATROSS WALK HALLETT COVE LTS 180 270 479 ETC	RES	1	1	1	1	1		5	Coastal Reserve	-	-	-	-	-	4		
Alia Dr Reserve	Southern Hills	Undeveloped Reserve	LT ISLAND ALIA DR SHEIDOW PARK	SUPPLY	1	1	1	1	1	No	5	Undeveloped drainage reserve	-	-	-	-	-	4		
Arthur St Reserve	Mullawirra	Streetscape	RESERVE ARTHUR ST PLYMPTON PARK	RES	1	1	1	1	1		5	Roundabout	-	-	-	-	-	4		
Bahloo Ave Traffic Island 1	Warraparinga	Streetscape	LT 88 BAHLOO AVE MITCHELL PARK LT 88 D54860 ROAD	SUPPLY BY MEAS	1	1	1	1	1		5	Traffic island	-	-	-	-	-	4		
Bahloo Ave Traffic Island 2	Warraparinga	Streetscape	RESERVE BAHLOO AVE MITCHELL PARK	SUPPLY BY MEAS	1	1	1	1	1		5	Traffic island	-	-	-	-	-	4		
Bandon Toe Reserve (Holder Parade)	Coastal	Reserve Mains	PT LT 82 HOLDER POE MARINO	RES	1	1	1	1	1	No	5	No reserve, Near Bandon Toe reserve	-	-	-	-	-	4		
Beeches Res	Coastal	Reserve Mains	LT 629 BEECHES RD HALLETT COVE LT 629	RES	1	1	1	1	1	Yes	5	Undeveloped reserve in residential area / poor	7,000	7,000	7,000	-	-	7,000	4	
Berrima Rd Median 1	Southern Hills	Streetscape	LT 541 BERRIMA RD SHEIDOW PARK LT 541 D 53348	RESERVE	1	1	1	1	1		5	streetscape	-	-	-	-	-	4		
Breakout Creek Reserve Central	Mullawirra	Reserve Mains	SEC 1501 CLIFF ST GLENGOWRIE	RESERVE	1	1	1	1	1	Yes	5	refer Breakout Creek Reserve	-	-	-	-	-	1,000	4	
Breakout Creek Reserve Sih	Mullawirra	Reserve Mains	SEC 1502 H105500 COPPIN ST GLENGOWRIE	RESERVE	1	2	1	1	1	Yes	6	refer Breakout Creek Reserve	-	-	-	-	-	2,000	4	
Bristol St Reserve	Warracowie	Reserve Mains	LT 12 BRISTOL ST DOVER GARDENS LT 12	RES	1	2	2	2	1	2	9	streetscape	-	1,000	-	-	-	4		
Burnley Grove Reserve	Warraparinga	Reserve Mains	RESERVE BURNLEY GR MITCHELL PARK	SUPPLY	1	1	1	1	1		5	Can't find, near Trowbridge / Taroendi	2,000	2,000	2,000	-	-	2,000	4	
Burnley Grove verge	Warraparinga	Streetscape	NATURE STRIP BURNLEY GR MITCHELL PARK	SUPPLY	1	1	1	1	1		5	Verge	-	-	-	-	-	4		
Byron Ave (see Cohen Res.)	Warraparinga	Reserve Mains	36 BYRON AVE CLOVELLY PARK LT 100 D55655	UNDEV RES	1	1	1	1	1		5	refer Cohen res	-	-	-	-	-	4		
Castle Place Median	Woodlands	Streetscape	RES CASTLE PL SOUTH PLYMPTON	RES	1	2	1	1	1		6	Traffic island	-	-	-	-	-	4		
Central Ave Reserve 2	Coastal	Reserve Mains	LT 172 CENTRAL AVE HALLETT COVE LT 172 D2387	RES	1	1	1	1	1		5		-	-	-	-	-	4		
Chestnut Ct Reserve	Warraparinga	Reserve Mains	7A CHESTNUT CT CLOVELLY PARK LT 31	RESERVE	1	1	2	3	1	2	No	9	p/ground removed 2017, poor amenity	2,500	-	1,000	-	-	1,000	4
Clacton Rd Traffic Island	Warracowie	Streetscape	LT 20 CLACTON RD DOVER GARDENS LT 20	RES	1	1	1	1	1		5	Traffic island	-	-	-	-	-	4		
Cliffport Reserve 1	Coastal	Reserve Mains	PT LT 8 KURNABINNA TCE HALLETT COVE	SUPPLY	1	2	1	1	1		6	see cliffport reserve	-	-	-	-	-	4		
Crow at median	Warracowie	Streetscape	ROAD RESERVE CROW ST OAKLANDS PARK	SUPPLY	1	1	1	1	1		6	see cliffport reserve	-	-	-	-	-	4		
Davenport Toe Median 1	Southern Hills	Streetscape	RD PLANTATION DAVENPORT TCE SEAVIEW DOWNS	PLANTIN	1	1	1	1	1		5	median strips	-	2,000	-	-	-	4		
Davenport Toe Median 2	Southern Hills	Streetscape	MEDIAN STRIP DAVENPORT TCE SEAVIEW DOWNS	SUPPLY BY MEAS	1	1	1	1	1		5	median strips	-	-	-	-	-	4		
Diagonal Rd (opp Council Office)	Warracowie	Reserve Mains	9 DIAGONAL RD SEACOMBE GARDENS SEC 1565	RESERVE	1	1	2	1	1		6	Cnr of Diagonal Sturt opp council offices	1,000	-	-	-	-	4		
Diagonal Rd Verge	Warracowie	Streetscape	LT 3 DIAGONAL RD OAKLANDS PARK LT 3 D66400	RESERVE	1	1	3	1	1		7	Verge	-	-	-	-	-	4		
Doulton Dr	Southern Hills	Undeveloped Reserve	137 LANDER RD TROTT PARK LT 108	RES	1	2	1	1	1		6	Undeveloped adj to expressway linear park	-	-	-	-	-	4		
Breakout Creek Reserve??	Southern Hills	Undeveloped Reserve	LT 21 ELIZABETH CRES HALLETT COVE LT 512 D79836	RESERVE	1	1	1	1	1		5	Undeveloped reserve	-	-	-	-	-	4		
Elura Ave	Southern Hills	Undeveloped Reserve	8A ELURA AVE SHEIDOW PARK RESERVE B	RES	1	2	1	1	1		6	Undeveloped low amenity in residential area	-	-	-	-	-	4		
Esplanade Marino	Coastal	Streetscape	SUPPLY OPPOSITE LT 8 SHAFTESBURY TCE MARINO	SUPPLY BY MEAS	1	3	1	1	1		7	Coastal Reserve	-	-	-	-	-	4		
Eyre / Fowler St	Southern Hills	Streetscape	STREET RESERVE FOWLER ST SEAVIEW DOWNS	SUPPLY	1	1	1	1	1	Yes	5	Streetscape	-	-	-	-	-	1,000	4	
Fairhill Street	Coastal	Reserve Mains	36 NALIMBA ST HALLETT COVE LT 621	RES	1	1	2	2	1	2	8	No p/ground only basketball pad. Low amenity	2,600	1,000	1,000	-	-	1,000	4	
Freebairn Drive	Coastal	Undeveloped Reserve	477 RESERVE FREEBAIRN DR HALLETT COVE	SUPPLY	1	1	1	1	1		5	Opp cnr of Freebairn and Sigma rd adjacent	-	-	-	-	-	4		
Grace Rd	Southern Hills	Reserve Mains	French Cres Trott Park	RES	1	1	2	1	1		6	Local park with pergola no p/ground, low amenity	3,000	-	1,000	-	-	1,000	4	
Greenways Park	Woodlands	Reserve Mains	LT 41 GRACE RD DARLINGTON LT 41	DEVELOPEDRESERV	1	2	1	1	1		6	Local park with pergola no p/ground, low amenity	5,100	5,000	-	-	-	-	4	
Gretel Cercant	Coastal	Reserve Mains	789A MARION RD ASCOT PARK SEC 689 LT 41	RES	1	1	3	2	1	2	Yes	9	Next to railway line cnr Marion & Oaklands	1,400	-	1,000	-	-	4	
Gully Reserve South	Southern Hills	Reserve Mains	LT 514 GRETEL CRES HALLETT COVE LTS 514 515 516	RES	1	1	2	1	1		6	Old p/ground not listed on play space strateg	20,000	-	-	-	-	-	4	
Hallett Close Reserve	Southern Hills	Reserve Mains	LT 214 DAVENPORT TCE SEACLIFF PARK LT 214	RES	1	3	3	3	1	3	Yes	13	New playground 2018	21,300	5,000	10,000	5,000	-	5,000	4
Hayden Drive	Southern Hills	Reserve Mains	Hessing & Lintner O TROTT PARK MAP165 B13	RES	1	1	1	1	1		No	5	developer reserve with pergola and gardens beds. Low amenity	-	-	-	-	-	4	
Holfast Close reserve / Berrima Rd Medians	Southern Hills	Reserve Mains	131 HEYSEN DR SHEIDOW PARK LT 612	RES	1	1	1	1	1		5	Walkway	-	-	-	-	-	4		
Inverell Avenue	Warraparinga	Streetscape	LT 500 BERRIMA RD SHEIDOW PARK LT 500	RES	1	1	1	1	1	Yes	5	developer reserve with pergola and gardens	8,000	10,000	5,000	-	-	5,000	4	
Islington Drive Verge	Southern Hills	Streetscape	RESERVE INVERELL AVE STURT	RES	1	2	1	1	1		6	traffic island	-	-	-	-	-	4		
Jervois Terrace	Southern Hills	Streetscape	19-31 ISLINGTON DR SHEIDOW PARK LT 400 D72140	RESERVE	1	1	3	1	1		7	Verge	-	-	-	-	-	4		
Kappeler Court Verge	Coastal	Undeveloped Reserve	LT 100 JERVOIS TCE MARINO LT 100 D53225	RESERVE	1	2	1	1	1		6	Adjoins undeveloped reserve	-	-	-	-	-	4		
Kippel Avenue	Mullawirra	Streetscape	LT 22 KAPPLER CT GLENGOWRIE	RES	1	1	1	1	1		5	No reserve, mostly verges	-	-	-	-	-	4		
Laffer Drive Verge	Southern Hills	Reserve Mains	LT 863 KLIPPEL AVE TROTT PARK LT 863	RES	1	1	2	2	1	3	9	Undeveloped with no p/ground	7,500	1,000	2,000	-	-	2,000	4	
Louise Avenue - SOLD	Warracowie	Reserve Mains	PT RES LAFFER DR BEDFORD PARK	SUPPLY	1	1	1	1	1		5	verges along Laffer drive	3,000	3,000	-	-	-	4		
Lucretia Way	Coastal	Undeveloped Reserve	LT 31 LOUISE AVE WARRADALE LT 31	RES	1	1	3	3	1		9	Small recently developed reserve.Playground	1,200	-	1,200	-	-	1,200	4	
Marino Coastal Res 1	Coastal	Reserve Mains	LTS 112 114 156 ETC THE COVE RD HALLETT COVE	RES	1	1	1	1	1		5	Low amenity undeveloped reserve	-	-	-	-	-	4		
Marion Shopping Centre Verge ???	Warracowie	Reserve Mains	71 THE COVE RD MARINO LT 33	RES	1	3	1	1	1		7	Coastal Reserve	-	-	-	-	-	4		
Maxwell Terrace	Mullawirra	Streetscape	287 DIAGONAL RD OAKLANDS PARK LT 3 D59367	CULTURAL CENTRE	1	1	3	1	1		5	see breakout creek	-	-	-	-	-	4		
McFarlane Ave Traffic island 1	Warraparinga	Streetscape	GARDEN VERGE MAXWELL TCE GLENGOWRIE	SUPPLY	1	1	1	1	1		5	Traffic island	-	-	-	-	-	4		
McFarlane Ave Traffic island 1	Warraparinga	Streetscape	RESERVE MCFARLANE AVE MITCHELL PARK	SUPPLY BY MEAS	1	1	1	1	1		5	Traffic island	-	-	-	-	-	4		
Miners Court	Southern Hills	Reserve Mains	LT 86 MCFARLANE AVE MITCHELL PARK LT 86 D54860 ROAD	SUPPLY BY MEAS	1	1	1	1	1		5	Traffic island	-	-	-	-	-	4		
Mitchell Park Verge	Southern Hills	Streetscape	29-31 SOUTHBANK BLVD SHEIDOW PARK LT 936 D61464	RESERVE	1	1	1	1	1		5	Low amenity undeveloped reserve	3,400	3,000	-	-	-	4		
Montague Reserve	Southern Hills	Streetscape	RESERVE BRADLEY GR MITCHELL PARK	SUPPLY BY MEAS	1	1	1	1	1		5	refer Mitchell Park Reserve	-	-	-	-	-	4		
No Botto Reserve	Mullawirra	Reserve Mains	LT 814 MONTAGUE DR SHEIDOW PARK LT 814	RES	1	1	1	1	1		5	Low amenity undeveloped reserve. Has irriga	-	-	-	-	-	4		
Newland Ave Reserve	Coastal	Reserve Mains	LTS 51 52 D52845 CLAINES AVE MORPHETTVILLE	RES	1	1	1	1	1		5	Undeveloped adjacent sturt creek low amenity	4,000	2,400	-	-	-	4		
Nicholas Road	Warraparinga	Reserve Mains	RESERVE NEWLAND AVE MARINO	SUPPLY	1	1	1	1	1		5	walkway to train station gated beds in poor	12,500	1,000	-	-	-	4		
Oceans Reserve 1	Coastal	Reserve Mains	LT 902 CLUBHOUSE RD SEACLIFF PARK LTS 902 904-905	RESERVE	1	1	1	1	1		5	Low amenity undeveloped reserve next to tra	3,300	3,300	-	-	-	4		
Oceans Reserve 2	Coastal	Reserve Mains	LT 903 CLUBHOUSE RD SEACLIFF PARK	RESERVE	1	1	1	1	1		5	streetscape Cnr Clubhouse dr & Mariner ave	3,100	3,000	-	-	-	4		
Paradise Reserve (Old Driver Training Centre)	Warracowie	Undeveloped Reserve	28 CLUBHOUSE RD SEACLIFF PARK	LAND	1	1	1	1	1		5	streetscape Cnr Clubhouse dr & Mariner ave	-	-	-	-	-	4		
Parkmore Ave Verge	Warraparinga	Streetscape	THE PARADE OAKLANDS PARK LT 2 D55941	DRIVING CENTRE	1	1	1	1	1		5	Old driver training centre	-	-	-	-	-	4		
Parsons Street Traffic Island	Warracowie	Streetscape	CRN PARKMORE STURT CI BOX	RES	1	1	1	1	1		5	Verge / streetscape ????	-	-	-	-	-	4		
Patpa Dr Reserve	Southern Hills	Undeveloped Reserve	PT LT 119 PARSONS ST OAKLANDS PARK	RES	1	1	1	1	1		5	refer Kenton reserve	-	-	-	-	-	4		
Perry Barr Farm	Coastal	Building	50 PATPA DR SHEIDOW PARK PCE 2 F148236	DIS	1	1	1	1	1		5	Undeveloped	-	-	-	-	-	4		
Phyllis Court 1	Southern Hills	Reserve Mains	36 QUAILO AVE HALLETT COVE LT 125	HALL/RESERVE	1	1	1	1	1		5	Undeveloped with buildings need to check u	-	-	-	-	-	4		
Phyllis Court 2	Southern Hills	Reserve Mains	METER LEMON RD TROTT PARK LT 1016	SUPPLY BY MEAS	1	1	1	1	1		5	Undeveloped	-	-	-	-	-	4		
Pryor Loop	Southern Hills	Streetscape	LT 635 PHYLIS CT TROTT PARK LT 635	RES	1	1	1	1	1		5	Undeveloped with gardens beds developer re	3,000	3,000	-	-	-	4		
Radstock Avenue	Mullawirra	Streetscape	LT 588 PRYOR LOOP SHEIDOW PARK LT 588	RES	1	1	1	1	1		5	Traffic island	-	-	-	-	-	4		
Raglan Avenue	Woodlands	Reserve Mains	GARDEN RESERVE RADSTOCK ST MORPHETTVILLE	RES	1	1	1	1	1		5	Traffic island	-	-	-	-	-	4		
Ramrod Reserve	Coastal	Undeveloped Reserve	89 RAGLAN AVE EDWARDSTOWN LT 30	RES	1	1	1	1	1		5	refer Edwardstown Oval	-	-	-	-	-	4		
Robertson Place Reserve	Coastal	Undeveloped Reserve	33 RAMROD AVE HALLETT COVE LT 146	RESERVE	1	1	1	1	1		5	Median cnr ramrod and Lonsdale rd	-	-	-	-	-	4		
Shakes Crescent	Coastal	Streetscape	LT 100 SHAFTESBURY TCE MARINO LT 100	RES	1	1	1	1	1		5	poor amenity	3,200	3,000	-	-	-	4		
South Rd Hallett Bridge	Southern Hills	Undeveloped Reserve	SUPPLY FOR RES SHAKES CRES HALLETT COVE	SUPPLY	1	1	1	1	1		5	medium walkway with garden beds.	2,200	2,200	-	-	-	4		
Stanton St	Woodlands	Streetscape	LT 84 MORPHETT RD O'HALLORAN HILL LT 84	RES	1	1	1	1	1		4	refer O'Halloran Hill Rec Park	-	-	-	-	-	4		
Stradbroke Avenue Verge 1	Mullawirra	Streetscape	RESERVE STANTON ST EDWARDSTOWN	SUPPLY BY MEAS	1	1	1	1	1		5	Traffic island	-	-	-	-	-	4		
Stradbroke Avenue Verge 2	Mullawirra	Streetscape	34 STRADBROKE AVE PLYMPTON PARK RESERVE	RES	1	1	1	1	1		5	Traffic island	-	-	-	-	-	4		
Sturt Rd Median	Warraparinga	Streetscape	RESERVE STRADBROKE RD PLYMPTON PARK	SUPPLY BY MEAS	1	1	1	1	1		5	traffic island	-	-	-	-	-	4		
Sturt Road Verge	Warraparinga	Streetscape	RES STURT RD MITCHELL PARK	STREETSCAPE / MEDIAN ?????	1	1	1	1	1		5	Streetscape / median ?????	-	500	-	-	-	4		
Tait Avenue																				

Maesbury Circuit Verge	Warriparinga	Reserve Mains	LT 51 MAESBURY CCT STURT LT 51 D59290	RESERVE	1	1	1	1	4	1	Yes	8	No reserve maybe part of development	-		1,000	1,000	-	4	
Market St Entry Satement	Warriparinga	Streetscape	CNR NIXON & MARKET ST MARION		1	1	3	1	4	1		10	Streetscape entry statement	850	3,000		500	500	4	
Nimboya Road Reserve	Coastal	Reserve Mains	2-6 NIMBOYA RD MARINO LTS 2 3	UNDEVELOPED RES	1	1	3	3	4	3	Yes	14	Newly developed playground	6,500	3,000	2,000	3,000	1,000	4	
Oakleigh Rd reserve	Warriparinga	Reserve Mains	LT 172 OAKLEIGH RD MARION LT 172	RES	1	2	2	2	4	3	Yes	13	Undeveloped reserve low amenity.	4,800	4,800		2,500	-	2	
Oliphant Ave Reserve	Warriparinga	Undeveloped Reserve	53 OLIPHANT AVE MARION PCE 1	RES	1	3	2	2	4	2	Yes	13	Dryland adjoins sturt linear park. Historic villa	10,000			3,000	3,000	2	
Parsons Gr Reserve 1	Mullawirra	Reserve Mains	2 SUTHERLAND ST PARK HOLME PT LT 164	L	1	2	2	2	4	3	Yes	13	Undeveloped with p/ground near to swim cent	2,700	2,000	2,000	2,000	-	2	
Peppertree Grove Reserve	Warracowie	Reserve Mains	LT 36 JACARANDA GR OAKLANDS PARK LT 36	RES	1	1	2	2	4	2	Yes	11	Developer reserve irrigated due to communit	3,100	3,000	3,000	3,000	-	4	
Reserve St Reserve	Southern Hills	Reserve Mains	LT 861 ADAMS RD TROTT PARK LT 861	RESERVE	1	2	3	2	4	3	Yes	14	refer Reserve St Reserve 3	39,000	10,000	5,000	5,000	-	4	
Roy Lander - Seaview Downs Reserve	Southern Hills	Reserve Mains	LT 502 EYRE ST SEAVIEW DOWNS LTS 269 502	RES PLAYGROUND	1	3	2	2	4	3	Yes	14	Large reserve with new developed p/ground	47,000	3,000	5,000	5,000	-	4	
Sixth Ave Reserve	Woodlands	Reserve Mains	51 SIXTH AVE ASCOT PARK LT 227	HALL I/G IR HUT	1	1	3	3	4	3	yes	14	next to community centre new playground hi	1,500	1,000	1,500	1,500	-	4	
Southbank Reserve	Southern Hills	Reserve Mains	LT 901 SOUTHBANK BLVD SHEIDOW PARK LT 901	RESERVE	1	1	3	3	4	3	Yes	14	Hihg amenity developer reserve.	11,000	11,000	5,000	5,000	-	4	
Trowbridge Ave	Warriparinga	Reserve Mains	LT 83 BURMLEY GR MITCHELL PARK	RES	1	1	3	3	4	3	Yes	14	High Amenity local Park	11,700	6,000	2,000	2,000	-	2	
Yapinga Street	Woodlands	Reserve Mains	LT 217 YAPINGA ST SOUTH PLYMPTON LT 217	RES	1	1	3	3	4	3	Yes	14	Newly developed high amenity.	1,200	1,000	1,000	1,000	-	4	
Capella Reserve 1	Coastal	Reserve Mains	LTS 498 802 803 806 OPALA CT HALLETT COVE	RES	1	1	3	3	5	3	Yes	15	sports ground	39,000	16,000	16,000	16,000	-	4	
Cormorant Reserve 2	Coastal	Reserve Mains	LT 266 CORMORANT DR HALLETT COVE LT 266	RES	1	3	3	3	5	3	Yes	17	new p/ground, high amenity, Field River Natu	21,700	3,000	2,000	1,200	-	800	4
Edwardstown Bowling Club	Woodlands	Bowling Club	93 RAGLAN AVE SOUTH PLYMPTON PT LT 1	BOWLG GRN	1	1	3	3	5	3	Yes	15	Bowling Club	4,200	4,200	4,200	4,200	-	4	
Edwardstown Memorial Oval	Woodlands	Reserve Bore	PT LT 1 EAST TCE SOUTH PLYMPTON	CLUBROOM/HALL	1	1	3	3	5	3	Yes	15	Sports ground Includes war memorial	19,000	19,000	19,000	19,000	-	1	
Glandore Community Centre & Child Care	Woodlands	Reserve Mains	25 NALDERA ST GLANDORE SEC 823	COMMUNITY CENTRE	1	1	3	3	5	3	Yes	15	Community Centre	11,000	11,000	11,000	11,000	-	4	
Hallett Cove Oval (1.6) / Soccer (1.0)	Southern Hills	Reserve Mains	LTS 4 174 176 498ETC OVAL RD HALLETT COVE	RES REC CENTRE	1	1	3	3	5	3	Yes	15	Sports ground	30,000	30,000	30,000	30,000	-	4	
Harbrow Grove Reserve	Warracowie	Reserve Mains	LT 11 HARBROW GR SEACOMBE GARDENS LT 11	RES	1	1	3	3	5	3	Yes	15	newly developed park, high amenity.	7,000	4,000	5,000	5,000	-	4	
Hazelmere Reserve	Mullawirra	Reserve Bore	1-9 SOUTHERN AVE GLENGOWRIE LT 114	TENNIS COURT	1	1	3	3	5	3	Yes	15	sports ground, p/ground recently redeveloped	16,600	15,400	15,400	15,400	-	1	
Heron Way Reserve	Coastal	Reserve Mains	1A HERON WAY HALLETT COVE PT LT 224	RES	1	3	3	3	5	3	Yes	17	High amenity coastal reserve, Should be Pre	17,800	17,800	17,800	17,800	-	4	
Jervois Street Reserve					1	2	3	3	5	3	yes	16	New playground 2016	2,000		1,000	1,000			
Kellett Oval	Mullawirra	Reserve Mains	PT SEC 141 RES MCKELLAR TCE MORPHETTVILLE	COMMON SUPPLY	1	1	3	3	5	3	Yes	15	Sports Ground	16,000	13,300	13,300	13,300	-	4	
Marion Bowling Club	Warriparinga	Bowling Club	262A STURT RD MARION LTS 1 7 PT LTS 2 100	COMMON SUPPLY	1	1	3	3	5	3	Yes	15	Sports ground Ovals - 47,800, bowls - 8,500.	7,500	7,500	7,500	7,500	-	2	
Marion Swim Centre Inside fence	Mullawirra	Reserve Bore	120 HENDRIE ST PARK HOLME PT LT 120		1	1	3	3	5	3	Yes	15	swim centre need to investigate water supply	12,000	12,000	12,000	12,000	-	1	
Marion Swim Centre Mains 1	Mullawirra	Swim Centre	120 HENDRIE ST PARK HOLME PT LT 120	COMMON SUPPLY	1	1	3	3	5	3	Yes	15	swim centre need to investigate water supply	-				-	4	
Marion Swim Centre Mains 2	Mullawirra	Swim Centre	120A HENDRIE ST PARK HOLME PT LT 120	COMMON SUPPLY	1	1	3	3	5	3	Yes	15	Why such high mains water usage. Is it filling	-				-	4	
Mitchell Park Oval / Reserve	Warriparinga	Reserve Mains	139-159 BRADLEY GR MITCHELL PARK LT 103	RES CLUB RM	1	2	3	3	5	3	Yes	16	Mitchell Park Oval	57,700	45,700	29,000	45,700	16,700	2	
Oakland Estate	Warracowie	Reserve Bore	228-230 OAKLANDS RD MORPHETTVILLE LTS 102 103	RECN CENTRE	1	3	3	3	5	3	Yes	17	High amenity / Why high mains water usage?	59,800	27,000	10,000	27,000	17,000	2	
Oakland Wetland	Warracowie	Undeveloped Reserve			1	2	3	3	5	2	Yes	15		65,000		2,000	8,000	-	2	
Rajah St Reserve	Warracowie	Reserve Mains	LT 145 RAJAH ST OAKLANDS PARK LT 145	RES	1	1	2	2	5	3	Yes	13	high amenity with p/ground and tennis crts in	4,600	1,500	2,000	2,000	-	2	
Balconies (Peregrine Res)	Southern Hills	Reserve Mains	22-28 JAMES ST DARLINGTON LT 200 D66342	RESERVE	1	3	3	2	4	2	Yes	14	Developer reserve with shades seating and g	18,500	10,000	5,000	-	5,000	4	

Flu Vaccine for Elected Members

Elected Member Councillor Matthew Shilling

Report Reference: GC210511M03

Confidential Report ☐

Motion:

That Council:

- 1. Amend the Councillor Allowance and Benefit Policy to include an annual Flu Vaccination for Elected Members. It will not be compulsory for members to take up the benefit.**

Supporting Information:

Flu Vaccinations are an important part of preventing the spread of the Flu throughout workplaces and our community. Council is a workplace for us. This is currently offered to staff as a part of their EB. In 2020 it was extended to Councillors and several took up the offer.

Response Received From: Unit Manager Risk - Sherie Walczak

Corporate Manager Manager Corporate Governance - Kate McKenzie

General Manager General Manager City Services - Tony Lines

Staff Comments:

The Council Members' Allowances and Benefits Policy clarifies those expenses, incurred by Council Members, which must be or can be reimbursed and ensures compliance with the provisions of *the Local Government Act 1999 (the Act)* and the *Local Government (Members Allowances and Benefits) Regulations 2010*. Section 78 of the Act provides that Council can provide facilities and forms of support for use by its Council Members to assist them to perform or discharge their official functions and duties.

The City of Marion is committed to providing a safe and healthy workplace for employees and others who visit Council premises. With the community and safety at the forefront of everything we do, Council aims to minimise the risk to employees who may be exposed to infectious agents during the course of their work, this commitment currently includes the offering of influenza vaccination to employees through an annual onsite influenza vaccination clinic. Employees who are unable to attend the onsite influenza vaccination clinic are able to obtain an influenza vaccination through an external provider and are eligible for a reimbursement, through provision of a tax receipt, up to the cost of an individual vaccination at the onsite influenza vaccination clinic, currently \$18.00.

To further the commitment of providing a safe and healthy workplace, and to assist Council Members to perform their official functions and duties, access to influenza vaccinations to Elected Member through its inclusion in the Council Member Allowances and Benefits Policy, is supported in line with the current arrangement for employees ie at the annual onsite influenza vaccination clinic (note that this has already been provided in 2021) or through an external provider with a reimbursement available up to the cost of an individual vaccination at the onsite influenza vaccination clinic, currently \$18.00.

If this is Council's preference, it is recommended the following alternate recommendation could be considered:

- 1. That Council amends the Council Members' Allowances and Benefits Policy to include the following additional point:**

2.8.15 Council Members will be offered the influenza vaccination through an annual onsite influenza vaccination clinic. Council Members who are unable to attend the onsite influenza



vaccination clinic are able to obtain an influenza vaccination through an external provider and are eligible for a reimbursement, through provision of a tax receipt, up to the cost of an individual vaccination at the onsite influenza vaccination clinic, currently \$18.00.

QUESTIONS WITH NOTICE

Waste from City of Marion skips and bins

Elected Member Councillor Bruce Hull

Report Reference: GC210511Q01

Confidential Report ☐

Question:

What tonnage of putrescible and recyclables are being incinerated from Marion Council skips and bins that are under the care and control of the City of Marion, be it in house or contracted?

Supporting Information:

Nil.

Response Received From:

Senior Procurement Specialist - Colin Heath

Staff Comments:

We do not know the exact tonnages of putrescible and recyclables waste collected from the City of Marion that are being incinerated.

Our best estimate is approximately 15 T per annum of the 20-23 T per annum of comingled recyclables we estimate are collected from bulk bin arrangements used by Council could have been incinerated. This volumes represents 0.18% of the approximate 8000T of kerbside recyclables collected annually.

Key points to note regarding this statement include:

- Co-mingled recycling collected from the bulk bin arrangements are not weighed when collected, and therefore an estimated weight per collection has been used to estimate the 20-23T per annum
- Council's tonnages are added to Cleanaway's trucks collecting similar waste from other customers. We subsequently do not monitor:
 - What periods of time SUEZ ResourceCo's plant is accepting loads, or
 - if accepted by SUEZ ResourceCo, what tonnages of waste accepted by SUEZ ResourceCo are recovered (eg metals, wood) before the residual tonnages are converted into PEF and essentially incinerated "
- Cleanaway have estimated SUEZ ResourceCo have accepted loads during 8-9 months of the last 12 months (approximately 75% of the time period).

Previous information provided (refer GC210323Q01):

The City of Marion currently has a bulk bin service provided by Cleanaway. Bin sizes range from 660 litres to 3000 litres (compared to the standard 140/240 litre kerbside recycling bin sizes) and collect various waste streams (general waste, co-mingled recycling, and cardboard recycling).

The City of Marion currently has 10 co-mingled recycling bulk bins collecting recycling product from the Tonsley residential precinct (6 bins) and Council operated buildings (4 bins).

Cleanaway have advised:

1. the City of Marion's bulk bin co-mingled recycling is disposed as "dry waste" at SUEZ Resource-Co. The dry waste process is summarised below:
 - SUEZ-Resource-Co sorts materials for higher use (eg. Metals, cardboard etc) and the remaining is converted into Processed Engineered Fuel (PEF)

- Processed Engineered Fuel (PEF) is used as an alternate to fossil fuels at Adelaide Brighton Cement (ABC) and burnt
2. SUEZ-ResourceCo's capability to receive the material is quite unstable based on the operational requirements of ABC and from time to time, SUEZ-ResourceCo are unable to receive the material. This can change daily and where Cleanaway is unable to dispose of the material at SUEZ-ResourceCo, the material is disposed at the Cleanaway Wingfield Transfer Station for processing, with residual material going to landfill. Unfortunately at this time Cleanaway is unable to dispose of bulk co-mingled Recycling at a dedicated MRF (ie. Visy) as they only process loads which are only from residential sources.

We estimate 20-23 tonnes of co-mingled recycling material is collected annually through these bins (based on estimated weights per collection), and processed as either PEF or sent to landfill in accordance with Cleanaway's advice above.

Cardboard Recycling is treated as a separate stream and disposed at OPAL (Previously Orora) for recycling.

General Waste is disposed at a landfill site.

Local Government Data Breach Notification

Elected Member Councillor Tim Gard

Report Reference: GC210511Q02

Confidential Report ☐

Question:

Could management :

1. report on the outcome of the Data Breach Notification item that was submitted last year for the GAROC agenda?
2. Itemise in brief the steps taken in data breach notification processes by State Government and SA Local Government respectively, and in the process highlight the involvement in certain instances of third parties that are arms length from the notifying party?

Supporting Information:

Nil.

Response Received From:

Governance Officer - Angela Porter

Staff Comments:

At the Special General Council meeting held on 29 July 2020 (SGC200729R06), Council resolved to submit the following Notice of Motion to the Local Government Association for consideration at the 2020 Local Government Association Annual General Meeting, held on 29 October 2020:

2.2. That the Annual General Meeting requests that the LGA moves to seek greater intervention and control by higher authorities in respect to local government data breach notification procedures, to avoid inconsistent and/or inappropriate interpretations of proper procedure, especially when a large number of affected persons is involved and/or the detection of such breaches is a substantial period of time after the fact.

The item was referred to the GAROC meeting of 7 September 2020, where it was resolved to defer the item to allow for consultation and further investigation, with a further report back to the Board of Directors within 6 months:

- 1. defers consideration of the Local Government Data Breach Notification Procedures item of business submitted by the City of Marion to allow the LGA to consult with councils and undertake further investigation of associated issues;*
- 2. recommends to the LGA Board of Directors that the LGA undertake a project to investigate current issues, consult with councils and review regulatory options relating to privacy principles and data breach notifications and report back to the Board of Directors within 6 months on the outcomes of this project and future directions; and*
- 3. advises the City of Marion of this decision*

At the LGA Board of Directors Meeting held on 22 April 2021, the following was resolved:

That the LGA Board of Directors:

1. notes the feedback received from councils that advocating for regulatory reform to data breach notification procedures in local government is not a priority for the sector at this time;
2. agrees to take no further action; and
3. requests the LGA President write to the City of Marion to inform them of this decision.

There is no specific South Australian legislation governing the protection of personal information. South Australia has no state-based equivalent legislation that requires councils to notify affected individuals of a data breach. For State Government agencies the Information Privacy Principles contained in Premier and Cabinet Circular 12 govern the collection, storage, use and disclosure of personal information collected by agencies. The SA Privacy Committee provides a yearly report on their activities, available at <https://archives.sa.gov.au/general-information/privacy-committee/privacy-committee-publications>.

The Notifiable Data Breach (NDB) Scheme is established by the *Commonwealth Privacy Act 1988* (Privacy Act) and requires any organisation or agency covered by the Privacy Act to notify affected individuals and the Office of Australian Information Commissioner when a data breach is likely to result in serious harm to an individual whose personal information is involved. As well as establishing the NDB Scheme, the Privacy Act prescribes Australian Privacy Principles and regulates consumer credit systems, health and medical research, and tax file number information.

Councils are not subject to the Australian Privacy Principles in the Privacy Act, but they are peripherally captured by the Privacy Act as employers in receipt of tax file numbers. The NDB Scheme therefore only extends to councils in relation to a data breach involving the access, disclosure, or loss of tax file number information, and not to other personal information held by councils. The NDB Scheme only requires councils to report a data breach involving tax file number information if it meets a certain threshold (eligible data breach).

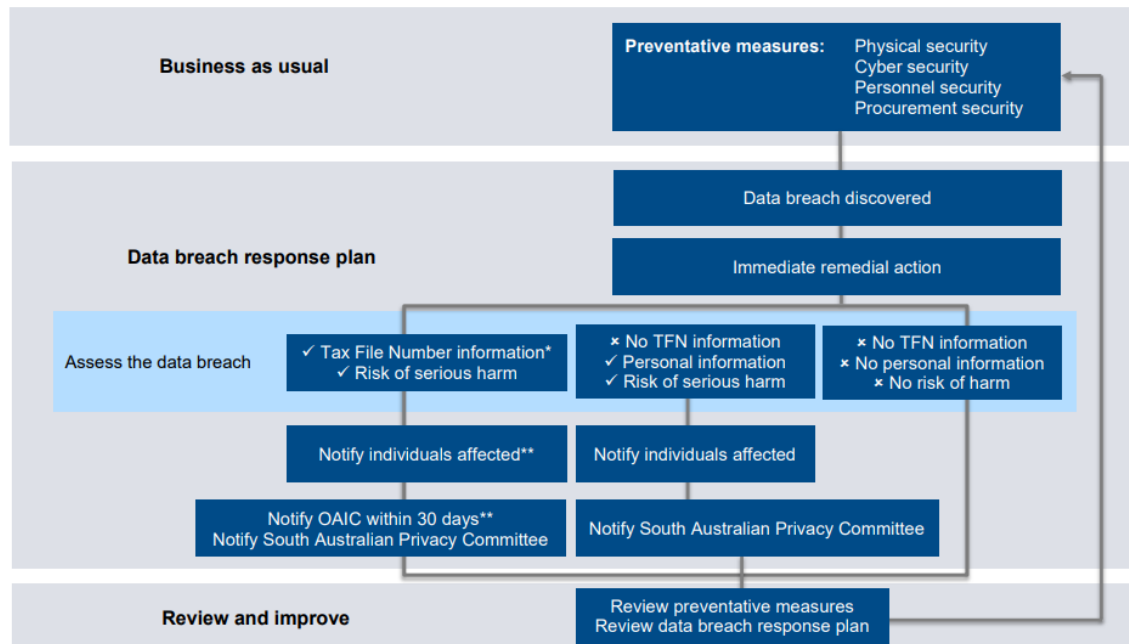
An eligible data breach occurs when the following criteria are met:

- There is unauthorised access to or disclosure of tax file number information held by the council;
- A reasonable person would conclude that this is likely to result in serious harm to any of the individuals to whom the information relates; and
- The council has been unable to prevent the likely risk of serious harm with remedial action.

Below is an extract from the [Government of South Australia - Personal Information Data Breaches Guideline](#).

OFFICIAL

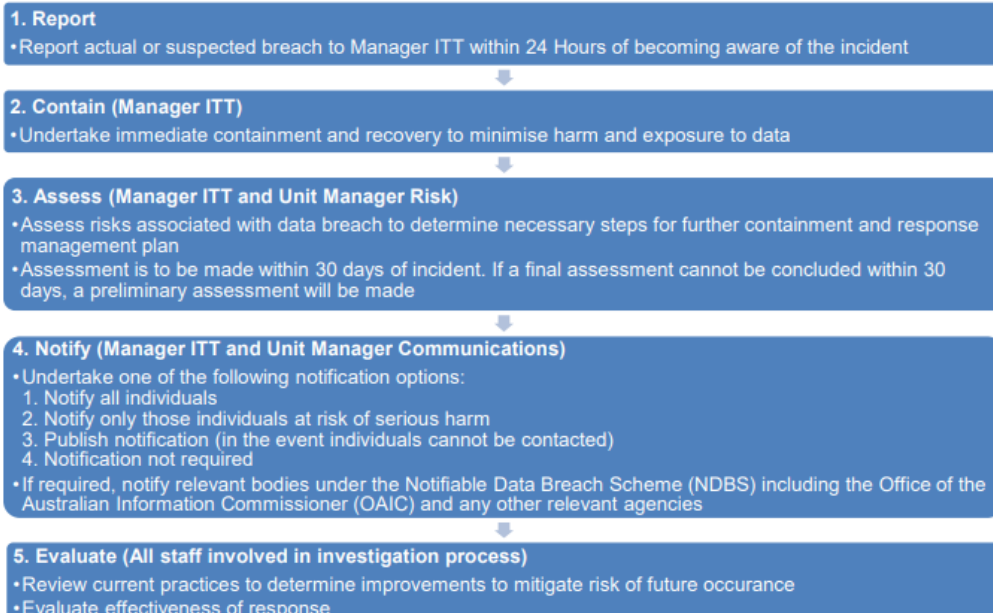
Attachment 1: Data breach notification process



* Tax File Number information is information that connects a Tax File Number with the identity of an individual.

** The *Privacy Amendment (Notifiable Data Breaches) Act, 2017* requires that that notifications to individuals affected and the notification to the Office of the Australian Information Commissioner (OAIC) both contain specific information. See www.oaic.gov.au for more information.

The [City of Marion Privacy Policy](#) states that any potential eligible data breach will be investigated, assessed and managed in accordance with the Procedure for Investigating and Reporting a Privacy Breach. An extract of the procedure is below.



Both procedures include a step to notify The Office of the Australian Information Commissioner (OAIC) and other relevant agencies if required.



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.