

His Worship the Mayor
Councillors
City of Marion

Notice of General Council Meeting

Virtual Meeting Room - Zoom

Tuesday, 27 July 2021 at 6.30 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. Due to COVID-19, interested members of the community are welcome to attend by electronic means. Access to the meeting is via the link published on the City of Marion website (<https://www.marion.sa.gov.au/about-council/council-meetings/council-meeting-live-stream>) on the day of the meeting.



Tony Harrison
Chief Executive Officer

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1 Open Meeting

2 Kurna Acknowledgement

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

3 Disclosure

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

4 Elected Member Declaration of Interest (if any)

5 Confirmation of Minutes

5.1 Confirmation of Minutes of the General Council Meeting held on 22 June 2021 and Special General Council Meeting held on 13 July 2021

Report Reference	GC210727R5.1
Originating Officer	Governance Officer – Angela Porter
Corporate Manager	Manager Office of the CEO – Kate McKenzie
General Manager	Chief Executive Officer – Tony Harrison

RECOMMENDATION

That the minutes of the General Council Meeting held on 22 June 2021 and Special General Council Meeting held on 13 July 2021 be taken as read and confirmed.

ATTACHMENTS

1. GC210622 - Final Minutes [**5.1.1** - 20 pages]
2. SGC210713 - Final Minutes [**5.1.2** - 9 pages]



MINUTES OF THE GC210622 - GENERAL COUNCIL MEETING - 22 June 2021

Tuesday, 22 June 2021 at 06:30 PM

Council Administration Centre, 245 Sturt Road, Sturt



Minutes of the General Council Meeting held on 22 June 2021

PRESENT

His Worship the Mayor Kris Hanna

Councillor Ian Crossland
Councillor Maggie Duncan
Councillor Luke Hutchinson (from 6.34pm)
Councillor Bruce Hull
Councillor Kendra Clancy
Councillor Sasha Mason

Councillor Tim Gard
Councillor Raelene Telfer
Councillor Nathan Prior
Councillor Jason Veliskou (from 6.32pm)
Councillor Joseph Masika

In Attendance

Chief Executive Officer – Tony Harrison
General Manager City Development – Ilia Houridis
General Manager Corporate Services – Sorana Dinmore
Manager Corporate Governance – Kate McKenzie
Governance Administration Officer – Angela Porter

OPEN MEETING

The Mayor opened the meeting at 06:30 PM

KAURNA ACKNOWLEDGEMENT

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

DISCLOSURE

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

ELECTED MEMBER'S DECLARATION OF INTEREST (if any)

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

- Councillor Clancy declared a perceived conflict of interest in the item *Community Grants Report – Round 2 2020/21 (GC210622R13)*.
- Councillor Prior declared a perceived conflict of interest in the item *Unsolicited Proposal (GC210622F07)*.

CONFIRMATION OF MINUTES

Confirmation of the minutes for the General Council Meeting held on 8 June 2021

Report Reference: GC210622R01

Moved Councillor – Raelene Telfer

Seconded Councillor – Joseph Masika

That the minutes of the General Council Meeting held on 8 June 2021 be taken as read and confirmed.

Carried Unanimously

ELECTED MEMBER VERBAL COMMUNICATIONS

Minutes of the General Council Meeting held on 22 June 2021

In accordance with the *Code of Practice - Procedures at Council Meeting 2017/18* a 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).

No Council Member provided a verbal update.

COMMUNICATIONS

Moved Councillor – Maggie Duncan

Seconded Councillor - Nathan Prior

That the Communications Reports be moved en bloc.

Carried Unanimously

Mayoral Communication Report

Name of Elected Member: Mayor - Kris Hanna

Report Reference: GC210622R02

Details:

Date	Event	Comments
21 May 2021	Afternoon tea with the Filipino community to mark 75 years of Australia-Philippines diplomatic relations	
22 May 2021	Yanyarrie Avenue Reserve opening event	
22 May 2021	Stanley Street Reserve opening event	
23 May 2021	Citizenship ceremonies (x3)	
25 May 2021	Mayor's Industry Briefing with Defence Sector	
27 May 2021	CoastFM segment	
27 May 2021	Meeting with Mayor Holmes-Ross, Mitcham Council	
30 May 2021	Nepal Fundraising Dinner	Attended, made speech
3 June 2021	Urban Density Webinar	Attended online
3 June 2021	'Meet the Author' event at Cove Civic Centre Library	
4 June 2021	Meeting with Plympton Sports Club representatives	
5 June 2021	Nannigai Reserve opening event	
5 June 2021	Sturt Road Streetscape celebration	Gave official welcome, unveiled plaque
6 June 2021	Morphettville Cricket Club AGM	
9 June 2021	Meeting with Grant Tinney from Starke Manufacturing Group	
10 June 2021	Meeting with Phillip Dautel, Precinct Director, Tonsley Innovation District	
10 June 2021	Meeting with Tesla representatives	
11 June 2021	Australian of the Year Luncheon	
11 June 2021	Meeting with President of Marion City Band	
14 June 2021	Celebration with Graeme Hall OAM	

Minutes of the General Council Meeting held on 22 June 2021

16 June 2021	Marion City Lions Club Handover Luncheon	Gave toast
16 June 2021	Lions Club of Edwardstown Handover Dinner	
In addition, the Mayor met with residents, MPs, the CEO and Council staff regarding various issues.		

Moved Councillor – Maggie Duncan

Seconded Councillor – Nathan Prior

That Council:

1. Receives and notes the Mayoral Communication Report.

Carried Unanimously

Deputy Mayor Communication Report

Date of Council Meeting: 22 June 2021

Name of Elected Member: Councillor - Nathan Prior

Report Reference: GC210622R03

Details:

Date	Event	Comments
27 May 2021	Bi-monthly meeting with SAALC	
28 May 2021	Tour of SRWRA to inspect current status of MRF with CR Crossland	
28 May 2021	Meeting with Minister Spiers, with CR Crossland	
5 June 2021	Sturt Road Streetscape Celebration-Parker's Place	

Moved Councillor – Maggie Duncan

Seconded Councillor – Nathan Prior

That Council:

1. Receives and notes the Deputy Mayor Communication Report.

Carried Unanimously

CEO and Executive Communications Report

Date of Council Meeting: 22 June 2021

Report Reference: GC210622R04

Details:

Date	Activity	Attended By
27 May 2021	Meeting Sorana Dinmore and Marshall's Solicitors VOI signing	Sorana Dinmore
27 May 2021	Meeting CoM Pernix	Sorana Dinmore
27 May 2021	Meeting Monthly Oaklands Green PCG meeting with Housing Renewal Australia	Tony Lines
28 May 2021	Meeting Tony Harrison and Carolyn Power MP	Tony Harrison
28 May 2021	SMRF JV Committee - Construction Project Meeting	Sorana Dinmore
28 May 2021	Meeting S Keenihan & Ilia Houridis re follow-up to Shovel Ready Pathways meeting	Ilia Houridis
31 May 2021	Meeting Tony Harrison, Sorana	Tony Harrison

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	Dinmore, Chris Adams and Mark Booth (SRWRA)	Sorana Dinmore
31 May 2021	Meeting Sorana Dinmore Chris White (City of Onkaparinga)	Sorana Dinmore
31 May 2021	Meeting Sorana Dinmore Peter Auhl (EQI Consulting) IT Governance Framework	Sorana Dinmore
1 June 2021	Meeting Tony Harrison and Steve Murray MP	Tony Harrison
1 June 2021	LGIF Reference Group - Council Report working 2nd session	Sorana Dinmore
1 June 2021	Meeting Sorana Dinmore Maddy Eichinger (Marshall's Solicitors) VOI signing part 2	Sorana Dinmore
2 June 2021	Objective CoM ECM Presentation	Sorana Dinmore
3 June 2021	Green Adelaide Local Government Partnership Forum	Tony Harrison
3 June 2021	Meeting Cross Council Fleet Meeting with Cities of Port Adelaide Enfield and Charles Sturt	Tony Lines
3 June 2021	Meeting SAALC Governance Board Quarterly Meeting	Ilia Houridis
3 June 2021	Meeting Tonsley PCG	Ilia Houridis
4 June 2021	Event Minister Vickie Chapman, Local Government CEOs and key suppliers, hosted by the Institute of Public Works Engineering SA (IPWEA SA)	Tony Harrison
4 June 2021	SMRF JV Committee - Construction Project Meeting	Sorana Dinmore
4 June 2021	SRC JV Advisory Committee Meeting	Sorana Dinmore
7 June 2021	Meeting Tony Harrison and Matt Pears (CEO City of Mitcham)	Tony Harrison
7 June 2021	Meeting DEW BioChar Project discussion with Stakeholders	Tony Harrison
7 June 2021	CRM Project Solution Overview Presentation (Ennovative & CoM)	Sorana Dinmore
7 June 2021	SRWRA Board Meeting	Sorana Dinmore
8 June 2021	On Panel - 2021 Local Government Transformation ANZ Roadshow	Sorana Dinmore
8 June 2021	2021 Local Government Transformation Roadshow at KPMG	Tony Lines
8 June 2021	KPMG Project Carryovers meeting - CoM KPMG	Sorana Dinmore
9 June 2021	Tonsley Tour Tony Harrison, (City of Marion), Vincent Rigter and Philipp Dautel (Renewal SA)	Tony Harrison
10 June 2021	Cross Council Executive Meeting with City of Port Adelaide Enfield, City of Charles Sturt and City of Marion	Tony Harrison Tony Lines Sorana Dinmore Ilia Houridis
10 June 2021	Meeting Tony Harrison and Sean Keenihan (Norman Waterhouse)	Tony Harrison
11 June 2021	Meeting Tony Harrison and Jenny Karavolos (Autism SA)	Tony Harrison

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11 June 2021	SMRF JV Committee - Construction Project Meeting	Sorana Dinmore
11 June 2021	GIS Collaboration Discussion City Of Charles Sturt City of Port Adelaide Enfield City of Marion	Sorana Dinmore
15 June 2021	Meeting CoM Pernix	Sorana Dinmore
16 June 2021	LG Professionals GM Network Discussion Tahlia Willey (LG Professionals SA Sorana Dinmore	Sorana Dinmore
18 June 2021	Event Council Ready Showcase at City of Prospect	Tony Lines
21-23 June 2021	Australian Local Government Association Conference in Canberra	Tony Lines
22 June 2021	City of Marion Amazon Web Services Meeting	Sorana Dinmore

Moved Councillor – Maggie Duncan

Seconded Councillor – Nathan Prior

That Council:

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

Carried Unanimously

Elected Member Communication Report

Date of Council Meeting: 22 June 2021

Name of Elected Member: Councillor - Raelene Telfer

Details:

26/5/21	MPSCClub	Meeting re management model
1/6/21	Cohen Court driveway link	Onsite with B Grimm and M Allen
2/6/21	Council Assessment Panel	Member hearing
3/6/21	Bullying, harassment and intimidation understandings	ALGWA (SA) training
5/6/21	Sturt Rd Streetscape	Celebration market
8/6/21	Warriparinga Ward	Briefing
10/6/21	MPSCCentre Management model	Staff discussions
22/6/21	Marion Early Learning Collective Impact	Community networking and planning

Adjourned Items

The Mayor sought and was granted leave of the meeting to vary the order of the agenda to consider the *Adjourned Item – Marion Cultural Centre Plaza (GC210622F01)* at the end of the confidential items.

Order of Agenda Items

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

- Deputation Request – Leah York
- Glandore Oval Community Consultation
- Rescission Motion – Glandore Oval
- Adjourned – Rescission Motion – Glandore Oval Cricket Training Facilities

The Mayor invoked clause 14.3 of the Code of Practice – Procedures at Council Meetings to allow for new business to be dealt with prior to business adjourned from a previous meeting.

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Point of Order

Moved Councillor – Bruce Hull

Seconded Councillor – Ian Crossland

That Council dissents from the ruling made by the Presiding Member regarding the order of the agenda and requests that the *Adjourned Item – Rescission Motion – Glandore Oval Cricket Training Facilities* be dealt with prior to the new rescission motion (Regulation 21).

Lost

Councillor Hull called a Division

Those For: Councillors Bruce Hull, Ian Crossland

Those Against: Councillors Joseph Masika, Sasha Mason, Jason Veliskou, Kendra Clancy, Nathan Prior, Raelene Telfer, Luke Hutchinson, Maggie Duncan, Tim Gard

Lost

DEPUTATIONS

Deputation Request - Leah York

Report Reference: GC210622D01

Heather Portway gave a five-minute deputation regarding the Glandore Oval Cricket facilities development.

Glandore Oval Community Consultation

Report Reference: GC210622R06

Moved Councillor – Sasha Mason

Seconded Councillor – Joseph Masika

That Council:

1. Notes the consultation summary report.
2. Consider a whole of precinct plan for Glandore Oval that gives consideration to the future of the site infrastructure (clubhouse and small building surrounding the oval), amenities, recreational and fitness equipment, landscaping, car parking and safety, as part of the next 4 year business plan.

Carried

Rescission Motion - Glandore Oval

Report Reference: GC210622R07

Moved Councillor – Sasha Mason

Seconded Councillor – Joseph Masika

That Council:

1. Rescinds points 2 and 4 from the resolution of Council made on 23 March 2021 relating to the Glandore Oval Cricket Training Facilities (GC210323R09):
 2. Approves the development of a new cricket training facility at Glandore Oval and removal of the Rose Garden to create a new open space lawn area.
 4. Endorses additional funding of up to \$20,000 to complete the project, to be funded from savings identified in the third budget review in 2021/21.

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And that Council resolves the following to replace points 2 and 4:

That Council:

2. Approves the development of a new cricket training facility at Glandore Oval, retain a portion of the rose garden with the balance of the area to create a new lawned space, a park bench and planting of tree foliage along the boundary of South Road.

4. Endorses additional funding up to \$50,000 to complete the project, to be funded from savings identified in the first budget review in 2021/22.

Variation

The Mover and Seconder sought leave of the meeting to vary the motion as follows:

That Council:

2. Approves the development of a new cricket training facility at Glandore Oval, retain a portion of the rose garden with the balance of the area, subject to community consultation, to create a new lawned space, a park bench and planting of tree foliage along the boundary of South Road.

4. Endorses additional funding up to \$50,000 to complete the project, to be funded from savings identified in the first budget review in 2021/22.

Carried

Councillor Hull called a Division

Those For: Councillors Joseph Masika, Sasha Mason, Jason Veliskou, Kendra Clancy, Nathan Prior, Raelene Telfer, Luke Hutchinson, Ian Crossland, Maggie Duncan,

Those Against: Councillor Bruce Hull

Carried

Adjourned - Rescission Motion - Glandore Oval Cricket Training Facilities

Report Reference: GC210622M01

As the item Rescission Motion – Glandore Oval (GC210622R07) has already been considered, the item *Adjourned – Rescission Motion – Glandore Oval Cricket Training Facilities (GC210622M01)* is ultra vires and was not considered as it is invalid.

PETITIONS - Nil

COMMITTEE RECOMMENDATIONS

Confirmation of the minutes for the Asset and Sustainability Committee meeting held on 1 June 2021

Report Reference: GC210622R05

Moved Councillor – Jason Veliskou

Seconded Councillor – Nathan Prior

Minutes of the General Council Meeting held on 22 June 2021

That Council:

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

Carried Unanimously

7.38pm Councillor Clancy left the meeting

7.39pm Councillor Clancy re-entered the meeting

CORPORATE REPORTS FOR DECISION

Procedural Motion

Moved Councillor - Bruce Hull

Seconded Councillor - Tim Gard

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

Carried Unanimously

7.41pm formal meeting procedures suspended

7.50pm formal meeting procedures resumed

Moved Councillor - Raelene Telfer

Seconded Councillor – Tim Gard

That the following reports be moved en bloc:

- Annual Business Plan 2021-22 and Long Term Financial Plan
- Valuation – Adoption for 2021-22 Financial Year
- Rates Declaration 2021-22
- Rate Rebate 2021-22

7.51pm Councillor Hutchinson left the meeting

7.52pm Councillor Hutchinson re-entered the meeting

Carried Unanimously

Annual Business Plan 2021-22 and Long-Term Financial Plan

Report Reference: GC210622R08

Moved Councillor – Raelene Telfer

Seconded Councillor – Tim Gard

That the following be adopted by council in the following order:

1. Financial Policies (Attachment 3).
 - a. Rating Policy
 - b. Treasury Management Policy
 - c. Fees and Charges Policy
 - d. Reserve Funds Policy
 - e. Asset Accounting Policy
 - f. Budget Policy
2. Pursuant to Section 123(6) of the *Local Government Act 1999* and regulation 6 of the *Local Government (Financial Management) Regulations 2011*, the Annual Business Plan 2021-22 (Attachment 1) subject to the following amendments:
 - a. Page 107 – In the Property/ Building Works Program table – for the works at Cosgrove Hall

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- change the ward reference from Woodlands to Warriparinga.
- b. Page 108 – In the Road Reseal Program table - delete the line referencing works at Waterman Terrace from Marion Road to Sampson Road and amend the line referencing Geraldine Avenue to Dead End to read Lodge Street to Geraldine Avenue.
- 3. Pursuant to Section 123(7) of the *Local Government Act 1999*, and regulation 7 of the *Local Government (Financial Management) Regulations 2011*, the Annual Budget 2021-22 (Attachment 1).
- 4. Pursuant to Section 122(1a) of the *Local Government Act 1999*, and regulation 5 of the *Local Government (Financial Management) Regulations 2011*, the Long Term Financial Plan 2021-2031 (Attachment 2) subject to the following amendments:
 - a. Page 132 – In the last line of the third paragraph change \$2.0 to \$2.0m

Carried Unanimously

Valuation - Adoption for 2021-22 Financial Year

Report Reference: GC210622R09

Moved Councillor – Raelene Telfer

Seconded Councillor – Tim Gard

That Council:

1. Pursuant to Section 167(2)(a) of the *Local Government Act 1999* Council adopts the capital valuations as supplied by the Office of the Valuer- General, (at Supplementary Week 52 dated 21 June 2021), as the Valuations that are to apply to land within its area for rating purposes for the 2021-22 financial year.
2. Council notes that, at the time of adoption, the Valuation totalled \$23,318,869,620 (including \$22,247,172,812 Rateable and \$1,071,696,808 Exempt).

Carried Unanimously

Rates Declaration 2021-22

Report Reference: GC210622R10

Moved Councillor – Raelene Telfer

Seconded Councillor – Tim Gard

That pursuant to Section 153(1)(b) and 156(1)(a) of the *Local Government Act 1999* the Council declares differential general rates according to land use based on Capital Value within the area for the 2021-22 financial year as follows:

- 1.1 0.327970 cents in the dollar on rateable land of Categories 1 - Residential, 7 Primary Production, 9 – Other.
- 1.2 0.606745 cents in the dollar on rateable land of Categories 2 – Commercial Shop, 3 – Commercial Office, 4 - Commercial Other.
- 1.3 0.573948 cents in the dollar on rateable land of Categories 5 - Industry Light and 6 - Industry Other.
- 1.4 0.721535 cents in the dollar on rateable land of Category 8 - Vacant Land.
2. That pursuant to Section 158 (1)(a) of the *Local Government Act 1999*, fixes a minimum amount payable by way of General Rates in respect of rateable land within the area for the 2021-22 financial year of \$1,070.00.

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3. That pursuant to Section 153(3) of the Local Government Act 1999 the Council has determined not to fix a maximum increase under this Section in the general rate to be charged on a principal place of residence of a principal ratepayer upon the basis that relief is otherwise provided under the 'Discretionary Rebate – Residential Land Use (Rate Capping)' provision of its Rating Policy.
4. That, as required by the Landscape South Australia Act 2019, and pursuant to Section 69 of that Act and Section 154 (1) of the Local Government Act 1999, the Council declares a Separate Rate of 0.009515 cents in the dollar on all rateable land in the area covered by the Green Adelaide Board within this Council's area for the 2021-22 financial year.
5. That pursuant to Section 181 (1) of the Local Government Act 1999, rates are payable in four equal or approximately equal instalments, and Council resolves that pursuant to section 181(2) of the Act the due dates for those instalments shall be:
 - 1 September 2021
 - 1 December 2021
 - 1 March 2022
 - 1 June 2022
6. That pursuant to Section 44 of the Local Government Act 1999 the Council delegates to the Chief Executive Officer the power at Section 181(4)(b) to alter the due date for payment of any rate or instalment payment of a ratepayer where circumstances warrant such action, and to make any arrangement for payment of an account (either including or excluding the imposition of fines thereon) over an extended period.

Carried Unanimously

Rate Rebate 2021-22

Report Reference: GC210622R11

Moved Councillor – Raelene Telfer

Seconded Councillor – Tim Gard

That Council:

1. The Schedule of Rate Rebates (refer Appendix 1) be noted.
2. Council resolves that a discretionary rate rebate of 25% be granted under Section 166(1) of the Local Government Act 1999 to Foodbank SA on the properties it occupies for the 2021-22 financial year.
3. Council resolves that a discretionary rebate of 25% be granted under Section 166(1)(d) of the Local Government Act 1999 to Suneden School on the property it occupies and uses for educational purposes for the 2021-22 financial year.
4. Council resolves that a discretionary rate rebate of 100% be granted under Section 166(1) of the Local Government Act 1999 to Scouts SA on the properties it occupies for the 2021-22 financial year.
5. Council resolves that a discretionary rate rebate of 50% be granted under Section 166(1) of the Local Government Act 1999 to the Abbeyfield Society (Marion) on the property it occupies at 5 Lawrence Ave, Edwardstown for the 2021-22 financial year.
6. Council resolves that a discretionary rate rebate of 50% be granted under Section 166(1) of the Local Government Act 1999 to the Plympton Glenelg RSL Sub Branch on the property it occupies at 464 Marion Rd, Plympton Park for the 2021-22 financial year.
7. Council resolves that a discretionary rate rebate of 75% be granted under Section 166(1) of the

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Local Government Act 1999 to Operation Flinders on the property it occupies at 3/938 and 4/938 South Road, Edwardstown for the 2021-22 financial year.

8. Council resolves that a discretionary rate rebate of 25% be granted under Section 166(1) of the Local Government Act 1999 to South Adelaide Squash Centre on the property it occupies at 2A Midera Avenue, Edwardstown for the 2021-22 financial year.

Carried Unanimously

SWBMX - Scope of Pump Track

Report Reference: GC210622R12

7.55pm Cr Veliskou left the meeting

7.58pm Cr Veliskou re-entered the meeting

Moved Councillor – Maggie Duncan,

Seconded Councillor – Tim Gard

That Council approve the scope of the pump track to be:

1. A community pump track comprising of both bitumen and dirt to cater for all levels of riders.

Carried

Community Grants Report - Round 2 2020/21

Report Reference: GC210622R13

Councillor Clancy declared a perceived conflict of interest in the item *Community Grants Report – Round 2 2020/21 (GC210622R13)* as her daughter is a member of Koorana Gymnastics Club.

Moved Councillor – Raelene Telfer

Seconded Councillor – Jason Veliskou

That Council:

1. Endorses the following projects for the Community Grants Program Round Two funding in 2020/2021: *(remove / amend any as required)*
 1. Ascot Park Bowling Club Inc. - Purchase of new lawn bowls to support community programs (\$5,000).
 2. Huntington's SA and NT Inc. - Upgrade to wheelchair car parking area at Glandore Community Centre (\$5,000).
 3. Galleon Theatre Group Inc. - Construction of a new shed to store theatrical scenery and properties (\$10,000 - subject to relevant development and landlord approvals being obtained).
 4. Trott Park Fencing Club Inc. - Purchase of fencing equipment to enable a come and try program (\$3,348).
 5. Sheidow Park Cricket Club Inc. - Purchase of a Cardiac Defibrillator (\$2,715).
 6. Koorana Gymnastics Club Inc. - Training and accreditation of beginner and intermediate and advanced coaches (\$5,000).
 7. The Cove BMX Club - Purchase of BMX equipment to support the club's community engagement project (\$5,000).
 8. The Paraplegic and Quadraplegic Association of SA Ltd - Creating a wheelchair- friendly garden for people living with spinal cord injuries in CoM (\$3,432 - subject to the installation occurring on appropriate community land.).
 9. Marion Tennis Club - Purchase of a new ball machine (\$3,469.50).
2. Amends the Community Grant Guidelines to include the following criteria:
 - Only one application per community group per round will be accepted.
 - Where relevant, applications may be approved subject to additional criteria being met (e.g.

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subject to development approval, landlord approval etc.).

- Grants should generally not be used for site improvements on private property.

Amendment

Moved Councillor - Ian Crossland

Seconded – Councillor Tim Gard

That Council:

1. Endorses the following projects for the Community Grants Program Round Two funding in 2020/2021: *(remove / amend any as required)*
 1. Ascot Park Bowling Club Inc. - Purchase of new lawn bowls to support community programs (\$5,000).
 2. Huntington's SA and NT Inc. - Upgrade to wheelchair car parking area at Glandore Community Centre (\$5,000).
 3. Trott Park Fencing Club Inc. - Purchase of fencing equipment to enable a come and try program (\$3,348).
 4. Sheidow Park Cricket Club Inc. - Purchase of a Cardiac Defibrillator (\$2,715).
 5. Koorana Gymnastics Club Inc. - Training and accreditation of beginner and intermediate and advanced coaches (\$5,000).
 6. The Cove BMX Club - Purchase of BMX equipment to support the club's community engagement project (\$5,000).
 7. The Paraplegic and Quadraplegic Association of SA Ltd - Creating a wheelchair -friendly garden for people living with spinal cord injuries in CoM (\$3,432 - subject to the installation occurring on appropriate community land.).
 8. Marion Tennis Club - Purchase of a new ball machine (\$3,469.50).
2. Amends the Community Grant Guidelines to include the following criteria:
 - Only one application per community group per round will be accepted.
 - Where relevant, applications may be approved subject to additional criteria being met (e.g. subject to development approval, landlord approval etc.).
 - Grants should generally not be used for site improvements on private property.

8.14pm Councillor Prior left the meeting

The Amendment to become the motion was **Carried**
 The Motion as amended was **Carried**
 Councillor Clancy voted For

Local Government Information Framework

Report Reference: GC210622R14

8.20pm Councillor Prior re-entered the meeting

8.20pm Councillor Masika left the meeting

Moved Councillor – Tim Gard

Seconded Councillor – Maggie Duncan

That Council:

1. Endorses the submission to the Office of Local Government provided in Attachment 2 regarding a response to the Local Government Information Framework.
2. Submits the submission to the Office of Local Government prior to 16 July 2021.

Carried Unanimously

Transport Plan

Minutes of the General Council Meeting held on 22 June 2021

Report Reference: GC210622R15

8.22pm Councillor Masika re-entered the meeting

8.22pm Councillor Crossland left the meeting

Moved Councillor – Nathan Prior

Seconded Councillor – Tim Gard

8.23pm Councillor Crossland re-entered the meeting

That Council:

1. Notes the Community Engagement Feedback Report (Attachment 1).
2. Refer the Transport Plan to the Asset and Sustainability Committee for review

Carried Unanimously

Draft City Limits and Publications Policies

Report Reference: GC210522R16

Moved Councillor – Jason Veliskou

Seconded Councillor – Tim Gard

That Council adopts:

1. The draft City Limits Publications Policy.
2. The draft Publications Policy.

Carried Unanimously

Order of Agenda Items

Moved Councillor – Kendra Clancy

Seconded Councillor – Joseph Masika

That the following items be considered next on the agenda:

- Finance Report – May 2021
- Work Health & Safety – Monthly Performance Report – May 2021
- Questions Taken on Notice Register
- Sequestration Motion
- Edwardstown Soldiers Memorial Ground - Toilet

Carried

Moved Councillor – Nathan Prior

Seconded Councillor – Ian Crossland

That the following items be moved en bloc:

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

Carried Unanimously

CORPORATE REPORTS FOR INFORMATION/NOTING

Finance Report - May 2021

Report Reference: GC210622R17

Minutes of the General Council Meeting held on 22 June 2021

Moved Councillor – Nathan Prior

Seconded Councillor – Ian Crossland

That Council:

1. Receives the report “Finance Report – May 2021”.

Carried Unanimously

Work Health & Safety - Monthly Performance Report - May 2021

Report Reference: GC210622R18

Moved Councillor – Nathan Prior

Seconded Councillor – Ian Crossland

That Council:

1. Notes the report and statistical data contained therein.

Carried Unanimously

Questions Taken on Notice Register

Report Reference: GC210622R19

Moved Councillor – Nathan Prior

Seconded Councillor – Ian Crossland

That Council:

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

Carried Unanimously

WORKSHOP / PRESENTATION ITEMS - Nil

MOTIONS WITH NOTICE

Sequestration Motion

Report Reference: GC210622M02

Moved Councillor – Nathan Prior,

Seconded Councillor – Ian Crossland

Prepare a report which outlines:

1. The total carbon footprint for all current council operations.
2. An estimate of the carbon footprint of Council operations 3, 5 and 10 years into the future.
3. A design for a carbon sequestration project to completely offset the current and future carbon usage of Council. This design should contain our best estimate of:
 - Area requirement
 - Proposed tree density
 - Watering budget
 - Tree species proposed
4. A rough costing for the proposed project in 3) excluding purchase of the required land.

Carried

Councillor Duncan called a Division

Those For: Councillors Joseph Masika, Sasha Mason, Jason Veliskou, Kendra Clancy, Nathan Prior, Bruce Hull, Raelene Telfer, Luke Hutchinson, Ian Crossland, Tim Gard

Minutes of the General Council Meeting held on 22 June 2021

Those Against: Councillor Maggie Duncan

Carried

Edwardstown Soldiers Memorial Ground - Toilet

Report Reference: GC210622M03

Moved Councillor - Masika,

Seconded Councillor – Mason

That Council:

1. Consults with the community surrounding Edwardstown Oval on the placement of a single automatic toilet.
2. Allocates \$180,000 in the 2022/2023 financial year for a public toilet at Edwardstown Oval.

Variation

The Mover and Seconded sought leave of the meeting to vary the motion as follows:

That Council:

1. Consults with the community surrounding Edwardstown Oval on the demand for and placement of a single automatic toilet.
2. If there is sufficient demand, allocates \$180,000 in the 2022/2023 financial year for a public toilet at Edwardstown Oval.

Carried

CONFIDENTIAL ITEMS

Moved Councillor – Kendra Clancy

Seconded Councillor – Raelene Telfer

That the Confidential Cover Reports be moved en bloc.

Carried Unanimously

Cover Report - LKCC Management- Final Negotiated Agreement with SCI

Report Reference: GC210622F02

Moved Councillor – Kendra Clancy

Seconded Councillor – Raelene Telfer

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 Economic and Cultural Development, 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 management of the Living Kaurua Cultural Centre.

Carried Unanimously

8.53pm the meeting went into confidence

Minutes of the General Council Meeting held on 22 June 2021

Moved Councillor – Ian Crossland,

Seconded Councillor – Bruce Hull

That Council:

1. Endorses the Agreement in Attachment 1 that has been negotiated with Southern Cultural Immersion for the management of Living Kaurna Cultural Centre / Warriparinga subject to the following amendments:
 - a. Remove 12.9
 - b. Amend 12.10 (becomes 12.9) delete the word approve and after subcontractors add "working with children and vulnerable adults at the LKCC"
 - c. Confirmation of the contracting parties business address
2. Approves Administration executing the Agreement in Attachment 1 with Southern Cultural Immersion.

Carried Unanimously

9.10pm Councillor Duncan left the meeting

Moved Councillor – Joseph Masika

Seconded Councillor – Raelene Telfer

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.

Amendment

Moved Councillor – Jason Veliskou

Seconded Councillor – Ian Crossland

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 until both parties have signed the agreement and in any case all dollar figures should be redacted (unless the contracting party agrees to disclosure).

The Amendment to become the motion was **Carried Unanimously**
 The motion as amended was **Carried Unanimously**

9.15pm Councillor Duncan re-entered the meeting

9.16pm the meeting came out of confidence

Cover Report - Coastal Walkway Update - Field River
Report Reference: GC210622F03

Moved Councillor – Kendra Clancy

Seconded Councillor – Raelene Telfer

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 Activation, Project Manager Strategic Projects, Coordinator

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Minutes of the General Council Meeting held on 22 June 2021

Coastal Walkway, Manager Strategic Procurement Services, Unit Manager Communications and Governance Administration Officer, be excluded from the meeting as the Council receives and considers information relating to Coastal Walkway Update - Field River 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 proposed funding and tender outcomes.

Carried Unanimously

9.16pm the meeting went into confidence

Moved Councillor – Ian Crossland, Seconded Councillor – Tim Gard

That Council:

1. Endorses the engagement of the contractor and commencement of construction for Field River based on the revised tender price to enable this component to be delivered by December 2021.
2. Notes that Administration will continue to design the Gullies through Early Contractor Involvement to progress the design and construction methodology to 100% for this section of the Coastal Walkway.
3. Receives a further report by no later than December 2021 on the updated costs for the reconstruction of Grey and Kurnabinna Gullies.

Carried Unanimously

Moved Councillor – Tim Gard Seconded Councillor – Ian Crossland

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

Carried Unanimously

9.26pm the meeting came out of confidence

Cover Page - Mitchell Park Sports & Community Centre Management Model
Report Reference: GC210622F04

Moved Councillor – Kendra Clancy Seconded Councillor – Raelene Telfer

That pursuant to Section 90(2) 3(b) (i) and (ii) and 3(d) (i) and (ii) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Corporate Governance, Manager City Property, Manager City Activation, Manager Community Connections, Unit Manager Sport & Recreational Community Facilities, Community Facilities Planner, Manager Finance, Manager Strategic Procurement Services, Unit Manager Communications, Governance Administration Officer and Unit Manager Community Wellbeing, be excluded from the meeting as the Council receives and considers information relating to Mitchell Park Sports & Community Centre 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 financial and operational projections for the new Mitchell Park Sports and Community Centre.

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Minutes of the General Council Meeting held on 22 June 2021

Carried Unanimously

9.26pm the meeting went into confidence

9.26pm Councillor Gard left the meeting

Moved Councillor – Raelene Telfer

Seconded Councillor – Luke Hutchinson

9.29pm Councillor Gard re-entered the meeting

Meeting Extension

Moved Councillor – Jason Veliskou Seconded Councillor – Tim Gard

That the meeting be extended until the conclusion of this item.

Carried Unanimously

That Council:

1. Endorses Council to manage the Mitchell Park Sports and Community Centre (MPSCC) for the first 2years of operation.
2. Endorses the employment of a fulltime Level 6 Facility Manager to oversee the operations of the new MPSCC and up to two parttime Level 3 staff to assist with MPSCC operations.
3. Supports the establishment of an Advisory Committee to assist Council management.
4. Supports entering into licensed agreements with South Adelaide Basketball Club, Basketball SA and Phoenix Volleyball Club for use of the indoor courts as outlined in this report.
5. Supports entering into agreements with other sporting clubs and groups for the use of the playing spaces and facility.
6. Endorses the proposed financial management model for the MPSCC and supports a budget allocation of \$125,000 in the 202122 financial year and \$250,000 in the 202223 financial year.
7. That a further report be brought back to Council in June 2023 on the review of the management model of Mitchell Park Sports and Community Centre.

Carried Unanimously

Moved Councillor – Raelene Telfer

Seconded Councillor – Ian Crossland

In accordance with Section 91 (7) and (9) of the Local Government Act 1999 the Council orders that attachment 2 and the dollar figures in section 4.4 within the report having been considered in confidence under Section 90(2) 3(d) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2021.

Carried Unanimously

9.39pm the meeting came out of confidence

Minutes of the General Council Meeting held on 22 June 2021

QUESTIONS WITH NOTICE - Nil

MOTIONS WITHOUT NOTICE - Nil

QUESTIONS WITHOUT NOTICE - Nil

OTHER BUSINESS- Nil

MEETING CLOSURE

Meeting Declared Closed at 9.39pm

CONFIRMED THIS 27TH DAY OF JULY 2021

.....
CHAIRPERSON

The following items were not considered:

- Marion Golf Park (GC210622F05)
- Request for Proposals - City Services Surplus Land (GC210622F06)
- Unsolicited Proposal (GC210622F07)
- Adjourned Item - Marion Cultural Centre Plaza (GC210622F01)



**Minutes of the Special General Council Meeting
held on Tuesday, 13 July 2021 at 6.30 pm
Council Chamber, Council Administration Centre
245 Sturt Road, Sturt**



**PRESENT**

His Worship the Mayor Kris Hanna	
Councillor Ian Crossland	Councillor Tim Gard
Councillor Maggie Duncan	Councillor Matthew Shilling
Councillor Raelene Telfer (from 6.33pm)	Councillor Luke Hutchinson
Councillor Bruce Hull	Councillor Nathan Prior
Councillor Kendra Clancy (from 6.31pm)	Councillor Jason Veliskou
	Councillor Joseph Masika (from 6.32pm)

In Attendance

Chief Executive Officer - Tony Harrison
Acting General Manager Corporate Services – Jamie Dunncliff
General Manager City Development - Ilia Houridis
Manager Corporate Governance - Kate McKenzie
Governance Officer - Angela Porter

1 Open Meeting

The Mayor opened the meeting at 6.30pm.

2 Kaurna Acknowledgement

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

3 Disclosure

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

4 Elected Member 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.

Nil interests were disclosed.

5 Confirmation of Minutes - Nil**6 Communications - Nil**

6.31pm Councillor Clancy entered the meeting

Order of Agenda Items

The Mayor sought and was granted leave of the meeting to consider the item '*Morphettville Racecourse and Surrounds*' (SCG210713R11.1) next on the agenda.

6.32pm Councillor Masika entered the meeting

6.33pm Councillor Telfer entered the meeting



11 Workshop / Presentation Items

11.1 Morphettville Racecourse and Surrounds

Report Reference SGC210713R11.1

Moved Councillor – Jason Veliskou

Seconded Councillor – Nathan Prior

Pursuant to Section 90(2) and (3)(d) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager Corporate Services, General Manager City Services, General Manager City Development, Manager Development and Regulatory Services, Senior Policy Planner, Development Officer Planning, Manager City Property, Manager Corporate Governance, Unit Manager Communications, Manager Finance, Manager City Activation, Governance Officer and Grant Mayer (SAJC), be excluded from the meeting as the Council receives and considers information relating to future development on the Morphettville Racecourse site, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to commercial information of a confidential nature.

Carried

6.34pm the meeting went into confidence

7.04pm the meeting came out of confidence

Moved Councillor – Matthew Shilling

Seconded Councillor – Tim Gard

That Council:

1. Notes the report.
2. Notes the confidential presentation delivered by the South Australian Jockey Club (SAJC).
3. Supports the SAJC in progressing their proposal for the purposes of seeking funding support from the State and Federal Governments.

Amendment

Moved Councillor – Bruce Hull

Seconded Councillor – Raelene Telfer

That Council:

1. Notes the report.
2. Notes the confidential presentation delivered by the South Australian Jockey Club (SAJC).
3. Receive a report from staff on the traffic and parking implications of the Morphettville Racecourse DPA.
4. Supports the SAJC in progressing their proposal for the purposes of seeking funding support from the State and Federal Governments.

The amendment to become the motion was Carried

The amended motion was Carried Unanimously

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

In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the presentation delivered by SAJC 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 Adjourned Items****7.1 Cover Report - Adjourned Item - Marion Cultural Centre Plaza**

Report Reference	SGC210713F7.1
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Moved Councillor – Nathan Prior**Seconded Councillor – Matthew Shilling**

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, City Activation Senior Advisor, Manager Finance, Unit Manager Communications and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Adjourned Item- Marion Cultural Centre Plaza, 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 of key stakeholders in addition to information regarding professional services for design development and financial figures.

Carried Unanimously

7.13pm the meeting went into confidence

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

That Council:

1. Notes key stakeholder in principle support for the vision and objectives for an integrated public realm
2. Notes ORSR master planning process, scope and times lines.
3. Notes Council has been unsuccessful in receiving grant funding from:
 - a. State Government – Local Government Stimulus Grant (2020/21)
 - b. Open Space and Places for People Grant (2020/21)
4. Notes Council has been successful with State Bicycle Fund 2021/22 for \$190,000 to contribute to the proposed Pedestrian Activated Crossing on Diagonal Road connecting to Warracowie Way.



5. Endorses progress to seek funding to support the existing \$1.7m Council allocation from an allocation of \$1.7m from the Commonwealth Local Road Community Infrastructure Program 2021/22.

Carried

Meeting Suspension

Moved Councillor – Bruce Hull

Seconded Councillor – Matthew Shilling

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

Carried

7.30pm formal meeting procedures suspended

7.35pm formal meeting procedures resumed

Moved Councillor – Nathan Prior

Seconded Councillor – Bruce Hull

6. Endorses community consultation to commence on the draft Marion Cultural Centre Plaza master plan, utilising the next City Limits Magazine, to support design development with key stakeholders. A future report to be presented to Council with consultation findings and grant funding confirmation.

Carried

Moved Councillor - Nathan Prior

Seconded Councillor - Bruce Hull

7. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the content under the heading 'South Australian Aquatic and Leisure Centre' be redacted as it was provided in confidence by the Office for Recreation, Sport and Racing along with references to funding allocations through the report and attachments to be redacted 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, and 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

7.37pm the meeting came out of confidence

8 Deputations - Nil

9 Petitions - Nil

10 Committee Recommendations - Nil



12 Confidential Items

12.1 Cover Report - Marion Golf Park

Report Reference SGC210713F12.1

Moved Councillor – Ian Crossland

Seconded Councillor – Nathan Prior

That pursuant to Section 90(2) and (3)(d)(i) and (ii) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Corporate Governance, Manager City Property, Manager Finance, Unit Manager Sport and Recreational Community Facilities, Unit Manager Communications, Community Facilities Planner and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Marion Golf Park, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to the current redevelopment options and costs for the Marion Golf Park.

Carried Unanimously

7.38pm the meeting went into confidence

7.39pm Councillor Clancy left the meeting

7.42pm Councillor Clancy re-entered the meeting

Moved Councillor – Tim Gard

Seconded Councillor – Ian Crossland

That Council:

1. Endorse progressing to the preliminary design stage for a new integrated clubroom and pro-shop building.
2. Notes the cost for the Marion Golf Park upgrade project including new clubroom building, car park, green keepers facility, signage, entrance improvements and irrigation upgrade is estimated at \$4.6 million.
3. Supports administration submitting a funding application for \$1.5 million in the next round of the Office for Recreation, Sport and Racing (ORSR) Infrastructure Projects Program.
4. Notes a further report to be brought to Council following the notification of the grant application outcome and includes preliminary designs, project cost estimates, options for delivery of the project and a community engagement plan.
5. Notes the confirmed 2019 Federal election commitment from Nicolle Flint MP to contribute \$200,000 toward an improved clubhouse at the golf course.

Carried Unanimously

Moved Councillor – Bruce Hull

Seconded Councillor – Ian Crossland

6. In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that the costing information be redacted from this report and attachments 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

7.52pm the meeting came out of confidence

12.2 Cover Report - Unsolicited Proposal

Report Reference SGC210713F12.2

Moved Councillor – Luke Hutchinson

Seconded Councillor – Raelene Telfer

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, Manager Finance, Unit Manager Communications and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Unsolicited Proposal, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to a proposal from a third party.

Carried Unanimously

7.52pm the meeting went into confidence

7.54pm Councillor Clancy left the meeting

7.55pm Councillor Shilling left the meeting

Meeting Suspension

Moved Councillor – Ian Crossland

Seconded Councillor – Jason Veliskou

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

Carried Unanimously

7.56pm formal meeting procedures suspended

7.56pm Councillor Shilling re-entered the meeting

8.14pm Councillor Veliskou left the meeting

8.15pm Councillor Veliskou re-entered the meeting

8.25pm formal meeting procedures resumed



Moved Councillor – Raelene Telfer

Seconded Councillor – Luke Hutchinson

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

Carried Unanimously

8.40pm the meeting came out of confidence

12.3 Cover Report - Request for Proposals - City Services Surplus Land

Report Reference SGC210713F12.3

Moved Councillor – Jason Veliskou

Seconded Councillor – Matthew Shilling

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 City Services, General Manager Corporate Services, Manager Corporate Governance, Manager City Property, Unit Manager Land & Property, Unit Manager Communications and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Request for Proposals - City Services Surplus Land, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential relating to matters pertaining to commercial information of a confidential nature from the market in relation to proposals received for the City Services surplus land, the disclosure of which could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party.

Carried Unanimously

8.41pm Councillor Duncan re-entered the meeting

8.41pm Councillor Clancy re-entered the meeting

8.41pm the meeting went into confidence

Moved Councillor – Raelene Telfer

Seconded Councillor – Luke Hutchinson

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

Carried Unanimously

8.45pm the meeting came out of confidence



13 Corporate Reports for Decision - Nil

14 Corporate Reports for Information/Noting - Nil

15 Motions With Notice - Nil

16 Questions With Notice - Nil

17 Motions Without Notice - Nil

18 Questions Without Notice - Nil

19 Other Business - Nil

20 Meeting Closure

The meeting was declared closed at 8.45pm

CONFIRMED THIS 27TH DAY OF JULY 2021

CHAIRPERSON

6 Communications

6.1 Mayoral Communication Report

Report Reference GC210727R6.1

Name of Council Member Mayor - Kris Hanna

Date	Event	Comments
21 June 2021	Launch of World Refugee Day 2021 at Government House	
22 June 2021	Meeting with Graeme Botting of Hallett Cove Lions	Received certificate of appreciation
23 June 2021	Meeting with SA Jockey Club representatives	
24 June 2021	Coast FM radio interview	
24 June 2021	Meeting with Edwardstown Football Club representatives	
26 June 2021	George Street Reserve celebration event	Hosted event
28 June 2021	Club Marion grants discussion meeting	
29 June 2021	Meeting with Mayor of West Torrens	
1 July 2021	Funeral/wake of former Marion Council Alderman Walter David Woodhouse	
1 July 2021	Meeting with Principal Andrew Linke of Emmaus Christian College	
6 July 2021	Meeting with the Hon Vickie Chapman MP, Minister for Planning and Local Government	Attended with CEO
6 July 2021	Marion City Band constitution discussion	
7 July 2021	Meet and greet with OneWorld LED at their head office in Edwardstown	
9 July 2021	Open Space Grant Program Launch Event hosted by The Hon Vickie Chapman MP, Minister for Planning and Local Government	
9 July 2021	Sturt Pistol Shooting Club 2021 Committee Dinner	
10 July 2021	Westall Way Reserve Playground Upgrade Celebration Event	Hosted event

11 July 2021	St Mary's Anglican Church 180th Anniversary Service	
17 July 2021	Glandore Community centre upgrade and playground celebration event	
18 July 2021	Citizenship ceremonies (x3)	Hosted events
19 July 2021	Community Grants Cheque Presentation Ceremony	
19 July 2021	Club Marion meeting	Attended as club liaison
In addition, the Mayor met with residents, community groups, and industry representatives.		

6.2 Deputy Mayor Communication Report

Report Reference GC210727R6.2

Name of Council Member Deputy Mayor – Nathan Prior

Date	Event	Comments
25 June 2021	Carbon Sequestration initial discussion with staff	
26 June 2021	George Street Playground opening	
15 July 2021	Carbon Sequestration report discussion with staff	

6.3 CEO and Executive Communication Report

Report Reference GC210727R6.3

Date	Activity	Attended By
23 June 2021	Meeting Mayor Kris Hanna, Tony Harrison, Grant Mayer and Neil Anderson (SAJC)	Tony Harrison
23 June 2021	Cross Council Meeting Data Analytics CoM, City of PAE, CCS	Sorana Dinmore
24 June 2021	Meeting City of Marion and Edwardstown Football Club meeting	Tony Harrison
24 June 2021	Executive Coaching Session with Judith Sellick	Sorana Dinmore
24 June 2021	Meeting: Elyse Hearn (LG Professionals SA) Sorana Dinmore (CoM)	Sorana Dinmore
25 June 2021	SMRF JV Committee - Construction Project Meeting	Sorana Dinmore
25 June 2021	Meeting Todd Elliott (Satalyst) Michelle Stokes (Satalyst) Sorana Dinmore (City of Marion)	Sorana Dinmore
25 June 2021	Meeting: Aaron Reynolds (Pernix) JC De Klerk (Pernix) Ben Farrell (CoM) Sorana Dinmore (CoM)	Sorana Dinmore
28 June 2021	Meeting: Pete Auhl (EQI Consulting) Sorana Dinmore (CoM)	Sorana Dinmore
29 June 2021	Meeting Tony Harrison and David Johnson (Mott MacDonald)	Tony Harrison
29 June 2021	Meeting Tony Harrison, Matt Pears (City of Mitcham) and Nigel Bear (Forty2) re Environmental Change prediction project	Tony Harrison
30 June 2021	Meeting Oaklands Green Project Monthly Control Group	Tony Lines
30 June 2021	Signing of Management Agreement with Southern Cultural Immersion	Tony Lines
1 July 2021	Meeting Tony Harrison and Christine Locher	Tony Harrison
1 July 2021	Meeting CoM & Aboriginal Community Housing Ltd re Aboriginal Elders Independent Living Village	Tony Harrison Ilia Houridis
1 July 2021	Meeting Eddie Dessman	Tony Harrison

	(Edwardstown Football Club), Tony Harrison & Thuyen Vi- Alternetti (City of Marion)	
1 July 2021	Meeting Cross Council Fleet governance Meeting with Cities of Marion, Charles Sturt and Port Adelaide Enfield	Tony Lines
2 July 2021	Stirling Hospital Strategic Planning Workshop	Tony Harrison
2 July 2021	SMRF JV Committee - Construction Project Meeting	Sorana Dinmore
6 July 2021	Meeting Carolyn Power MP and Attorney General, Hon Vickie Chapman MP and Minister for Planning and Local Government	Tony Harrison
8 July 2021	Meeting Oaklands Green Project Control Group with Housing Renewal SA re Rajah Reserve	Tony Lines
8 July 2021	Meeting Flinders University re Graduate Opportunities	Tony Lines
9 July 2021	Launch Event - Open Space Grant Program & Local Design Review Scheme	Tony Harrison
12 July 2021	Meeting Tony Harrison, Cr Ian Crossland, Dave Brain and Phil	Tony Harrison
13 July 2021	Meeting Flinders University re Graduate Opportunities	Tony Lines
13 July 2021	Meeting Planning and Land Use Services & City of Marion	Ilia Houridis
15 July 2021	Meeting Minter Ellison re internal review	Tony Lines
15 July 2021	Meeting SAJC re Concept plan for infield community sports facilities	Ilia Houridis
18 July 2021	MC Citizenship ceremony 11.30am 2:00pm 4:00pm	Tony Harrison Tony Harrison Tony Lines
20 July 2021	Meeting PEET & City of Marion re Tonsley	Tony Lines
21 July 2021	Meeting Tony Harrison and Minister Speirs	Tony Harrison
22 July 2021	Meeting Geoff Smith (Housing Renewal Australia, Oaklands Green) and Tony Harrison	Tony Harrison
23 July 2021	CEO Steering Group -	Tony Harrison

	Environmental Change Prediction Project	
23 July 2021	Meeting CleanPeak	Tony Lines
23 July 2021	Meeting Minister Wingard re South Adelaide Basketball Club	Ilia Houridis
26 July 2021	Meeting Future Urban & City of Marion re Lot 707 zoning discussion	Ilia Houridis
27 July 2021	Meeting Nadia Clancy (Labor candidate for Elder) and Tony Harrison	Tony Harrison
27 July 2021	Meeting Site Contamination Reference Group	Ilia Houridis

7 Adjourned Items - Nil**8 Deputations****8.1 Pedestrian Pathway - David Avenue to Sampson Reserve - Amber Tomas**

Report Reference	GC210727D8.1
Originating Officer	Executive Assistant to the Mayor – Tom Matthews
Corporate Manager	Manager Office of the CEO – Kate McKenzie
General Manager	General Manager City Services – Tony Lines

SPEAKER:

Amber Tomas

ORGANISATION:

Resident

COMMENTS:

Ms Tomas has requested to make a deputation to Council regarding community access across the Hamilton Senior College Oval.

ATTACHMENTS

Nil

9 Petitions - Nil

10 Committee Recommendations - Nil

11 Corporate Reports for Decision

11.1 Local Government Association Annual General Meeting 2021

Report Reference	GC210727R11.1
Originating Officer	Unit Manager Governance and Council Support – Victoria Moritz
Corporate Manager	Manager Office of the CEO - Kate McKenzie
General Manager	Chief Executive Officer - Tony Harrison

REPORT OBJECTIVE

The purpose of this report is to consider Notice of Motions for forwarding to the Local Government Association (LGA) for consideration at the Local Government Annual General Meeting (AGM) 2021 and to nominate a Voting Delegate.

EXECUTIVE SUMMARY

Member councils are invited to submit proposed items of business to be considered by SAROC, GAROC or the LGA Board of Directors for inclusion on the agenda of the General Meeting.

The LGA Annual General Meeting will be held on Friday 29 October 2021 at the Adelaide Entertainment Centre.

In order for items of business to be considered for the Annual General Meeting, proposals must be received no later than **5:00 pm on Friday 6 August 2021**.

Council's current voting delegate for the LGA GM is Mayor Hanna and Deputy Mayor Nathan Prior (proxy). Any change to this will need to be advised.

RECOMMENDATION

That:

1. The nominated Council Voting Delegate for the 2021 Local Government Association Annual General Meeting is XXX and that the Proxy Delegate for this meeting is XXX
2. Council submits the following Notices of Motion to the Local Government Association by 6 August 2021 for consideration at the 2021 Local Government Association Annual General Meeting:
 - a. *That the Annual General Meeting requests the LGA to investigate and provide a report with an analysis of likely costs to the sector (and individual Councils where relevant) of:*
 - *submissions to the Remuneration Tribunal*
 - *submissions to ESCOSA*
 - *the Behavioural Panel*
 - *HR consultancy when recruiting a CEO and performance reviews*

- *any other relevant changes mandated by the 2021 Local Government legislative reforms*

b. That the Annual General Meeting requests the LGA research the possibility of a regular print media item that addresses the interests and needs of metropolitan Adelaide residents and businesses.

3. On submitting Notices of Motion to the Local Government Association, the Chief Executive Officer be authorised to amend the wording (without changing the meaning or purpose of the motion) if required.

DISCUSSION

The LGA has released a call for Motions for the LGA Annual General Meeting 2021. In preparation for the meeting, the LGA has advised Councils of the following information:

Motions

The purpose of the AGM is to consider items of strategic importance to local government and the LGA, as recommended by South Australian Region Organisation of Councils (SAROC), Greater Adelaide Region Organisation of Councils (GAROC) or the Board of Directors.

Member councils may at any time throughout the year propose an item of business for a General Meeting.

To submit a proposal, Council needs to complete the LGA General Meeting -

Proposed Item of Business form (Attached as **Attachment 1**). Proposals should be accompanied by sufficient supporting information to assist SAROC, GAROC and the Board of Directors to make informed decisions and recommendations. Councils are encouraged to discuss proposed items of business with the LGA Secretariat prior to being submitted.

It is at the discretion of Council whether to refer an item to GAROC or the Board of Directors. Guidelines on how proposed items of business will be considered are attached as **Attachment 2**.

Proposed Motions

For items of business to be considered for the Annual General Meeting of 29 October 2021, proposals must be received no later than 5:00 pm on Friday 6 August 2021. All proposed items will then be considered by either SAROC, GAROC or the Board of Directors and must be approved by them for inclusion in the agenda for the Annual General Meeting. The agenda will be provided to councils at least 30 days prior to the meeting.

It is suggested that upon resolving to submit Notices of Motion to the LGA, the Chief Executive Officer be authorised to amend the wording (without changing the meaning or purpose of the motion) if required.

Council Members were requested to forward any proposed items of business for consideration by 5:00 pm Friday 9 July 2021. The following motions were received for consideration:

- 1) *That the Annual General Meeting requests the LGA to investigate and provide a report with an analysis of likely costs to the sector (and individual Councils where relevant) of:*
 - *submissions to the Remuneration Tribunal*
 - *submissions to ESCOSA*
 - *the Behavioural Panel*
 - *HR consultancy when recruiting a CEO*
 - *any other relevant changes mandated by the 2021 Local Government legislative reforms*

- 2) *That the Annual General Meeting requests the LGA research the possibility of a regular print media item that addresses the interests and needs of metropolitan Adelaide residents and businesses.*

Voting Delegate

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

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

In Summary

Notices of Motion are due to the LGA by 5:00 pm on Friday 6 August 2021 and Councils are required to advise if there is a change in Voting Delegates required.

ATTACHMENTS

1. Attachment 1 - LGA AGM Proposed Item of Business Form 1 [**11.1.1** - 1 page]
2. Attachment 2 - Guidelines for Proposed Items of Buisness [**11.1.2** - 5 pages]

LGA General Meeting – Proposed Item of Business

The purpose of this form is to request consideration by SAROC, GAROC or the Board of Directors of an item of business to be included on the agenda of an LGA General Meeting - refer Clause 16.3.1 of the LGA Constitution. Prior to submitting a proposed Item of Business, please refer to the Considering Proposed Items of Business for LGA General Meetings Guidelines.

Council Name	
The body the item is being referred to <i>Proposals may only be submitted to the ROC of which council is a member, or to the LGA Board of Directors.</i>	Board of Directors <u>OR</u> SAROC <u>OR</u> GAROC (<i>choose only one</i>)
Subject of the proposed item of business	
Proposed motion for the General Meeting	That the Annual / Ordinary General Meeting requests the LGA to
Supporting information <i>Provide a summary of the issue(s), relevant background information, description of the impact on the sector and evidence that this is an item of strategic importance to local government.</i>	
LGA Policy Manual <i>Does this item require a change to the LGA Policy Manual (new policy or amendment to existing policy)?</i>	(please click here to view the LGA Policy Manual)
LGA Strategic Plan reference	(please click here to view the plan and identify the Key Initiative and Strategy reference) (<i>choose only one Key Initiative and one Strategy</i>)
Council Contact Officer submitting form	(insert name) (insert email address) (insert telephone number)
Council Meeting minute reference and date of meeting	
Date submitted to LGA	

Please return Word version of completed form to lgasa@lga.sa.gov.au.
Refer to LGA Latest News in respect to deadlines for upcoming General Meetings.

Considering Proposed Items of Business for LGA General Meetings

Guidelines

February 2019

Version 1

Introduction

The Local Government Association of South Australia (LGA) schedules two General Meetings each year for member councils to consider items of strategic importance to local government and the LGA. Proposing and voting on items of business for a General Meeting is one of the important ways that member councils participate in the development of policy and strategy on issues and influence the advocacy agenda for local government in matters affecting councils and their communities.

These guidelines have been prepared to assist the LGA Board of Directors (Board), South Australian Region Organisation of Councils (SAROC) and Greater Adelaide Region Organisation of Council (GAROC) to consider the items of business to be placed upon an agenda for an LGA Ordinary or Annual General Meeting. They also provide guidance to member councils to develop and prioritise proposals to submit for consideration.

The *Considering Proposed Items of Business for LGA General Meetings* Guidelines may be reviewed and amended by the LGA Board of Directors from time to time.

LGA Constitution

Section 16 of the LGA Constitution provides guidance about the matters to be discussed at a General Meeting, and the process by which items of business may be proposed for inclusion on the agenda. The requirements of Section 16 are outlined below.

16. Business of General Meetings

- 16.1 *The business of a General Meeting will be to consider items of strategic importance to local government and the LGA as recommended by SAROC, GAROC or the Board of Directors and matters which must be determined under this Constitution at a General Meeting.*
- 16.2 *Any Member may propose an item of business for an Annual General Meeting or an Ordinary General Meeting to SAROC, GAROC or the Board of Directors.*
- 16.3 *No business shall be brought before a General Meeting of the LGA unless:*
 - 16.3.1 *it has been placed on the agenda of an Annual General Meeting or an Ordinary General Meeting by SAROC, GAROC or the Board of Directors taking into account the purpose of a General Meeting set out in clause 16.1; or*
 - 16.3.2 *the business is as stated in the notice of a Special General Meeting, given in accordance with clause 10.*

In summary, the Constitution provides all member councils with the opportunity to submit a proposed item of business to the Board, SAROC or GAROC for approval to be placed on the agenda of a General Meeting. No item of business will be placed upon the agenda for a General Meeting unless it has been approved by one of the relevant bodies, which must consider whether a matter is of '*strategic importance*' to local government and the LGA'.

Relevant bodies

As outlined in the Constitution, a member council may propose an item of business to SAROC, GAROC or the Board of Directors. This opportunity is also enshrined within the LGA Membership Proposition, which outlines the rights of members to participate in the development of LGA policy and strategy.

While the Constitution refers to members being able to refer items directly to the Board, the Membership Proposition specifically provides for members referring matters relating to policy and strategy development to either SAROC or GAROC (as relevant).

To provide greater clarity to members about the best pathway for submitting an item of business, the following guidance is provided.

LGA Board of Directors

Items should be referred to the Board if related to:

- the LGA Constitution or Ancillary Documents
- a subsidiary of the LGA
- a commercial service provided (or proposed to be provided) by the LGA
- an activity requiring the allocation of significant resources by the LGA
- any LGA operational matter

SAROC or GAROC

Items should be referred to the relevant ROC if related to:

- the development of LGA policy and strategy
- LGA advocacy activities
- an amendment or addition to the LGA Policy Manual
- an operational matter related to SAROC or GAROC

The Board, SAROC and GAROC may choose to refer items submitted by member councils to each other for advice or consideration. Such referrals will be at the discretion of the Board, SAROC and GAROC.

Guiding principles

The following guiding principles have been developed to provide clarity and consistency to the Board, SAROC, GAROC and member councils about the relevant matters that will be considered in determining whether an item of business will be placed on the agenda of a General Meeting.

1. Strategic importance

The matters discussed at General Meetings should be of strategic importance to local government and the LGA. The policies and activities that are resolved at the LGA General Meetings are important in guiding the priorities and work plans of the LGA, and it is important that the association's resources are focussed on the issues that will be of the greatest benefit to councils and communities.

In determining whether a matter is of strategic importance to local government and the LGA, the Board, SAROC and GAROC will consider:

- whether the item has relevance to and will benefit a particular group (eg regional or metro councils) or the sector as a whole;
- alignment with the strategic plans and business plans of the LGA, SAROC and GAROC;
- the level of urgency required to deal with the issue;
- relevance to the role of local government and the potential positive and negative impacts of the issue on councils and communities;

- whether there are other bodies or industry groups that are better placed to address the issue or undertake the proposed activity; and
- the resources required to execute the policies or activities.

2. Supporting evidence

Good public policy positions need to be supported by solid evidence that the issues are well understood and that the proposed course of action provides the most efficient and effective solution. A strong evidence base is critical to successful advocacy, particularly when trying to change government policy, influence public opinion or attract additional funding.

The Board, SAROC and GAROC will consider whether there is sufficient evidence provided in support of the policy position or course of action being sought. In some instances, an item may be referred back to the submitting council with a request for further information.

In many cases the evidence needed to support a position might not be readily available. In these circumstances it is best for a motion to seek further investigation of an issue and/or further consultation with councils, rather than seeking endorsement of a specific policy position or action. The Board, SAROC and GAROC may propose an alternative course of action, in consultation with the submitting council.

3. Alignment with LGA policy

The LGA Policy Manual is a compendium of principles and policies that have been developed and endorsed by a majority vote of member councils at previous General Meetings. There are a wide range of policies addressing a number of priority issues for the sector.

The policies act as a guide for advocacy and best practice in the sector. In most cases, the LGA Policy Manual can provide councils with a broad direction on how an issue can be resolved and whether further development of a policy position is required.

The Board, SAROC and GAROC will consider the LGA Policy Manual in determining whether a new or amended policy position is required to be endorsed by members to enable the LGA to take the requested action. If the LGA already has a supportive policy position in relation to the proposed item, further consideration by members at a General Meeting may not be required.

4. Resourcing

In some cases, the items of business put forward by members require significant resources to be allocated in order to achieve the desired outcome. Resources may not be available through the LGA to tackle every issue.

Before determining to place an item on the agenda of a General Meeting; the Board, SAROC and GAROC will consider:

- whether resources are available within the LGA to achieve the desired outcome;
- other resources that may be available;
- potential impacts on the LGA budget and business plan; and
- the level of input that will be required by councils or other stakeholders to progress the item.

The Board, SAROC and GAROC may determine not to proceed with (or defer) an item of business if the resourcing required would detract from the achievement of outcomes of greater priority for members.

Determinations by the Board, SAROC and GAROC

After considering a proposed item of business against these guiding principles and having regard to any other relevant factors, the Board, SAROC and GAROC may determine to:

- approve an item of business for inclusion on the agenda of a General Meeting;
- approve an amended item of business for inclusion on the agenda of a General Meeting (in consultation with the submitting councils);
- take no further action;
- request additional information from the submitting council;
- refer an item back to the submitting council or regional LGA for action if it relates to a local or regional issue;
- resolve that the matter be dealt with by the LGA, SAROC or GAROC without progressing to a General Meeting (such as matters requiring urgent attention or actions that can be progressed immediately due to alignment with existing policies and work plans); or
- defer the item to a future General Meeting

The submitting council will be advised in writing of the determination of their proposed item of business.

11.2 Local Government Finance Authority Annual General Meeting 2021

Report Reference	GC210727R11.2
Originating Officer	Governance Administration Officer – Anne Mitchell
Corporate Manager	Manager Office of the CEO - Kate McKenzie
General Manager	Chief Executive Officer - Tony Harrison

REPORT OBJECTIVE

The purpose of this report is to consider Notice of Motions for forwarding to the Local Government Finance Authority (LGFA) for consideration at the LGFA Annual General Meeting (AGM) 2021 and to nominate a Council Representative.

EXECUTIVE SUMMARY

Councils are invited to submit proposed items of business to be considered for inclusion on the agenda of the Annual General Meeting.

The LGFA Annual General Meeting will be held on Friday, 29 October 2021 at the Adelaide Entertainment Centre. This meeting will coincide with the Annual General Meeting of the Local Government Association of S.A. with the commencement time and other details to be advised closer to the time.

In order for items of business to be considered for the Annual General Meeting of 29 October 2021, proposals must be received no later than 5:00 pm on Friday, 20 August 2021.

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

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

As the meetings of the Local Government Association of South Australia will also be held on the above day, it is suggested that the same person be appointed to represent Council on the Association and the Authority.

RECOMMENDATION

That:

- 1. The nominated Council Representative for the Local Government Finance Authority Annual General Meeting 2021 is XXX.**
- 2. Council submits the following Notices of Motion to the Local Government Finance Authority by Friday 20 August 2021 for consideration at the 2021 Local Government Finance Authority Annual General Meeting:**
 - XXX**
- 3. On submitting Notices of Motion to the Local Government Finance Authority, the Chief Executive Officer be authorised to amend the wording (without changing the meaning or purpose of the motion) if required.**

DISCUSSION

The LGFA have released a call for Motions for the LGFA Annual General Meeting 2021. In preparation for the meeting, the LGFA have advised Councils of the following information:

Motions

The Rules of the Authority in relation to Annual General Meeting procedures require that a Notice of Motion specifying the resolution which is to be proposed has been given in writing to the Chief Executive Officer not less than forty two days prior to the meeting and to comply with this Rule, it is necessary for Notices of Motion to be submitted to the Local Government Finance Authority of South Australia office on or strictly prior to Friday 20 August 2021.

Member councils are requested to lodge the Notice of Motion in the following manner:-

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

Proposed Motions

Members were asked to submit any proposed Notices of Motion to Administration by 5pm Friday, 16 July 2021. No motions were received.

It is suggested that upon resolving to submit Notices of Motion to the LGFA, the Chief Executive Officer be authorised to amend the wording (without changing the meaning or purpose of the motion) if required.

Appointment of Council Representative

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

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

As the meetings of the Local Government Association of South Australia will also be held on the above day, it is suggested that the same person be appointed to represent Council on the Association and the Authority.

Nominations for Members of the Board

A representative member of the Board currently holds office for a term of two years and, as an election took place last year, nominations for members of the Board are not being sought this year.

In Summary

- Notices of Motion are due to the LGFA by 5pm on Friday 20 August 2021
- Nomination of a council representative is required.
- Nominations for Members of the Board are not being sought this year

ATTACHMENTS

1. LGFA Advance notice Circular AGM 2021 [11.2.1 - 3 pages]



Local Government
Finance Authority

TO: Chief Executive Officers

RE: Annual General Meeting – Friday 29th October 2021

Advance notice is hereby given that the Annual General Meeting of the **Local Government Finance Authority of South Australia** will be held on **Friday 29 October 2021** at the Adelaide Entertainment Centre. This meeting will again coincide with the Annual General Meeting of the Local Government Association of S.A. with the commencement time and other details to be advised closer to the time.

1. Appointment of Council Representative

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

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

As the meetings of the Local Government Association of South Australia will also be held on the same day, it is suggested that the same person be appointed to represent your council on the Association and the Authority. It is, however, our requirement that our forms provided are filled out and returned to us. A form is attached for your convenience to notify us of your representative. (Appendix 1)

Please return same to this Authority **no later than Friday 20 August 2021**.

2. Nominations for Members of the Board

A representative member of the Board currently holds office for a term of two years and, as an election took place last year, nominations for members of the Board are not being sought this year.

3. Notice of Motion

The Rules of the Authority in relation to Annual General Meeting procedures require that a Notice of Motion specifying the resolution which is to be proposed has been given in writing to the Chief Executive Officer not less than forty two days prior to the meeting and to comply with this Rule, it is necessary for Notices of Motion to be submitted to the Local Government Finance Authority of South Australia office on or strictly prior to Friday 20 August 2021.

Member councils are requested to lodge the Notice of Motion in the following manner:-

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

A copy of the appropriate form is attached for your convenience. (Appendix 2)

A handwritten signature in blue ink, appearing to read 'Davin Lambert', is written over a light blue circular stamp.

DAVIN LAMBERT
Chief Executive Officer
Local Government Finance Authority of SA

6 July 2021

Local Government Finance Authority of South Australia

Suite 1205, 147 Pirie Street, Adelaide SA 5000

P: 08 8223 1550 E: admin@lgfa.com.au W: www.lgfa.com.au ABN: 80 189 672 209

Appendix 1

**APPOINTMENT OF COUNCIL REPRESENTATIVE****LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA****2021 ANNUAL GENERAL MEETING**

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

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

Please return completed Appointment of Council Representative Form to admin@lgfa.com.au
by CLOSING DATE: **Friday 20 August 2021**

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

Appendix 2



NOTICE OF MOTION
LOCAL GOVERNMENT FINANCE AUTHORITY OF SOUTH AUSTRALIA
2021 ANNUAL GENERAL MEETING

NAME OF COUNCIL:

NOTICE OF MOTION:
.....

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

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

Please return completed Notice of Motion Form to admin@lgfa.com.au
by CLOSING DATE: **Friday 20 August 2021**
(or post to Local Government Finance Authority of SA, Suite 1205, 147 Pirie Street, Adelaide SA 5000)

11.3 Spinnaker Circuit Reserve - Revocation of Community Land Classification

Report Reference	GC210727R11.3
Originating Officer	Unit Manager Land and Property – Michael Collins
Corporate Manager	Manager City Property - Thuyen Vi-Alternetti
General Manager	General Manager City Development - Ilia Houridis

REPORT OBJECTIVE

To acknowledge receipt of the Ministerial response to Council's request to revoke the community land classification for Spinnaker Circuit Reserve – East, Sheidow Park, and to give Council an opportunity to re-visit the proposal to revoke the community land classification of Spinnaker Circuit Reserve East. Should Council wish to proceed, the report seeks Council endorsement of a revised Report for Consultation.

BACKGROUND

Report history

Report Reference	Report Date
GC190924R03	24 September 2019
GC191210R03	19 December 2019
GC200225M01	25 February 2020
GC201013R05	13 October 2020

EXECUTIVE SUMMARY

Council have previously resolved that the Spinnaker Circuit Reserve East was surplus to Council requirements and that a process to revoke the classification of community land be commenced. A Section 194(2)(a) Report for Consultation was prepared in accordance with the requirements of the Local Government Act 1999 (the Act) and a period of community engagement was undertaken in accordance with Councils Community Engagement Policy.

Following the conclusion of the community engagement, a further report was prepared for Council in October 2020, and Council resolved to seek the consent of the Minister for Planning and Local Government to revoke the classification of community land.

A request was made in November 2020 to the Minister to approve Council's proposal to revoke the classification as community land.

The Minister has declined to approve Council's request on the basis that in their view the Section 194(2)(a) Report for Consultation did not meet the requirements of the Act.

The Minister requires that Council undertake its Section 194(2)(a) public consultation process again, with an updated Section 194 Report for Consultation if Council wishes to reapply for their permission to revoke the community land status of the land.

The report is an opportunity for Council to re-consider whether it wishes to proceed with the revocation and sale of the site, and if it does, clearly define, for the purposes of the public consultation, how it will dispose of the land if the revocation process is completed.

RECOMMENDATION

That Council:

1. **Acknowledges the determination by the Minister for Planning and Local Government dated 23 June 2021;**
2. **Confirms its intention is to sell the portion of the reserve indicated as 'Piece A' in Attachment 3 to St Martins De Porres School by negotiation at market value, subject to the outcome of the revocation process;**
3. **Confirms its intention is to sell the portion of the reserve indicated as 'Piece B' in Attachment 3 on the open market in a manner to achieve maximum net financial return to Council, subject to the outcome of the revocation process;**
4. **Endorses the Report for Consultation titled 'Section 194 Report for Consultation - Spinnaker Circuit Reserve' contained in Attachment 1 subject to a period of Community Engagement in accordance with Section 194(2)(b) of the *Local Government Act 1999* and Council's Community Engagement Policy;**
5. **Authorises the 'Chief Executive Officer' or his nominee, to make minor variations to the Report for Public Consultation prior to the commencement of Community Engagement;**
6. **Confirms that should the revocation of community land classification and sale proceed, that net sale proceeds will be paid into the Open Space Reserve Fund for the development of Open Space for the benefit of the community, as approved by Council.**
7. **Requires a further report to be presented for consideration by Council following conclusion of the public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential revocation of community land classification of the whole of the land known as Spinnaker Circuit Reserve East, Allotment 88 in Filed Plan 17901 comprised in Certificate of Title Volume 5546 Folio 484 to enable Council to determine if the revocation and disposal process should proceed.**

DISCUSSION

Background

Spinnaker Circuit Reserve – East, Sheidow Park (the Reserve) is community land adjacent St Martin De Porres School (the School). The land is currently contained in Council's Community Land Management Plan Number 10 (General Reserves).

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

As an interim arrangement pending the outcome of the process for the revocation of community land classification, Council entered into a license agreement for a portion of the Reserve for an initial period of 12 months for car parking and storage of site sheds, the license expired in June 2021.

Public Consultation under Section 194(2)(b) of the Local Government Act 1999 was undertaken in August / September 2020 for the proposed revocation of the community land classification of the reserve.

On 13 October 2020 (GC201013R05) Council authorised that the consent of the Minister for Planning and Local Government be sought to revoke the community land classification of Spinnaker Circuit Reserve – East, Sheidow Park in accordance with Section 194 of the Local Government Act 1999.

The request and supporting documents were submitted to the Minister for Planning on 4 November 2020.

A summary of the previous Council Resolutions is attached (Attachment 2).

Licence Agreement

The initial 12 month licence agreement with the school to utilise a portion of the reserve expired on 30 June 2021. The school have requested to continue with the current licence arrangement until the matter of the community land revocation is resolved. Council administration are liaising with the school to enter into a new licence agreement for a further 12 months, on similar terms to the previous agreement, to facilitate ongoing use of 'Piece A' of the site by the school while the process to revoke the community land classification is continued.

Ministerial Response

On 23 June 2021 Council received the determination from the Minister for Planning and Local Government (Attachment 4).

The Minister has declined to approve Council's request on the basis that in their view the Section 194(2)(a) Report for Consultation did not meet the requirements of the Act on the basis that the Report did not clearly give a summary of the reasons for the proposal, Council's intention upon revocation, or the potential impact on the community.

Council administration have contacted the Office of the Minister for Planning and Local Government to seek clarification of their concerns. They made clear that they did not have a concern with the community consultation process undertaken by Council, their concerns were only in relation to the contents of the Section 194 Report for Consultation.

The Act requires councils to prepare and make publicly available a report on the proposal containing:

- i. A summary of the reasons for the proposal; and
- ii. A statement of any dedication, reservation or trust to which the land is subject; and
- iii. A statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so details of any Government assistance given to acquire the land and a statement of how the council proposes to use the proceeds; and
- iv. An assessment of how implementation of the proposal would affect the area and the local community; and
- v. If the council is not the owner of the land a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification.

The Minister requires that Council undertake its Section 194(2)(a) public consultation process again if it wishes to reapply for their permission to revoke the community land status of the land.

Revised Section 194 Report for Consultation

In accordance with the response from the Minister, the Section 194 Report for Consultation has been revised to include more clear details of Councils intentions for the land should the community land revocation proceed, and the likely impact on the community, refer to Attachment 1

The revised Report makes it clear, in accordance with the resolution of Council on 25 February 2020, that it is Council's intention that the portion of land marked 'Piece A' in Attachment 3 will be sold by negotiation at market value to St Martins De Porres School, and the portion of land marked 'Piece B' in Attachment 3 will be sold on the open market to maximise the financial outcome to Council, which could involve subdividing the land to create new residential allotments.

Should Council resolve that the land be sold in an alternative way, then the Section 194 Report for Consultation will need to be amended prior to the community engagement being undertaken to reflect this. A provision has been included in the Recommendation to allow for minor amendments to be made to the Report for Consultation subsequent to its endorsement by Council if required.

An independent valuation of the land was obtained by Council in May 2020. An updated valuation will need to be obtained in accordance with Council Policy prior to sale.

Stormwater Issues

There has been a history of stormwater run-off issues on the site which Council has been monitoring and addressing.

During the course of their current licence tenure the school have made some alterations to the site including the addition of hard stand base to their licensed area to allow for safe vehicle and pedestrian movement in this area. The works were approved by Council, conditional on the school carrying out works to alleviate the stormwater run-off from their licenced area.

The school has put in place interim measures to reduce the potential impact of their works, however the longer-term solution proposed by the school has not yet been implemented. The new licence agreement will require the school to undertake these works.

It is likely that stormwater treatment will also need to be considered and addressed through the development approval process by any developer / purchaser of the balance (Piece B) of the site.

Options

At this stage Council has several options that it may wish to consider:

Option 1 (Recommended)

Proceed as recommended, and previously resolved by Council by continuing to pursue the revocation and disposal of community land classification, negotiating a sale of Piece A to the School, and selling Piece B on the open market in a manner to maximise the financial return to Council.

Option 2a

Not proceed with the process of revocation of community land classification and lease the site to the school (in part or whole) on a long-term lease agreement, which would be subject to community consultation.

Option 2b

Not continue with either the revocation of community land classification, or the granting of an occupancy agreement to the school and could require the reserve to be re-instated as a passive reserve.

Option 3

Council could decide that it would like to proceed with the revocation of community land classification but may wish to re-consider how the land is disposed of. Council may seek to sell the entire land parcel to St Martins De Porres School for the school to utilise as they see fit. It should be noted that this option would not see the best financial return to Council.

ATTACHMENTS

1. Attachment 1 - Section 194 Report for Consultation - Spinnaker Circuit Reserve - Final [**11.3.1** - 8 pages]
2. Attachment 2 Summary of Council Resolutions [**11.3.2** - 2 pages]
3. Attachment 3 [**11.3.3** - 1 page]
4. Attachment 4 - Correspondence from Minister for Local Government [**11.3.4** - 3 pages]

**Proposal to revoke
classification of Community Land**

**ALLOTMENT 88 IN DEPOSITED
PLAN 17901, 72 SPINNAKER CIRCUIT SHEIDOW PARK
CERTIFICATE OF TITLE VOLUME 5546 FOLIO 484**

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

Introduction

What is community land?

Most land that is owned by Council or under its care and control is set aside for the public to use and enjoy.

All local government land (except roads) that is owned by Council or is under the care, control and management of Council is **Community Land** under the *Local Government Act 1999*, unless it has been exempted through legislation, excluded by resolution of Council or the classification has been revoked.

This land is classified as “Community Land” to make sure it is looked after for the benefit of the whole community and to reflect that some land has special meaning to locals because of important cultural or historic features. Council is responsible for actively managing this land.

Council’s overall goal is to create a vibrant and attractive city that is well-planned, with safe and healthy places to live, work and play. When it plans ahead, Council takes into account changing population demographics (in particular ageing), changing community needs and shifts in leisure trends such as the increasing demand for structured recreation activities.

Over time community expectations and priorities change about how Community Land should be used and there are competing demands for its use. Council needs to consider all of these demands and the best way to use ratepayers’ money in a way that benefits the most people.

Sometimes Council needs to consider whether it is in the long term interests of the community that the protection of a parcel of land under the classification of Community Land should continue. Council (in consultation with the community) may decide that such protection under this classification is no longer required, to enable the land to be sold and the proceeds used for another community purpose, such as the building of a community facility.

How is community land revoked?

The *Local Government Act 1999* contains important restrictions on the ability of Council to revoke and sell its Community Land. Community Land cannot be sold without first consulting with the broader community and giving the public an opportunity to consider any proposal to sell the land. Council must take into account the views and opinions of the public when Council makes its decision as to whether it will revoke the Community Land status of the land.

There is a further step in the process. The Minister for Planning and Local Government must also consider the overall merits of the proposal and decide whether to consent to the revocation and sale and give Council the authority to proceed.

What is the process?

- Section 194 of the *Local Government Act 1999* requires Council to prepare a report on a proposal to revoke the Community Land classification of any land and to place that report on display and follow the steps set out in its public consultation policy before considering any submissions and submitting the proposal to the Minister for Planning and Local Government for decision. The report describes the proposal, the reasons behind it, where the land is located and the possible future use of the land.

What happens to my feedback?

Details about the revocation proposal can be seen on Council's website or at Council's offices.

The public has an opportunity to provide their views and opinions to Council staff about the revocation proposal.

Council staff will submit the proposal and report on consultation to Council for consideration.

A copy of any written feedback is included in the report that will be presented to the elected members of Council. Council's response to the feedback raised is also included in this report.

Council members must consider what the community has to say about the proposal, when they decide whether to make an application to the Minister for his approval.

Council staff may recommend that the classification of the land be revoked at a meeting of Council to enable disposal. Council may decide not to proceed any further. The decision is up to the elected members of Council.

What is the role of the Minister?

If Council decides to apply for the Minister's approval, a report must be provided to the Minister that includes a copy of every public submission made during the course of the public consultation and a report on all submissions. The process of consulting the public and its results is an important factor in the Minister's decision whether to approve the proposal or not. The Minister has the discretion to decide one way or the other.

If the Minister approves Council's application - this consent gives Council the authority to pass a resolution to revoke the classification of the land as Community Land. Once that resolution is made at a meeting of Council, then the sale process can start.

The revocation of the Community Land classification does not take effect unless Council makes a resolution to give effect to the proposal. Council may decide that it does not wish to proceed with the resolution.

If Council resolves to revoke the classification, the land is freed from any dedication, reservation or trust affecting the land (other than under the *Crown Lands Act 1929*).

Report for public consultation

This Report:

- Describes the proposal
- Provides the reasons for the proposal
- Identifies the land and where it is located
- Provides a location plan.

Legal description

The City of Marion is considering a proposal to revoke the Community Land classification of the Council owned land at 72 Spinnaker Circuit Sheidow Park (bordered in red in the below image).

The land has an approximate frontage of 22 metres to Berrima Road and approximately 100 metres to Spinnaker Circuit. The total land area of the reserve is approximately 6,158 square metres

Allotment 88 in Deposited Plan 17901 as contained in Certificate of Title Volume 5546 Folio 484.

The Land is included in Councils community Land Management Plan for General Reserves (Community Land Management Plan Number 10)

The location of the land proposed for revocation and disposal is shown in the **aerial photograph below**.



Reasons for the revocation proposal

It has been identified that the reserve is currently under-utilised by the Community. Council has declared that the reserve does not contribute to Council's strategic objectives and is surplus to Council's requirements.

The adjoining School has approached Council regarding the use of the reserve for parking and potentially for a sealed court area, a garden or a play area. The school have applied to purchase the portion of land (Piece A) for expansion of their activities. Acquisition of Piece A will assist the school to expand and alleviate on street parking issues.

Council previously undertook community consultation in November 2019 in relation to the potential sale or lease of the reserve which included a question about current use and whether the community was supportive of a sale or lease of the reserve. This consultation concluded that there was significant community support for the sale of the whole of the reserve to St Martin De Porres School. It should be noted that the current proposal would see a portion of the reserve sold to the school, and the remainder sold on the open market, and will likely be developed for residential purposes.

It is considered that the revocation and disposal of the subject reserve will not adversely impact upon the leisure opportunities in the locality, as the area in general is well serviced with open space.

Current use

The Reserve is currently accessible for the general public and provides some open space amenity for the local community.

A portion of the reserve is currently occupied under a Licence Agreement by St Martin De Porres School school

How the council proposes to use the proceeds of the sale of the revoked land

Net sale proceeds will be paid into the Open Space Reserve Fund for the development of Open Space for the benefit of the community, as approved by Council.

Government assistance

It does not appear that there has been government assistance to acquire the Reserve. The original reserve was vested to Council in 1986 as part of the original sub-division of the area undertaken by private developers.

How will the proposal affect the local community

The revocation and sale of the land will have some impacts on the local community through the loss of passive open recreation space.

The area marked as Piece A on the Plan is currently occupied under a Licence agreement by St Martin De Porres School.

The area marked as Piece B on the Plan is intended to be sold on the open market, and will likely be developed for residential purposes which will have a visual impact on neighbouring properties, increase security to neighbouring properties if developed and cause an increase in vehicular traffic in the area.

Are there any registered interests over the land

There are no registered interests noted on the Certificate of Title

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 (Reserve).

Intention of Council once revocation has occurred:

Should the proposed revocation of Community Land Classification proceed, it is Councils intention that:

- 'The portion of the reserve indicated as 'Piece A' (which is currently occupied by St Martin De Porres School under a licence agreement) on the plan below will be sold by negotiation to St Martin De Porres School;
- The portion of the reserve indicated as 'Piece B' on the plan below will be sold on the open market and will likely be developed for residential purposes.

Plan showing the two areas of Spinnaker Circuit Reserve East

Certificate of Title for the land being considered for revocation



Product Register Search (CT 5546/484)
 Date/Time 11/09/2019 08:49AM
 Customer Reference
 Order ID 20190911000786



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.

**Certificate of Title - Volume 5546 Folio 484**

Parent Title(s) CT 4268/77

Creating Dealing(s) CONVERTED TITLE

Title Issued 18/06/1998

Edition 1

Edition Issued

18/06/1998

Estate Type

FEE SIMPLE (RESERVE)

Registered Proprietor

THE CORPORATION OF THE CITY OF MARION
 OF PO BOX 21 OAKLANDS PARK SA 5046

Description of Land

ALLOTMENT (RESERVE) 88 DEPOSITED PLAN 17901
 IN THE AREA NAMED SHEIDOW PARK
 HUNDRED OF NOARLUNGA

BEING A RESERVE

Easements

NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title NIL

Priority Notices NIL

Registrar-General's Notes NIL

Administrative Interests NIL

Have Your Say

Council wants to hear what you have to say, good or bad. You are invited to make a submission on the proposed revocation of community land classification.

Your submission must be made in writing and include your name, address and contact information. Please note, all submissions will become public documents upon receipt.

Your feedback is important, it will be reported to a Council Meeting after the close of the consultation, and will be used to guide our decision making in relation to the proposal.

If you need any further information please contact Council's Land & Property Team on 08 7420 6410

Attachment 2 – Summary of Previous Council Resolutions

24 September 2019 (GC190924R03)	
1.	Notes the report.
2.	Undertakes Community Consultation regarding Spinnaker Circuit Reserve East (Allotment 88 in Field Plan 17901) on the following 5 options: <ol style="list-style-type: none"> no sale or lease of land and maintain as reserve; sell/lease the Eastern section, subdividing the remaining land for residential purposes; sell/lease the Northern section, and subdivide the remaining land for residential purposes; sell/ lease all the reserve to the school; sell/lease the Eastern section, retaining the remaining as open space.

19 December 2019 (GC191210R03)	
1.	Notes the report.
2.	Acknowledges that Community Consultation regarding leasing the portion of land adjacent to Berrima Road of Spinnaker Circuit Reserve East to the St Martin de Porres School for a period of five years is not required.
3.	Authorises the Chief Executive Officer to negotiate and enter into a lease of the portion of land adjacent to Berrima Road of Spinnaker Circuit Reserve East at an amount that reflects a market rent from January 2020 for a five year term.

25 February 2020 (GC200225M01)	
	AMENDMENT (PART 1)
1.	Rescinds Motion GC191210R03: <ol style="list-style-type: none"> Notes the report. Acknowledges that Community Consultation regarding leasing the portion of land adjacent to Berrima Road of Spinnaker Circuit Reserve East to the St Martin de Porres School for a period of five years is not required. Authorises the Chief Executive Officer to negotiate and enter into a lease of the portion of land adjacent to Berrima Road of Spinnaker Circuit Reserve East at an amount that reflects a market rent from January 2020 for a five year term.
2.	Notes the report GC191210R03.
3.	Notes that the retention of the land known as Spinnaker Circuit Reserve East at Allotment 88 in Filed Plan 17901 comprised in Certificate of Title Volume 5546. Folio 484 does not contribute to Council's strategic objectives and is surplus to Council's requirements.
4.	Authorises Administration to commence the revocation process including the preparation of a report under Section 194(2)(a) and undertake public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential disposal of the whole of land known as Spinnaker Circuit Reserve East, Allotment 88 in Filed Plan 17901 comprised in Certificate of Title Volume 5546 Folio 484.
5.	Notes that Administration will bring a report to Council for consideration of the public consultation under Section 194(2)(b) of the Local Government Act 1999 for the potential disposal of the whole of the land known as Spinnaker Circuit Reserve East, Allotment 88 in Filed Plan 17901 comprised in Certificate of Title Volume 5546 Folio 484.
6.	Authorises the Chief Executive Officer to sell the Reserve in such a way so as to: <ol style="list-style-type: none"> Maximise the financial outcome to Council Comply with Council's Disposal of Land and Assets Policy and incorporate professional engineering and planning advice.
	AMENDMENT (PART 2)
7.	Notes that achievement of the above objectives through selling the Reserve is likely to include: <ol style="list-style-type: none"> Selling the portion of the Reserve shown as Option D (Appendix 1) in GC191210R03 (or similar to it) to St Martin de Porres School. Subdividing the remaining land to create new residential blocks for sale.
8.	Authorises the Chief Executive Officer to negotiate and enter into a lease of the portion of the Reserve shown as Option D in GC19121 0R03 (or similar to it) at an amount that reflects a market rent from February 2020 for a twelve month term (to align with any community land revocation process), noting that a Licenced Valuer will not be engaged to determine the market rent (consistent with Council's Leasing and Licensing of Council Owned Facilities Policy).

Attachment 2 – Summary of Previous Council Resolutions

13 October 2020 (GC201013R05)	
1.	Notes the outcome of the community consultation process undertaken for the revocation of the community land classification for the whole of Spinnaker Circuit Reserve - East, Sheidow Park, at Lot 88 in Deposited Plan 17901, Certificate of Title Volume 5546 Folio 484 and for the potential disposal of the reserve.
2.	Authorises the lodgement of the proposal to dispose of the whole of Spinnaker Circuit Reserve -East, Sheidow Park to the Minister for Planning in accordance with Section 194 of the Local Government Act 1999 with: <ul style="list-style-type: none"> • a report on all submissions made as part of the public consultation process • a request to approve the revocation of the Community Land Classification
3.	Notes a report will be presented to Council upon receipt of the determination from the Minister for Planning in relation to Spinnaker Circuit Reserve - East, Sheidow Park.

Indicative Plan showing Piece A & Piece B of Spinnaker Circuit Reserve East



The Hon Vickie Chapman MP

20MLG0543

 June 2021

Mr Tony Harrison
Chief Executive Officer
City of Marion

By email: tony.harrison@marion.sa.gov.au



**Government
of South Australia**

Deputy Premier

Attorney-General

Minister for Planning
and Local Government

GPO Exchange
10 Franklin Street
Adelaide SA 5000

GPO Box 464
Adelaide SA 5001
DX 336

Tel 08 8207 1723
Fax 08 8207 1736

Dear Mr Harrison

I write in response to the letter from the City of Marion (Council) seeking my approval for Council's proposal to revoke the community land classification of Allotment 88 (Reserve) in Deposited Plan 17901, comprised in Certificate of Title Volume 5546 Folio 484 (the Subject Land). I apologise for the delay in response; however, as you would appreciate, this is a complex matter and required extensive investigation.

I am advised that the Office of Local Government (OLG) has been in discussions with Council on this matter, and had notified the former Chief Executive Officer of the delay caused by the need to seek further advice in order to consider Council's application.

I have considered the information provided to me by Council and am of the view that I am not able to approve the application, as the requirements under section 194(2) of the *Local Government Act 1999* (the Act) have not been met.

As you would be aware, before a council revokes the classification of land as community land the council must prepare and make publicly available a report on the proposal containing a number of prescribed matters set out under section 194(2) of the Act.

These steps are a prerequisite to making my decision and I cannot exercise my discretion to approve the proposal until these procedures have been satisfactorily completed.

Section 194(2)(a) of the Act requires councils to prepare and make publicly available a report on the proposal containing:

- (i) a summary of the reasons for the proposal; and
- (ii) a statement of any dedication, reservation or trust to which the land is subject; and
- (iii) a statement of whether revocation of the classification is proposed with a view to sale or disposal of the land and, if so, details of any Government assistance given to acquire the land and a statement of how the council proposes to use the proceeds; and

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- (iv) an assessment of how implementation of the proposal would affect the area and the local community; and
- (v) if the council is not the owner of the land—a statement of any requirements made by the owner of the land as a condition of approving the proposed revocation of the classification;

I am of the view that Council has not complied with the requirements in section 194(2) of the Act. Specifically, statements in Council's report in relation to section 194(2)(a)(i) and section 192(2)(a)(iv) do not provide the community with the information it requires to understand the reasons why Council is seeking to revoke the community land status of the Subject Land, how the land will be used, and how the land use will affect the area and local community.

I am advised Council undertook initial (non-statutory) consultation in November 2019 on possible sale/lease options for the Subject Land. At this time, the lease for part of the Subject Land to St Martin de Porres School (the School) was not yet in place.

The initial consultation highlighted that the Reserve was underutilised by the community. The consultation also included a question about the Reserve's current use and whether the community supported its sale or lease under a number of different options. I understand this initial consultation showed strong support for an option that would sell or lease the Subject Land, or a portion of it, to the School.

The report prepared by Council for the purpose of the community land revocation proposal does not refer to the initial consultation, the School's approach to Council, or the potential sale of the land to the School and/or for residential development. Further, the report does not contemplate that the revocation could have an impact on the area or local community, which may indeed occur if the Subject Land, or a portion of it, is sold for residential development.

After carefully considering the effect of the revocation on the area and the local community, I am of the view that it is not possible to consider the merits of the proposal as the consultation process undertaken by Council does not meet the requirements of the Act. As I have stated above, I cannot exercise my discretion to approve the proposal until the procedures under section 194(2)(a) of the Act have been satisfactorily completed.

It is open to Council to once again undertake its section 194(2)(a) public consultation process if it wishes to reapply for my approval to revoke the community land status of the subject land.

If Council chooses to undertake the section 194(2)(a) public consultation process once again, I would encourage Council to closely consider *Guidance Paper No. 5—Revocation of Community Land Classification*, published by the Office of Local Government, with particular reference to pages 3-6. This can be found at <http://www.agd.sa.gov.au/local-government/publications-local-councils>.

As set out in *Guidance Paper No. 5*, effective consultation enables communities to fully understand the nature of council proposals and the likely impacts and benefits that may result from a decision to revoke the community land status of land.

- 3 -

Accordingly, I do not approve Council's proposal to revoke the classification as community land of portion of Allotment 88 (Reserve) in Deposited Plan 17901, comprised in Certificate of Title Volume 5546 Folio 484.

Should you wish to discuss this matter further, please contact Ms Alex Hart, Director, Office of Local Government, on telephone (08) 7109 7143 or via email alex.hart@sa.gov.au.

Yours sincerely



VICKIE CHAPMAN MP
DEPUTY PREMIER
MINISTER FOR PLANNING AND LOCAL GOVERNMENT

11.4 Warriparinga Advisory Team

Report Reference	GC210727R11.4
Originating Officer	Unit Manager Cultural Facilities – Tyson Brown
Corporate Manager	Manager City Property - Thuyen Vi-Alternetti
General Manager	General Manager City Development - Ilia Houridis

REPORT OBJECTIVE

To seek Council endorsement for the recruitment process of the two Council nominated Warriparinga Advisory Team WAT members and establish the meeting sitting fees.

EXECUTIVE SUMMARY

Council endorsed the LKCC Management Agreement on 22 June 2021 (GC210622F02) which was signed and executed on 30 June 2021 with Southern Cultural Immersion (SCI). SCI commenced their direct management of the site on 19 July 2021.

It is proposed that the first WAT meeting is used to establish processes and review roles and responsibilities with the appointed members. The first formal meeting would follow the first quarterly reporting deadline of 30 September 2021.

It is proposed that an Expression of Interest (EOI) is progressed through the Review and Selection Committee which meets next on 3 August 2021.

Council is required to determine a sitting fee for the Council appointed representatives of the WAT prior to the EOI commencing. It is recommended that the sitting fee is set at \$300 per meeting based on meeting preparation and attendance. Council may wish to alter this amount if it feels this doesn't accurately reflect time and skills required. This will be funded from within existing budgets set for independent members or advisory services for section 41 Committee.

RECOMMENDATION

That Council:

- 1. Notes that the Expression of Interest for the recruitment of two representatives for Warriparinga Advisory Team will progress via the Review and Selection Committee.**
- 2. Endorses a sitting fee of \$300 per meeting per City of Marion Warriparinga Advisory Team Representative.**
- 3. Notes this will be funded from within existing budgets set for independent members or advisory services for Section 41 Committees.**

GENERAL ANALYSIS

The Management Agreement Between the Corporation of the City of Marion and Corey Turner trading as Southern Cultural Immersion for Living Kaurna Cultural Centre, Fairford House and Coach House stipulates a WAT is to be established to support the Agreement as an advisory function and not a decision making body. Refer to Attachment 1, for an extract of the section of the Agreement relating to the WAT.

The group consists of two City of Marion and two SCI representatives and Council staff. Elected Members, the Manager and the Manager's staff are not permitted to be members of the WAT.

The WAT would meet quarterly to consider:

- Governance;
- Finance;
- Compliance;
- Operations and KPI goals; and
- General business.

The chair of the WAT is to be determined by the WAT and be one of the four members.

Remuneration

Each party is responsible for remunerating its own representatives. It is proposed that a sitting fee of \$300 per meeting is set. This is based on meeting time, meeting preparation and required skills. This equates to total cost of \$2,400 per annum base on 2 representatives attending 4 quarterly meeting.

As a reference, sitting fees for other independent members on Council committees include:

- Finance & Audit Committee \$1,000 per meeting (5 meetings per year – total per member)
- Council Assessment Panel \$400 per meeting (12 meetings per year – total per member)
- Infrastructure & Strategy Committee \$1,000 per meeting (5 meetings per year)

Process

It is recommended that the recruitment for the two positions progress via the Review and Selection Committee in accordance with 5.3 of the Committee's Terms of Reference. However, an EOI will be called rather than an executive search. The next steps and proposed timeframes are listed below.

Step	Task	When
1.	Present at EM Forum to discuss process for appointing WAT Members.	EM Forum 20 July 2021 COMPLETE
2.	Report to General Council to endorse process and sitting fees	General Council 27 July 2021 CURRENT
3.	Report to Review and Selection Committee to endorse the commencement of the EOI process	R&S Committee 3 August 2021
4.	Commence EOI process	4 - 11 August
5.	Conduct interviews and select preferred nominees (undertaken by R&S Committee members)	12 - 17 August
6.	Report to Review and Selection Committee to endorse the 2 WAT members	Special Review and Selection Committee No later than 17 August
7.	Review and Selection Committee minutes endorsed by Council and report formally making the appointments	General Council 24 August
8.	First formal WAT meeting	Post 30 Sept

ATTACHMENTS

1. Warriparinga Advisory Team - extract from Management Agreement [**11.4.1** - 2 pages]

WAT extract from Management Agreement

8. WARRIPARINGA ADVISORY TEAM

8.1 General

- 8.1.1 A Warriparinga Advisory Team (WAT) shall be formed and comprise four independent members. The WAT will be responsible for helping and supporting the delivery of this Agreement.
- 8.1.2 Each party shall be responsible for remunerating its own representatives.
- 8.1.3 This is an advisory function only and not a decision making body.
- 8.1.4 A quorum of the WAT is defined as three people.
- 8.1.5 A decision to continue with the WAT will be made in year three of the Term and when considering the extension of the Agreement in accordance with clause 2.2.2.

8.2 Membership

- 8.2.1 The WAT will consist of:
 - 8.2.1.1 Two Council nominated members; and
 - 8.2.1.2 Two Manager nominated members.
- 8.2.2 Council staff, Elected Members, the Manager and the Manager's Staff are not permitted to be members of the WAT.
- 8.2.3 The Chair of the WAT will be determined by the WAT. This Chair is one of the four members and not an additional member.

8.3 Governance Structure

The Chair shall forward the agenda and papers to WAT members at least five (5) working days prior to a meeting being held, and minutes no later than seven (7) days following the meeting. Minutes will record actions arising from the meeting and will allocate the person(s) responsible for each action and timelines for completion.

8.4 Meeting Procedures and Protocols

- 8.4.1 The WAT shall meet four times a year (quarterly) (or more frequently by decision of the WAT or by the Chairperson). Meetings shall only be held when at least three (3) members are present.
- 8.4.2 WAT meetings will include reporting and oversight of the following:
 - 8.4.2.1 this Agreement;
 - 8.4.2.2 performance against this Agreement, including progress against KPIs;
 - 8.4.2.3 finances;
 - 8.4.2.4 risk management;
 - 8.4.2.5 health and safety;
 - 8.4.2.6 human resources;
 - 8.4.2.7 operational matters;

- 8.4.2.8 new business opportunities; and
- 8.4.2.9 other business as required.

8.4.3 At each meeting, the following values, principles and protocols shall be adhered to:

- 8.4.3.1 respecting and valuing diversity of opinions and culture;
- 8.4.3.2 honesty, trust and openness;
- 8.4.3.3 being concise, to the point and having a workable time structure;
- 8.4.3.4 being accountable and responsible;
- 8.4.3.5 maintaining confidentiality of matters;
- 8.4.3.6 disclosure of any pecuniary interests; and
- 8.4.3.7 coming to agreement by consensus.

8.5 Communication and Reporting Mechanisms

- 8.5.1 Communication to WAT members shall be via email.
- 8.5.2 The Manager's representatives shall report to the relevant Kaurna stakeholders as required.
- 8.5.3 Council representatives shall report to Council's Executive Leadership Team (ELT) and Elected Members as required.

11.5 Hallett Cove Beach: coastal protection and outdoor pool

Report Reference	GC210727R11.5
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 HISTORY

Report Reference	Report Title
GC260612R02	Hallett Cove Coastal Management Study
GC181127R16	Coastal Climate Change Adaptation Planning
GC190723R10	Coastal Climate Change Adaptation Plan - Stage 3 Monitoring Plan
GC120618R02	Hallett Cove Sea Pool
GC190625R15	Hallett Cove Sea Pool Feasibility Study Report
GC201208M02	Hallett Cove Sea Pool

REPORT OBJECTIVE

For Council to consider options for a concept plan and community consultation program for an outdoor pool at Hallett Cove Beach.

EXECUTIVE SUMMARY

The embankment of Heron Way Reserve at Hallett Cove Beach will require protection from coastal erosion in the future. This has been confirmed in several Council-funded studies (GC260612R02 and GC181127R16).

In 2019, following community interest in a Hallett Cove “Sea Pool”, Council partnered with the state government on a *Feasibility Study for Hallett Cove Ocean Pool* (GC190625R15). The study concluded that a recreational outdoor pool pumped with seawater could be incorporated into a future coastal protection structure at the base of Heron Way Reserve at Hallett Cove Beach.

In 2021, Council applied for funding under the Local Government Infrastructure Partnerships Program to build a \$5.5 million “Hallett Cove Sea Pool”. This funding bid was unsuccessful.

Community consultation and concept plans were not a feature of the 2019 feasibility study and were a limitation in the business case that formed part of the 2021 funding bid. Based on the design recommendations from the 2019 *Feasibility Study for Hallett Cove Ocean Pool*, it is estimated that a concept plan and consultation program would cost \$70,000.

The Coast Protection Board is expected to open its annual grants program in mid-2021. Funding from this program targets foreshore protection and coastal adaptation studies and would be suitable if Council wants to pursue investigating the protection of the Heron Way Reserve foreshore with a structure that includes an outdoor pool.

This report seeks to provide direction for the administration around Council’s position on an outdoor pool at Hallett Cove Beach. Four options are presented for consideration.

RECOMMENDATION

That Council:

1. Fully funds a concept plan and community consultation program for an outdoor pool at Hallett Cove Beach that includes:
 - a. allocation of up to \$70,000 from savings identified through the 2021/22 first budget review process
 - b. a report back to Council in early 2022 with a draft concept plan and proposed approach for community consultation
 - c. a report back to Council in mid-2022 summarising results of community feedback and recommending next steps.

OR

2. Part funds a concept plan and community consultation program for an outdoor pool at Hallett Cove Beach that includes:
 - a. allocation of up to \$35,000 (i.e. up to 50% of the cost) from savings identified through the 2021/22 first budget review process
 - b. applying for funding from the state government's Coast Protection Fund for the remaining project costs (opens mid-2021)
 - c. referring the Hallett Cove outdoor pool back to Council's unfunded priorities list for future consideration if funding cannot be secured from the Coast Protection Fund in 2021/2022
 - d. a report back to Council with a draft concept plan and proposed approach for community consultation (subject to confirmation and timing of grant funding)
 - e. a report back to Council summarising results of community feedback and recommending next steps (subject to Council approval of the concept plan and approach for community consultation, and confirmation and timing of external funding).

OR

3. Retains "Hallett Cove outdoor pool" on Council's unfunded priorities list for consideration by Elected Members in September 2021.

OR

4. Removes "Hallett Cove outdoor pool" from Council's unfunded priorities list.

GENERAL ANALYSIS

Strategic Priority

An outdoor pool at Hallett Cove is not listed as a strategic priority in the *City of Marion Business Plan 2019 – 2023*.

At the Elected Members' Forum of 30 March 2021, Elected Members suggested referring several unsuccessful applications from the Local Government Infrastructure Partnership Program to the unfunded priorities list for review in September 2021. This included the \$5.5 million bid for a "Hallett Cove outdoor pool".

At the Elected Members' Forum of 18 May 2021, Elected Members suggested that the "Hallett Cove outdoor pool" be included as part of an election lobbying campaign.

Valuing Nature

An outdoor pool at Hallett Cove Beach would deliver outcomes across all six themes of the Community Vision.

"Valuing Nature" is considered the current primary link due to past discussions around the pool forming part of a coastal erosion structure along the Heron Way Reserve foreshore.

Past funding for the "Hallett Cove Sea Pool Feasibility Study"

	<p>offered by the state government was based on the role of the outdoor pool in delivering coast protection outcomes.</p>
Risk Management	<p>The lack of a concept plan, artist's impression and community consultation are a high risk for the successful progression of the outdoor pool at Hallett Cove Beach; particularly in attracting external funding for construction.</p>
Community Engagement	<p>No formal community engagement has been conducted by the City of Marion on this project.</p> <p>Social media campaigns and polls led by the community, local politicians, and the media have demonstrated high levels of community support for a pool at Hallett Cove Beach with some concerns raised around traffic management and the changed character of the beach and reserve.</p> <p>If Council wishes to progress the idea of a Hallett Cove outdoor pool, formal community engagement is recommended to better understand impacts and benefits for the Marion community and inform next steps for Council.</p>
Legal / Legislative / Policy	<p>If Council chooses to progress a Hallett Cove outdoor pool to detailed design and construction, a prudential review (s48 Local Government Act, City of Marion Prudential Management Policy) would be required.</p>
Current Budget Allocation	<p>There is no planned allocation of funding for this project in the 2021/ 2022 budget.</p>
Proposed Future Budget Allocation	<p>Options 1 and 2 require funding of up to \$70,000 which will need to be allocated from savings identified through the 2021/ 2022 first budget review process.</p> <p>If Council chooses Option 3, funding could be further considered as part of a future review of Council's unfunded priorities list due for consideration by Elected Members in September 2021.</p> <p>Option 4 removes the Hallett Cove outdoor pool from Council's unfunded priorities. Any funding for future foreshore protection, will be raised through existing budget processes as part of the coastal monitoring program.</p> <p>If Council chooses to continue to investigate the idea of a pool at Hallett Cove Beach after consideration of the concept plan and results of community consultation, further budget allowance would be required for a prudential review and detailed design prior construction.</p> <p>Consideration of costs for a prudential review and detailed design could be made in late 2021 in preparation for the 2022/2023 budget. This allowance would be provisional to a Council decision on the next steps for a pool at Hallett Cove Beach following Council consideration of the concept plan and results of community consultation.</p>
Other Funding Sources	<p>The Coast Protection Board's annual Coast Protection Fund is likely to be the most suitable external funding source. The next round is expected to open mid-2021. Funding for the "Hallett Cove Sea Pool Feasibility Study" also came from the Coast Protection Fund.</p>

DISCUSSION

If Council chooses to progress with a concept plan and community consultation program for a Hallett Cove outdoor pool, it is suggested that the concept design is based on the recommendations made in the *Feasibility Study for Hallett Cove Ocean Pool* analysis conducted by the University of New South Wales, Water Research Laboratory (GC190625R15). This includes:

- 50 x 20m main pool;
- 250 to 450m² wading pool;
- 250 to 450m² of constructed public space;
- Rock protection to the pool and nearby sections of the foreshore
- Ancillary works: toilets, change rooms, lighting, access paths and car parking.

Key features of a concept design would include:

- General character and design reflected in “artist’s impression” drawings.
- Where the pool would be situated in relation to the beach and embankment.
- Construction materials for the pool and surrounds.
- Recreational features of the pool e.g. lap swimming, water play areas.
- Pathways and access points.
- Safety features including fencing.
- Changes to surrounding landscaping.
- Infrastructure impacts surrounding the pool: parking, traffic, stormwater, services etc.
- Basic operational features of the pool, including pumps, intake and overflow pipes, etc.
- Estimated costs for construction.

The consultation program would include:

- Investigating community benefits/concerns for a seawater outdoor pool on Hallett Cove Beach.
- Investigating general interests in a recreational swimming facility in the Hallett Cove area.
- Communicating the future need for protection of the Heron Way Embankment from coastal erosion.
- Documenting formal feedback from community and interest groups.
- Ensuring community priorities are reflected in the design, construction and operation of the outdoor pool.
- Strengthening future business cases for funding.

Proposed Approach

The approximate timing and deliverables of each approach is outlined below.

Phase	Activity and Deliverables	Approx. Timeframes
Confirm direction Depending on which option Council chooses from the recommendations.	Option 1. 100% Council funding for concept plan and consultation. <ul style="list-style-type: none"> • Staff to immediately progress to project initiation phase below. 	Immediate start Total delivery time estimated to be 12 months ie mid-2022
	Option 2. Up to 50% Council funding for concept plan and consultation with remainder sought from Coast Protection Fund. <ul style="list-style-type: none"> • Staff to develop and submit grant application. • Staff to establish grant agreement and progress to project initiation phase below. • If funding is unsuccessful, the 	The Coast Protection Fund is expected to open mid-2021. The timeframe from grant opening, to the establishment of a grant agreement is likely to be several months. If grant funding is

	“Hallett Cove outdoor pool” will be referred back to the unfunded priorities list for further consideration by Elected Members.	confirmed, total delivery time is estimated to be 12 months from the date of the grant agreement.
	Option 3. “Hallett Cove outdoor pool” remains on Council’s unfunded priorities list. <ul style="list-style-type: none"> Elected Members to consider this item further at the next planned review in September 2021 (Elected Members’ Forum) 	September 2021
	Option 4. “Hallett Cove outdoor pool” is removed from Council’s unfunded priorities list. <ul style="list-style-type: none"> Staff will remove “Hallett Cove outdoor pool” from unfunded priorities list. Staff will continue the coastal climate change monitoring program and planning for conventional, staged coastal protection will be brought to Council for future consideration as needed. 	N/A for “Hallett Cove outdoor pool” Future funding for coast protection will be raised through existing council budgeting and planning processes as required based on results of the coastal monitoring program.
Project Initiation (once funding has been confirmed)	Staff to establish project team through: <ul style="list-style-type: none"> Project brief Tender documents Contract documents. 	12 weeks
Draft Concept Plan Development (Estimated cost \$60,000)	Project team to deliver: <ul style="list-style-type: none"> Draft concept plan Draft approach for community consultation. 	16 weeks
General Council Draft concept plan	Staff to bring report to General Council seeking endorsement for: <ul style="list-style-type: none"> Draft concept plan Proposal for community consultation. 	4 weeks
Community Consultation (Estimated cost \$10,000)	Project team to: <ul style="list-style-type: none"> Develop consultation materials Deliver community consultation activities Prepare summary report. 	12 weeks
General Council Community feedback summary	Staff to bring a report to General Council including: <ul style="list-style-type: none"> Consultation report Further analysis of project and options for next steps. 	4 weeks

If Council chooses to progress with a concept plan and community consultation program, a project team will be established consisting of staff and specialist consultants. This team will include:

- Design services:
 - Develop a concept plan document based on the *Feasibility Study for Hallett Cove Ocean Pool* report produced by University of New South Wales, Water Research Laboratory (GC190625R15)
 - Develop artists impressions drawings of the swimming pool and embankment protection
 - Work with specialists to ensure technical and operational suitability of the design—including cost management.
- Engineering services:
 - Traffic study with further analysis of parking and likely demand
 - Confirming technical / structural suitability of design concepts and materials
 - Confirming coastal engineering conditions.
- Community engagement services:
 - Planning of consultation approach
 - Develop consultation collateral (letters, information sheet etc.)
 - Deliver community workshops with independent facilitation
 - Deliver demographically representative focus group
 - Deliver a final consultation report.

The total estimated cost of the concept plan and community engagement is \$70,000.

Next Steps

If Council chooses to progress with a concept plan and community consultation program, the results will ensure Council has a clearer understanding of community priorities and the cost and design considerations for future stages of a Hallett Cove outdoor pool.

Council will then need to consider if / how to progress a Hallett Cove outdoor pool towards construction and operation. Progression of the project would require a prudential review report back to General Council to consider:

- Further assessing the benefits and needs of the project.
- Risks that the project might generate for Council.
- The financial sustainability of the project including whole-of-life costs and impacts to Council's annual budget and long-term financial plan.

If Council chooses to progress with this prudential review, Council would need to consider a budget allowance to investigate:

- Pool ownership models and risks
- Operational models and risks
- Maintenance and whole-of-life costs
- Land-owner approvals and agreements
- Financial sustainability (based on all of the above).

REFERENCES

Carley, J. T.; Coghlan, R.; Lord, D. B. and Western, M. (2019). Feasibility Study for Hallett Cove Ocean Pool, South Australia. WRL TR 2018/37. [Report prepared for the City of Marion and Department for Environment and Water.](#)

Lord, Doug (2012). [Hallett Cove Coastal Management Study](#). Prepared by Coastal Environment Pty Ltd for the City of Marion and Department for Environment and Water.

Western, Mark (2018). [City of Marion Coastal Climate Change Adaptation Study](#). Prepared by Integrated Coasts for the City of Marion.

Western, Mark (2019). [City of Marion Coastal Monitoring Program 2019-2024](#). Prepared by Integrated Coasts for the City of Marion.

ATTACHMENTS

Nil

11.6 Carbon Sequestration

Report Reference	GC210727R11.6
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 OBJECTIVE

The purpose of this report is to provide advice on the viability of carbon sequestration opportunities for the City of Marion within the Field River catchment and identify next steps.

BACKGROUND

The following Motion With Notice was carried at the 22 June 2021 General Council meeting (GC210622M02):

Prepare a report which outlines:

- 1) *The total carbon footprint for all current council operations.*
- 2) *An estimate of the carbon footprint of Council operations 3, 5 and 10 years into the future.*
- 3) *A design for a carbon sequestration project to completely offset the current and future carbon usage of Council. This design should contain our best estimate of:

 - *Area requirement*
 - *Proposed tree density*
 - *Watering budget*
 - *Tree species proposed**
- 4) *A rough costing for the proposed project in 3) excluding purchase of the required land.*

This motion aligns with initiatives contained in Section 4: Offsetting Carbon Emissions of the 'Carbon Neutral Plan 2020-2030' (the Plan) which was endorsed at the 9 February 2021 General Council meeting (GC210209R04). The Plan states Council's commitment to carbon neutrality by 2030 for its own operations and provides estimates of current and projected carbon emissions reductions to 2030 from implementing the Plan.

EXECUTIVE SUMMARY

It is estimated that 18,400 tCO₂e of carbon offsets will be required to offset Council's corporate carbon emissions over the next 10 years, 2021 to 2030.

Approximately 50 hectares (ha) of useable, publicly owned land in the Field River valley has been identified for use as a carbon sequestration project. Assuming an average of 250 tCO₂e of carbon offsets per hectare for 50 ha, a total of 12,500 Australian Carbon Credit Units (ACCUs) could potentially be generated for the 25-year crediting period. Council would receive 75% of these credits under a 25-year permanence arrangement meaning that approximately 9,375 ACCUs would be available to Council for retirement towards carbon neutral targets or to sell on the carbon market.

This initial high-level advice on the viability of this proposed project has been provided by independent, external technical carbon sequestration experts with the disclaimer that this advice should not be relied on to make a decision regarding the feasibility of this project without a more detailed assessment and more thorough understanding of the legal and regulatory frameworks currently in place for carbon offset projects in Australia.

A more detailed feasibility assessment, estimated to cost no more than \$10,000, is recommended as the next step for this project, and could be completed by September 2021.

RECOMMENDATION

That Council:

1. **Notes the high-level carbon sequestration information provided in this report.**
2. **Allocates up to \$10,000 as part of Council's 2021/22 first budget review process to engage a technical carbon sequestration specialist to:**
 - **undertake a feasibility assessment that considers all aspects affecting eligibility against the *Carbon Credits (Carbon Farming Initiative) Act 2011* and viability (carbon yield and potential costs),**
 - **provide a written report detailing assessment outcomes, and**
 - **present assessment outcomes in a workshop forum.**

GENERAL ANALYSIS

In response to the Motion With Notice carried at the 22 June 2021 General Council meeting (GC210622M02) the following information is provided:

Council's Carbon Footprint

As detailed in the Carbon Neutral Plan 2020 – 2030, approximately 5,700 tonnes of carbon dioxide equivalent (tCO₂e) were emitted from the City of Marion's corporate operations in 2015/16 (baseline year).

Since then, several energy efficiency and renewable energy initiatives have been implemented to reduce corporate carbon emissions including energy efficiency improvements and installation of rooftop solar panels on council buildings, changing to efficient LED streetlighting, and transitioning to more efficient hybrid fleet vehicles.

As a result of these initiatives, Council's corporate carbon emissions have reduced to approximately 4,000 tCO₂e in 2020/21.

If negotiations for a 100% renewable electricity contract to commence on 1 January 2023 are successful, Council's corporate emissions are expected to halve to approximately 2,000 tCO₂e in 2023.

Implementation of actions identified in the Carbon Neutral Plan including the ESD Guidelines for Council Buildings, the gradual transition to zero emissions fleet, and completion of changeover to LED streetlighting are anticipated to further reduce Council's corporate carbon emissions to around 800 tCO₂e by 2029/30 (Table 1).

Table 1: Estimated Annual City of Marion Corporate Carbon Emissions

Year	Estimated carbon emissions (tCO ₂ e)
2020/21	4,000
2021/22	3,800
2022/23	2,000
2023/24	1,800
2024/25	1,600
2025/26	1,400
2026/27	1,200
2027/28	1,000
2028/29	800
2029/30	800
Total	18,400

To offset Council's corporate carbon emissions over the next 10 years (2021 to 2030) an estimated 18,400 tCO₂e of carbon offsets will be required.

Carbon Sequestration Project Considerations

There are several different methods for offsetting carbon emissions including commercial forestry, coastal 'blue' carbon, soil carbon, and creation of biodiverse forests¹ that could be considered to offset the City of Marion's corporate carbon emissions.

Biodiverse or native forest carbon offset projects plant tree and shrub species native to the area and can help restore large areas of marginal and degraded land. Creating a biodiverse native forest carbon offset project on land owned or controlled by Council is the option that aligns best with Council aspirations to be carbon neutral while also providing co-benefits such as improving amenity, reducing urban heat, and increasing local biodiversity.

The assumptions provided in this report are based on estimated yields using the environmental plantings methodology using native species. Native vegetation means vegetation: (a) consisting of species native to the local area; and (b) with a mix of trees, shrubs, and understorey species that reflects the structure and composition of the local native vegetation community. Note that a monoculture may constitute native vegetation where it can naturally occur within the local vegetation community. Estimated stocking density (the number of live individual trees or shrubs per hectare in a carbon estimation area and/or the number of live individual seedlings or seeds per hectare at establishment) under this method is in the order of 500 stems per hectare, but this would need to be clarified in a more detailed feasibility assessment.²

Eligibility of the plantation methodology³ for a carbon offset project in Marion could be assessed as part of the detailed feasibility assessment recommended as the next step for this project, although locations within the City of Marion are outside the eligible plantation land specified under sub regulation 3.37(4A) of the *Carbon Credits (Carbon Farming Initiative) Regulations 2011*.⁴

It is important to note that not all offsets are equal. Rigorous due diligence is required to ensure a clear understanding of additionality⁵ and financial barriers, permanence, leakage, vintage, and double counting. Quality and risk assessments of offset projects are critical.

Additional project considerations:

- Projects must nominate a permanence period for a project. This is the time they guarantee to keep the forest in place. Projects choose between a 25-year permanence period and a 100-year permanence period; the former receiving 75% of the tCO₂e as credits (ACCU) and the latter 95% as credits.
- Projects must demonstrate that they are new (additionality test). Council must not have made a financial investment decision to plant that area before the project is registered as a

¹ Government of South Australia, 2018, South Australia's Carbon Sequestration Strategy (<https://www.environment.sa.gov.au/files/sharedassets/public/climate-change/south-australia-carbon-sequestration-strategy-2018.pdf>)

² *Carbon Credits (Carbon Farming Initiative) (Reforestation by Environmental or Mallee Plantings—FullCAM) Methodology Determination 2014* made under section 106 of the *Carbon Credits (Carbon Farming Initiative) Act 2011* ([Carbon Credits \(Carbon Farming Initiative\) \(Reforestation by Environmental or Mallee Plantings—FullCAM\) Methodology Determination 2014 \(legislation.gov.au\)](https://www.legislation.gov.au/Details/2014/00504))

³ *Carbon Credits (Carbon Farming Initiative—Plantation Forestry) Methodology Determination 2017* made under the *Carbon Credits (Carbon Farming Initiative) Act 2011* ([Carbon Credits \(Carbon Farming Initiative—Plantation Forestry\) Methodology Determination 2017 \(legislation.gov.au\)](https://www.legislation.gov.au/Details/2017/00504))

⁴ Regional Forestry Hubs specified regions map created under the [Australian Government's National Forest Industries Plan \(plantation-forestry-specified-regions-for-subregulation-3-37-4a.pdf \(industry.gov.au\)\)](https://www.industry.gov.au/publications/australian-government-national-forest-industries-plan-plantation-forestry-specified-regions-for-subregulation-3-37-4a.pdf)

⁵ An **additionality test** assesses whether a project or activity creates 'additional' emissions reductions that would not have occurred in the absence of the incentive. Additionality is important to ensure that a baseline and credit scheme does not pay for emissions reductions that would have occurred anyway. ([CCA_CFIStudyPublicReportChapter4.pdf \(climatechangeauthority.gov.au\)](https://www.climatechangeauthority.gov.au/publications/cca-cfi-study-public-report-chapter4.pdf))

carbon offset project. Care needs to be taken regarding the source of the funds, for example, if funding was via a grant from the Green Adelaide Board, this may constitute someone else's investment decision.

- Opportunities to produce biochar to store carbon from olive control could also be explored as per the trial recently completed by the Department for Environment and Water (DEW) in Onkaparinga River National Park and Glenithorne National Park - Ityamaitpinna Yarta.⁶
- Projects can be aggregated with other projects operating under the same method, e.g. Biodiversity Planting Method. This improves the financial feasibility of a project as many of the fixed costs associated with the carbon services get spread across a larger number of ACCUs, reducing the marginal cost of production.
- The spot price of ACCUs recently passed \$20 per tonne for the first time since the abolition of the Gillard government's carbon price in 2014. According to leading carbon market analyst firm Reputex, the carbon price could more than double in value, reaching as high as \$50 per tonne by the end of the decade.⁷

Field River Valley

There is approximately 170 hectares (ha) of land in the Field River valley that falls within the City of Marion boundaries that could potentially be used for a carbon sequestration project. Of this 170 ha, around 62 ha is currently in SA Government ownership and a further 15 ha is land associated with the Cove Sports and Community Centre. The remaining area is owned by various private entities.

High-level advice on the viability of this site for a carbon sequestration project has been sought from two independent technical experts currently delivering carbon sequestration projects in South Australia.

This advice should not be relied on to make a final decision regarding the feasibility of this project without a more detailed assessment and more thorough understanding of the legal and regulatory frameworks currently in place for carbon offset projects in Australia.

Estimated area requirements and yield:

- Of the 70 – 80 ha available for this project, approximately one third will be unplatable due to roads, playing fields, fire breaks, etc. This leaves approximately 50 ha of useable land.
- High-level assessment conservatively estimates that carbon yield varies between about 225 tCO₂e per hectare and 295 tCO₂e per hectare for a 25-year crediting period.
- Assuming 250 tCO₂e per hectare for 50 ha, a total of approximately 12,500 Australian Carbon Credit Units (ACCUs) could potentially be generated for the 25-year crediting period.
- Council would receive 75% of these credits under a 25-year permanence arrangement meaning that approximately 9,375 ACCUs would be available to Council for retirement towards carbon neutral targets or to sell on the carbon market.

Next steps

Should this project proceed, the following next steps are proposed:

- Detailed feasibility assessment – approximate cost: <\$10,000
- Forum discussion to discuss the feasibility assessment findings and determine preferred approach.

Liveable

Co-benefits of a carbon sequestration project that improves liveability include reduced urban heat and increased amenity.

Valuing Nature

Environmental co-benefits of a carbon sequestration project, in

⁶ Government of South Australia, 16 June 2021, Turning olive trees into McLaren Vale wine ([Department for Environment and Water | Turning olive trees into McLaren Vale wine](#))

⁷ RenewEconomy, 8 July 2021, Australia's de-facto carbon price at record high, may reach \$50 per tonne (<https://reneweconomy.com.au/australias-de-facto-carbon-price-at-record-high-may-reach-50-per-tonne/>)

addition to offsetting carbon emissions, include:

- Increased biodiversity (depending on the species selection and planting methodology)
- Increased canopy cover (depending on planting density)
- Soil quality improvements
- Water quality improvements (including runoff)
- Pest plant and animal control

Opportunities

If the area within the City of Marion boundaries is not assessed as viable for a carbon sequestration project on its own, partnerships with adjoining Councils and/or private landholders could be explored to aggregate several smaller projects into a single viable carbon sequestration project.

Risk Management

Projects are the responsibility of a project proponent under the *Carbon Credits (Carbon Farming Initiative) Act 2011* (CFI Act)⁸. If City of Marion was the project proponent, they would be liable for any breaches under the Act. Although obligations may be delivered by a subcontractor, formally as an 'agent' or informally, this doesn't change accountability under the Act. Alternatively, a third party could act as project proponents, but would expect financial compensation for accepting that liability/risk.

Legal / Legislative / Policy

- The relevant legislation for carbon sequestration projects is the *Carbon Credits (Carbon Farming Initiative) Act 2011* (CFI Act).
- Australian Carbon Credit Units (ACCU) are regulated through the national Clean Energy Regulator.
- Land ownership, including Native Title claims (if Crown land) and encumbrances or easements (e.g. mining leases), will need to be resolved before this project can proceed.
- The planting cannot be done as part of a compliance obligation (e.g. a native vegetation offset).

Additional Resource Impact

Cost associated with this project include:

- Feasibility assessment (<\$10,000)
- Implementation expenses for a 50 ha project would include:
 - Ground preparation
 - Planting (either via direct seeding on tube stock)
 - Managing, monitoring, auditing and reporting on the project over the 25 year permanence period

Timeline

A more detailed feasibility assessment could be completed by external technical specialists by September 2021.

Current Budget Allocation

There is no planned allocation of funding for this project in the 2021/22 budget.

Proposed Future Budget Allocation

To be determined following detailed feasibility assessment. High-level estimated costs for a small 50 ha project include:

- Ground preparation (tbc)

⁸ *Carbon Credits (Carbon Farming Initiative) Act 2011* (<https://www.legislation.gov.au/Details/C2020C0028>)

- ~\$300,000 – Planting (tube stock)
- \$300,000+ – Manage, monitor, report and audit the project (over 25 years)

Whole Life Costs

To be determined following detailed feasibility assessment.

Other Funding Sources

External funding opportunities for implementation will be explored should this project proceed following detailed feasibility assessment and potential registration as a carbon offset project.

ATTACHMENTS

Nil

11.7 Local Government Infrastructure Partnership Program - LKCC Coach House Restoration and Pedestrian Bridge Upgrade

Report Reference	GC210727R11.7
Originating Officer	Manager City Property – Thuyen Vi-Alternetti
Corporate Manager	N/A
General Manager	General Manager City Development - Ilia Houridis

REPORT OBJECTIVE

The purpose of this report is to seek Council's approval for the execution of the Grant Deed between Council and The Treasurer and to affix the Common Seal for \$750,000 towards funding the restoration works to the Coach House and pedestrian bridge upgrade at the Living Kurna Cultural Centre.

BACKGROUND

At the General Council meeting on 8 December 2020, as part of the Economic Stimulus Funding Priorities report (GC201208R09), Council endorsed several projects to proceed with a grant submission under the Local Government Partnership Program.

At General Council on 27 January 2021 (GC210127R10), Council prioritised the projects submitted to the State Government Local Partnership Program.

EXECUTIVE SUMMARY

On 22 March 2021 the State Government advised that funding was successful for the LKCC/Warriparinga project. The City of Marion will receive \$750,000 as part of the 50/50 funding partnership approach, following the successful completion of each performance milestone.

The project includes:

- Restoration of the Coach House external façade, basement, internal walls and flooring;
- Connecting Coach House building services including water, sewer and electrical services;
- Restoration of the adjacent Pump House;
- Landscaping adjacent surrounds of the Coach House and Pump House;
- Replacement of the two pedestrian bridges located within the precinct that form a section of the Sturt River Linear trail with new pedestrian bridges.

This report seeks Council approval to authorise the Mayor and Chief Executive Officer to affix the Common Seal to the document necessary to execute the Grant Deed.

RECOMMENDATION

That Council:

1. **Notes the Department of Treasury and Finance has allocated \$750,000 towards the restoration of the Coach House and upgrade of the pedestrian bridge at the Living Kurna Cultural Centre.**
2. **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 necessary to execute the Grant Deed for restoration of the Coach House and upgrade of the pedestrian bridge at the Living Kurna Cultural Centre.**

ATTACHMENTS

1. Grant Deed [11.7.1 - 17 pages]

DATED THE _____ DAY OF _____ 2021

LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP PROGRAM

GRANT DEED

BETWEEN

**THE TREASURER
("Treasurer")**

-AND-

**THE CORPORATION OF THE CITY OF MARION
("Grantee")**

GRANT DEED
LOCAL GOVERNMENT INFRASTRUCTURE PARTNERSHIP PROGRAM

DEED made on

2021

BETWEEN:

THE TREASURER OF SOUTH AUSTRALIA ("Treasurer")

AND:

THE PARTY NAMED IN ITEM 2 OF ATTACHMENT 1 ("Grantee")

IT IS AGREED

- A. The Local Government Infrastructure Partnership Program ("the Program") has been established to support the Grantee spending on agreed infrastructure projects.
- B. The Grantee has applied for, and the Treasurer has agreed to provide, assistance in the form of a grant ("Grant") to the Grantee for the Purpose.
- C. The Treasurer and Grantee agree that the Grant will be provided on the terms and conditions of this Deed.
- D. This Deed comprises this Execution Page, the Grant Details (Attachment 1), the Project Details (Attachment 2), the Additional Obligations (Attachment 3), the Payment Schedule (Attachment 4), the Standard Terms and Conditions (Attachment 5), the Acquittal Form (Attachment 6), Claim Notice (Attachment 7), and Reports (Attachment 8).

EXECUTED AS A DEED

THE COMMON SEAL of **THE TREASURER**)

was affixed in the presence of)

.....

Witness

Print Name:

THE COMMON SEAL of THE CORPORATION OF THE CITY OF MARION)

was hereunto affixed, in the)

presence of:)

.....
Principal Member

Print Name:.....

.....
Chief Executive Officer

Print Name:.....

Attachment 1 - Grant Details

Item 1	Treasurer	The Treasurer a body corporate pursuant to the <i>Administrative Arrangements Act, 1994 (SA)</i> State Administration Centre, 200 Victoria Square, Adelaide, SA, 5000
Item 2	Grantee	The Corporation of the City of Marion 245 Sturt Road, Sturt SA 5047 ABN 37 372 162 294
Item 3	Grantee's Business	The operations and undertakings of the Grantee under the <i>Local Government Act 1999 (SA)</i>
Item 4	Project Commencement Date	1 December 2021
Item 5	Project Completion Date	28 June 2022 or such later date approved in writing by the Treasurer
Item 6	Last Date to Claim	28 September 2022 or such later date approved in writing by the Treasurer
Item 7	Expiry Date	28 June 2023
Item 8	Grant (GST exclusive)	The lesser of: <ul style="list-style-type: none"> \$750,000 (GST exclusive); and 50% of Eligible Expenditure incurred in completing the Project.
Item 9	Eligibility Period	The period commencing on 23 March 2021 and ending on the Project Completion Date
Item 10	Conditions Precedent to Deed	The Grantee must provide: <ul style="list-style-type: none"> evidence to the satisfaction of the Treasurer that the Grantee has sufficient Other Funding to complete the Project; evidence to the satisfaction of the Treasurer that the Grantee has obtained all Authorisations and Approvals required for the Project; copies of all Material Contracts.
Item 11	Insurances	The Grantee warrants that it is a member of the Local Government Association Mutual Liability Scheme (Scheme) and is bound by the rules of the Scheme pursuant to the provisions of the <i>Local Government Act 1999 (SA)</i> and in the event that the Grantee ceases to be a member of the Scheme it will immediately, pursuant to provisions of the <i>Local Government Act 1999 (SA)</i> , effect public liability insurance to a minimum level of cover of fifty million dollars (\$50,000,000.00).
Item 12	Authorised Representatives	Treasurer: Director, Risk and Commercial Advisory, SAFA Grantee: Thuyen Vi-Alternetti
Item 13	Addresses for Notices	Treasurer: South Australian Government Financing Authority

		<p>Level 5, State Administration Centre, 200 Victoria Square Adelaide SA 5000 Email: SAFAIndustryAssistance@sa.gov.au</p> <p>or as otherwise notified in writing.</p> <p>Grantee: The Corporation of the City of Marion 245 Sturt Road, Sturt SA 5047 Email: Thuyen.ViAlternetti@marion.sa.gov.au</p>
Item 14	Form of Funding Acknowledgement	<p>During the Term, the Grantee must:</p> <ul style="list-style-type: none"> • if required by the Treasurer, display signage acknowledging the support of the Program in relation to the Project at a location or locations agreed by the Grantee and the Treasurer until the Expiry Date unless otherwise agreed by the Treasurer in writing; and • invite the Treasurer and the Minister for Planning and Local Government to attend any formal opening of the Project.

Attachment 2 - Project Details

Item 1	Project	<p>The Project is the State Heritage Coach House restoration and Pedestrian Bridge upgrade, to be constructed at the Project Location in accordance with the Project Documents. The Project includes:</p> <ul style="list-style-type: none"> • Restore the Coach House external façade, including damp proofing, patching repointing, prepare and repaint in whitewash; • Restore the Coach House basement, including repair and concrete basement floor, refix and repair access ladder to basement; • Replace all Coach House internal walls and flooring, including patching repointing, repair and repaint in whitewash, repair ceiling finishes, strengthen ground and mezzanine floor, new floating floor; • Paved flooring; • Connect Coach House building services including water, sewer and electrical services; • Restore adjacent Pump House, including rebuild walls and roof structure; • Landscaping adjacent surrounds of the Coach House and Pump House; • Replace two pedestrian bridges located within the precinct that form a section of the Sturt River Linear trail with new pedestrian bridges that meet the minimum standard for shared used path (3.0m wide) and align with the recently upgraded paths.
Item 2	Project Location	<ul style="list-style-type: none"> • Warriparinga Way / Living Kuarna Culture Centre, Bedford Park, South Australia 5042 • Lot: 152 DP: 39568 CT:5781/119
Item 3	Material Contracts	<ul style="list-style-type: none"> • Any Approvals or Authorisations required for the Project. • Any building, construction, works and supply, including equipment supply, contracts and agreements necessary for the Project. • Any finance, grant, loan and security documents entered into by the Grantee in respect of Other Funding. • Any agreement between the Grantee and any other contributors to the Project.

Attachment 3 – Additional Obligations

[Not used]

Attachment 4 – Payment Schedule

Date for Achievement	Performance Milestones	Amount of Payment (excluding GST)
1 December 2021	Performance Milestone 1 The Grantee must provide evidence to the Treasurer's satisfaction that: <ul style="list-style-type: none"> • construction of the Project has commenced physically at the Project Location; and • the Grantee has submitted a Claim Notice in accordance with Attachment 7. 	\$75,000
1 April 2022	Performance Milestone 2 The Grantee must provide evidence to the Treasurer's satisfaction that: <ul style="list-style-type: none"> • 50% of the Project works as described in the Project Documents are complete and certified by an external project consultant, project engineer, quantity surveyor or similar; • the Grantee has incurred Eligible Expenditure totalling at least twice the amount claimed [under this Deed (in aggregate)] at the date of the Claim Notice; • the Grantee has provided a Performance Milestone Report in accordance with Attachment 8; and • the Grantee has submitted a Claim Notice in accordance with Attachment 7. 	Up to \$375,000 less previous amounts claimed
Last Date to Claim	Performance Milestone 3 The Grantee must provide evidence to the Treasurer's satisfaction that: <ul style="list-style-type: none"> • practical completion of the Project as described in Attachment 2 has been achieved on or before the Project Completion Date, including as evidenced by provision of a certificate of practical completion by an external project consultant, project engineer, quantity surveyor or similar; • the Grantee has incurred aggregate Eligible Expenditure totalling at least twice the amount claimed under this Deed (in aggregate) at the date of the Claim Notice; • the Grantee has submitted a Claim Notice in accordance with Attachment 7; and • the Grantee has provided the Project Completion Report in accordance with Attachment 8. 	Up to \$750,000 less previous amounts claimed
Total Grant Ex GST		Up to \$750,000

Attachment 5 - Standard Terms & Conditions

AGREED TERMS

1. THE TERM

The Term of this Deed commences on the Commencement Date and continues until the Expiry Date, unless terminated earlier.

2. CONDITIONS PRECEDENT

The rights and obligations of the parties under this Deed, including the obligation of the Treasurer to provide the Grant or any part of the Grant, are subject to the Treasurer being satisfied that the conditions precedent specified in Attachment 1, if any, have been complied with to the Treasurer's satisfaction, unless expressly waived by the Treasurer in writing.

3. AUTHORISED REPRESENTATIVES

- 3.1 The Representatives named in Attachment 1 are authorised to act on behalf of the Parties and are responsible for overseeing the effective administration of the Deed. The Representatives have authority to:
- exercise all of the powers and functions of the Party they represent under this Deed other than the power to amend this Deed; and
 - bind the Party they represent under this Deed in relation to any matter arising out of or in connection with this Deed.
- 3.2 A notice served on a Representative is taken to be notice to the Party they represent.
- 3.3 A Party may vary or revoke an authorisation at will, and nothing in this clause 3 shall prevent a Party from exercising any of its rights and powers under this Deed.

4. PAYMENT OF GRANT

- 4.1 The Grantee may only make a claim for an instalment of the Grant for Eligible Expenditure incurred for the Project.
- 4.2 Unless expressly waived by the Treasurer in writing, the obligation of the Treasurer to provide the Grant, or any instalment of the Grant, is subject to the Treasurer:
- receiving, in all things to the complete satisfaction of the Treasurer:
 - a Claim Notice in the form prescribed in Attachment 7 on or before the Last Date to Claim;
 - all Reports due at the date of the Claim Notice; and
 - documentary evidence that the Grantee has sufficient Other Funding.
 - being satisfied that:
 - the Grantee has, in all respects, complied with the terms and conditions of this Deed;
 - the Grantee has achieved the relevant Performance Milestone by the date for its achievement specified in Attachment 4;
 - an Event of Default has not occurred or is not occurring;
 - an Insolvency Event has not occurred;
 - the Grantee's representations and warranties in this Deed are true in all material respects, and not misleading, when made or repeated; and
 - the Grantee has satisfied or complied with such other requirements (if any) specified in Attachment 1.
- 4.3 If the Treasurer is not satisfied that one or more of the requirements of clause 4.2 have been satisfied then the Treasurer may, by way of written notice to the Grantee, terminate or suspend the Treasurer's

obligations to provide the Grant, or any other obligations under this Deed.

- 4.4 Payment of any instalment of the Grant will be made to the Grantee's bank account specified in a Claim Notice which must be to an ADI and in the name of the Grantee.

- 4.5 The Grantee must ensure that it can properly account for the Grant received under the Deed.

5. GST

- 5.1 The parties acknowledge that compliance with this Deed may give rise to a Taxable Supply and that any consideration or payment obligation in this deed, including the payment of the Grant, is exclusive of GST unless stated otherwise.
- 5.2 The Grantee represents that:
- the ABN shown in Attachment 1 is the Grantee's ABN; and
 - it is registered under the GST Act.
- 5.3 The Parties agree that this Deed satisfies the requirement for a written agreement specifying the supplies to which the Recipient Created Tax Invoice ("RCTI") relates.
- 5.4 The Treasurer will provide a RCTI and where relevant an Adjustment Note, to the Grantee within 30 days of the making, or determining of the value, of the Taxable Supply.
- 5.5 The Grantee must not issue a Tax Invoice in respect of a Taxable Supply or, where relevant, an Adjustment Note in respect of an Adjustment Event.
- 5.6 If an Adjustment Event arises in respect of a Taxable Supply under this Deed the Parties must do all things necessary to make sure that the Adjustment Event may be properly accounted for, including the issue of an Adjustment Note.

6. REPAYMENT OF UNALLOCATED FUNDS

- 6.1 If the Grantee has not expended all of the Grant for the Purpose by the Project Completion Date, it must notify the Treasurer of the unexpended amount and may submit a written request for retention or carryover of unexpended amounts specifying:
- the amount to be retained or carried over; and
 - the purpose for which the unexpended amount will be used.
- 6.2 The Treasurer may consider the Grantee's request and notify the Grantee in writing whether it:
- agrees that the Grantee may retain or carry over all or part of the unexpended amount; or
 - requires the Grantee to repay all or part of that amount as notified by the Treasurer to the Treasurer within 30 days of receipt of the notice from the Treasurer.

7. REPRESENTATIONS AND WARRANTIES

- 7.1 The Grantee represents and warrants to the Treasurer that:
- it is duly qualified and properly accredited to carry on the Business and Project;
 - it has the power (without restriction or condition), Approvals and Authorisations to enter into this Deed and perform its obligations under this Deed and will continue to have the power to perform its obligations under this Deed;
 - an Insolvency Event has not occurred and there are no threatened actions or proceedings before any court or other body which will or are likely to materially adversely affect the financial position of the Grantee or its ability to perform its obligations under this Deed;

<p>(d) there are no threatened actions or proceedings before any Court or other body which will or are likely to materially adversely affect the financial position of the Grantee, its ability to perform its obligations under this Deed or to undertake and complete the Project;</p> <p>(e) it is not in material default under any law, indenture, mortgage, trust deed, agreement or other instrument or arrangement by which it is bound;</p> <p>(f) this Deed constitutes legal, valid and binding obligations on the part of the Grantee which are enforceable against it in accordance with its terms;</p> <p>(g) it has or will have available, sufficient Other Funding to complete the Project;</p> <p>(h) all information provided by the Grantee in the Application and to the Treasurer in accordance with this Deed, is true and correct in all material respects at the time it was provided, and there are no material facts known to the Grantee relating to it which could or might affect the willingness of the Treasurer to enter into an agreement with the Grantee on terms similar to the terms of this Deed which have not been disclosed to the Treasurer; and</p> <p>(i) it does not have any interests or obligations that conflict with its interests or obligations under this Deed.</p> <p>7.2 The Grantee acknowledges that the representations and warranties made in this clause 7 have induced the Treasurer to agree to provide the Grant to the Grantee.</p> <p>7.3 The Grantee acknowledges that each of the above representations and warranties shall survive the execution of this Deed and the provision of the Grant under this Deed and will be correct and complied with in all material respects on the date of this Deed, the dates of any Claim Notices and the dates of payment of the Grant and thereafter are repeated by reference to the circumstances existing at the time of such repetition except that each reference to financial statements or accounts shall be construed as a reference to the then latest available financial statements or accounts.</p>	<p>(a) the detail and likely extent of the delay and the Grantee's proposed strategies to manage the consequences of the delay; and</p> <p>(b) any request for an extension of time where such a request is necessary and reasonable in the circumstances.</p> <p>8.9 The Treasurer may in its absolute discretion, consent to a request for an extension of time provided that:</p> <p>(a) the Grantee uses its best endeavours to minimise the delay and recover lost time;</p> <p>(b) where requested by the Treasurer, the Grantee provides a plan indicating in detail the steps the Grantee proposes to take to minimise the impacts of the delay; and</p> <p>(c) the Grantee complies with such other conditions imposed as part of the Treasurer's consent.</p> <p>8.10 The Grantee must comply with, and must undertake the Project in compliance with, all applicable laws, rules and regulations and orders of any governmental authority.</p> <p>Keep Informed</p> <p>8.11 The Grantee must immediately notify the Treasurer in writing if it defaults in fully performing, observing and fulfilling any provision of this Deed, there occurs an Insolvency Event or it becomes aware of any representation or warranty made, repeated or deemed to be made or repeated by the Grantee in this Deed proving to be untrue in any material respect.</p> <p>8.12 The Grantee must immediately inform the Treasurer of any significant changes to the nature and/or scope of the activities conducted by the Grantee which would impact on the Purpose, the Project, the Other Funding or the Grantee's ability to comply with its obligations under this Deed or the financial position of the Grantee.</p>
<p>8. OBLIGATIONS</p> <p>8.1 All obligations under this Deed will apply for the duration of the Term.</p> <p>8.2 The Grantee must comply with the Additional Obligations (if any) specified in Attachment 3.</p> <p>Purpose</p> <p>8.3 The Grantee must use the Grant solely for the Purpose.</p> <p>Business</p> <p>8.4 The Grantee must, during the Term, carry on and maintain its Business in the State of South Australia.</p>	<p>Project Assets</p> <p>8.13 The Grantee must not Deal With any real or personal property in relation to which the Grant has been applied by the Grantee without the prior written consent of the Treasurer, which shall not be unreasonably withheld.</p> <p>8.14 If at any time prior to the Expiry Date the Grantee Deals With any real or personal property in relation to which the Grant has been applied (referred to in this clause 8.14 as "the Property"):</p> <p>(a) the Treasurer may by notice in writing given to the Grantee demand that the Grantee pay to the Treasurer a monetary amount (not exceeding the amount of the Grant) which is equivalent to the monetary payment or value received by or to be paid to or for the benefit of the Grantee in connection with the assignment, transfer, conveyance, sale, disposal or removal of the Property; and</p> <p>(b) the Grantee must then pay to the Treasurer the amount demanded by the Treasurer within the time stipulated by the Treasurer for payment.</p>
<p>Project</p> <p>8.5 The Grantee must commence the Project by the Project Commencement Date unless otherwise agreed in writing by the Treasurer.</p> <p>8.6 The Grantee must complete the Project by the Project Completion Date unless otherwise agreed in writing by the Treasurer.</p> <p>8.7 The Grantee must achieve each Performance Milestone by the date for achievement of that Performance Milestone specified in Attachment 4.</p> <p>8.8 If the Grantee becomes aware of the possibility of a delay, which may prevent the Grantee from complying with clauses 8.5, 8.6 or 8.7, the Grantee must promptly notify the Treasurer in writing of:</p>	<p>9. REPORTING AND RECORD KEEPING</p> <p>9.1 During the Term the Grantee must keep all records (including original receipts and invoices) relating to the conduct and management of the Project, and necessary to provide a complete, detailed, up-to-date and accurate record and explanation of:</p> <p>(a) progress of the Project;</p> <p>(b) the application of the Grant;</p> <p>(c) incurred Eligible Expenditure; and</p> <p>(d) Other Funding.</p> <p>9.2 The Grantee must provide the Reports and other documents as specified in Attachment 8, and must attend meetings as reasonably required by the Treasurer.</p>

- 10. FINANCIAL REPORTING AND AUDITING**
- 10.1 On the date specified in Attachment 8, the Grantee must provide an Acquittal Form in relation to the expenditure of all funds under this Deed:
- (a) certifying that the Grant has been properly spent on the Purpose in accordance with the requirements of the Deed; and
 - (b) signed by the Grantee's Representative.
- 10.2 Not later than each 31 October during the Term, the Grantee will provide to the Treasurer a copy of its annual report and financial statements and any other documents relevant to its operations, including management accounts if requested, prepared in accordance with the Australian Accounting Standards and signed by the Grantee's Chief Executive Officer and audited by a qualified independent auditor.
- 10.3 The Grantee agrees the Treasurer may direct that the financial accounts of the Grantee be audited at the Treasurer's cost, and the Treasurer may specify the minimum qualifications that must be held by the person appointed to conduct the audit.
- 10.4 The financial statements referred to in clause 10.2 must be prepared in accordance with Australian Accounting Standards and where this Grant or the sum of grants provided by the Treasurer over a Financial Year is in excess of \$1 million (GST exclusive), they must be in the form of General Purpose Financial Statements.
- 10.5 If the audit discloses that the Grantee has applied the Grant for a purpose other than the Purpose then the Grantee will be required to reimburse the Treasurer the costs of the audit.
- 11. INSPECTION**
- The Grantee must allow any officer or person authorised by the Treasurer on the giving of reasonable notice, to enter the premises of and to inspect the operations of the Grantee (including equipment, premises, accounting records, documents and information) and interview the Grantee's employees, agents and contractors on matters pertaining to the Project or the operations and reporting obligations of the Grantee under this Deed.
- 12. PUBLICITY**
- 12.1 The Grantee must not make any public announcements or media releases about this Deed or the Project without the prior written consent of the Treasurer.
- 12.2 The Grantee will acknowledge the Grant by the Treasurer in any advertising, publicity or promotional material relating to this Deed in the manner specified in Attachment 1.
- 12.3 The Grantee will participate in promotional or publicity activity in relation to this Deed as is reasonably required by the Treasurer.
- 13. OTHER FINANCIAL ASSISTANCE**
- 13.1 The Grantee must give the Treasurer full details of any financial assistance for activities in connection with the Project which the Grantee expects or receives from another source or agency (be it government or otherwise) after the date of this Deed, including the amount and source of the funding, any relevant agreements and the name of the program under which it was provided, within thirty (30) days of receiving notice that the other financial assistance has been approved.
- 13.2 The Grantee acknowledges and agrees that the Grantee must contribute at least 50% of the Eligible Expenditure from its own funds. Own funds excludes any third party funding, being funding from the State Government of South Australia and/or non-Government funding, required to complete the Project.
- 13.3 The Treasurer may reduce the amount of the Grant to reflect the amount of the other financial assistance referred to in clause 13.1.
- 14. INSURANCE**
- 14.1 The Grantee must effect and maintain the insurance specified in Attachment 1 during the Term.
- 14.2 The Grantee must apply any monies received for any claim against a policy of insurance required by this Deed to be maintained, towards the repair or replacement of the property insured, unless the Treasurer approves otherwise.
- 15. DEFAULT AND TERMINATION**
- 15.1 The following are Events of Default:
- (a) the Grantee breaches any of its obligations or undertakings under this Deed and has not rectified such breach within the time frame specified in a notice given in writing by the Treasurer to the Grantee requiring rectification of the breach;
 - (b) any representation or warranty made, repeated or deemed to be made or repeated by the Grantee in this Deed proves to be untrue in any material respect;
 - (c) an Insolvency Event occurs, or threatens to occur;
 - (d) if a secured party enforces its rights in relation to any asset of the Grantee;
 - (e) if there is a Material Adverse Effect in relation to a Material Contract or the condition or stability of the Grantee;
 - (f) if the Grantee determines to cease to complete the Project; or
 - (g) if the Other Funding is not available for any reason.
- 15.2 The Grantee undertakes that it will promptly inform the Treasurer in writing upon the Grantee becoming aware of, or when the Grantee ought reasonably to have become aware of, the happening of an Event of Default.
- 15.3 If an Event of Default occurs the Treasurer may, then notwithstanding any previous delay or waiver on the Treasurer's part, upon giving written notice to the Grantee:
- (a) require the Grantee to immediately pay the Repayment Amount to the Treasurer as liquidated damages upon demand by the Treasurer;
 - (b) withhold the portion of the Grant not already paid;
 - (c) withhold future funding from the Grantee; and/or
 - (d) terminate this Deed.
- 15.4 If pursuant to clause 15.3 the Treasurer requires the Grantee to pay the Repayment Amount to the Treasurer then the Grantee agrees to make such repayment in full within 14 days of receipt of a written demand from the Treasurer.
- 15.5 The Grantee acknowledges that:
- (a) the Treasurer has concluded that it is in the interests of the public of the State of South Australia that the Treasurer should provide the Grant to the Grantee but only upon the terms and conditions of this Deed;
 - (b) it is essential to the purpose for which the Grant is advanced pursuant to this Deed that:
 - (i) the Grantee uses the Grant for Eligible Expenditure incurred for the Project; and
 - (ii) the Grantee does not permit an Event of Default to occur;
 - (c) if an Event of Default occurs the extent of the loss or damage sustained by the Treasurer will be extremely difficult to assess or quantify accurately or to otherwise determine precisely;
 - (d) the Repayment Amount represents a genuine pre-estimate by the Treasurer of the compensation which the Treasurer believes is fair and reasonable; and
 - (e) any amounts payable to the Treasurer pursuant to this clause 15 are not and will not

- be construed or deemed to be a penalty payable by the Grantee for the purposes of any applicable legal rule or norm.
- 15.6 The Grantee enters into the obligation to pay the Repayment Amount with the intention that it is a legally binding, valid and enforceable contractual provision against the Grantee.
- 15.7 The Treasurer and the Grantee intend to exclude, to the extent permissible, the application and operation of any legal rule or norm, whether statutory or common law, relating to:
- the characterisation as penalties of liquidated amounts payable under a contract on a breach occurring; or
 - the enforceability or revocability of such liquidated amounts.
- 15.8 The Grantee's obligation to pay the Repayment Amount to the Treasurer shall not be subject to any set off or counterclaim by the Grantee and the Repayment Amount shall be paid by the Grantee to the Treasurer free and clear of any withholding of whatever nature.
- 15.9 Any amount due and payable by the Grantee to the Treasurer pursuant to:
- this Deed; or
 - any other agreement that the Grantee may have with the Crown;
- may be set off against any amount due and payable by the Treasurer to the Grantee under this Deed.
16. **NOTICES**
- 16.1 Any notice, request, approval, consent or other communication to be given or served pursuant to this Deed must be in writing and addressed and signed as the case may be, as specified in Attachment 1.
- 16.2 A notice, request, approval, consent or other communication must be delivered by hand, sent by prepaid post or email, or transmitted by facsimile.
- 16.3 A notice, request, approval, consent or other communication will be deemed to be received:
- if delivered by hand, upon delivery;
 - if sent by pre-paid ordinary post within Australia, upon the expiration of seven (7) Business Days after the date on which it was sent;
 - if sent by email, on the Business Day on which it is sent if sent before 5:00pm on that Business Day and the sender does not receive a message from its internet service provider or the recipient's mail server indicating that it has not been successfully transmitted, otherwise on the next Business Day.
17. **CONTRACT DISCLOSURE**
- 17.1 The Treasurer may disclose this Deed and/or information in relation to this Deed in either printed or electronic form, and either generally to the public or to a particular person as a result of a specific request.
- 17.2 Nothing in this clause derogates from:
- the Grantee's obligations under any provisions of this Deed; or
 - the provisions of the *Freedom of Information Act 1991 (SA)*.
18. **COMPLIANCE WITH LAWS AND POLICIES**
- 18.1 The Grantee must comply with the laws in force in the State of South Australia in performing its obligations under this Deed.
- 18.2 The Grantee must comply with any policies notified by the Treasurer in writing at the Commencement Date.
19. **COSTS**
- 19.1 The Grantee must pay, on the basis of a full indemnity, any costs incurred by the Treasurer in enforcing the Treasurer's rights under this Deed.
- 19.2 Each Party will bear its own costs of and incidental to the negotiation, preparation and execution of this Deed.
20. **GOVERNING LAW AND JURISDICTION**
- 20.1 This Deed is governed by the laws in the State of South Australia.
- 20.2 The courts of the State of South Australia have exclusive jurisdiction in connection with this Deed.
21. **ENTIRE DEED**
- The Deed constitutes the entire Deed between the Parties in respect of the matters dealt with in this Deed and supersedes all prior Deeds, understanding and negotiations in respect of the matters dealt with in this Deed.
22. **NO ASSIGNMENT**
- 22.1 The Grantee must not assign, encumber or otherwise transfer any of its rights or obligations under this Deed without the written consent of the Treasurer.
- 22.2 Subject to any contrary legislative intention, the Parties agree that if there is any Machinery of Government Change, this Deed is deemed to refer to the new entity succeeding or replacing the Treasurer and all of the Treasurer's rights and obligations under this Deed will continue and will become rights and obligations of that new entity.
23. **MODIFICATION**
- No addition to or modification of any provision of this Deed will be binding upon the Parties unless agreed by the Parties in writing.
24. **SEVERANCE & READING DOWN**
- 24.1 Each word, phrase, sentence, paragraph and clause of this Deed is severable.
- 24.2 Severance of any part of this Deed will not affect any other part of this Deed.
- 24.3 Where a word, phrase, sentence, paragraph, clause or other provision of this Deed would otherwise be unenforceable, illegal or void the effect of that provision shall so far as possible, be limited and read down so that it is not unenforceable, illegal or void.
- 24.4 If any provision of this Deed is, or becomes, defective, and the Treasurer consequently is unable to enforce any of the Grantee's obligations under this Deed, and the defect is capable of remedy, the Grantee must do all things and sign all documents which the Treasurer may reasonably require the Grantee to do or sign to remedy the defect.
25. **COUNTERPARTS**
- This Deed may be executed in any number of counterparts each of which is taken to be an original. All of those counterparts taken together constitute one instrument. An executed counterpart may be delivered by email.
26. **NO FURTHER OBLIGATION**
- 26.1 The Grantee acknowledges that the Grant represents a one-off contribution by the Treasurer towards the Project, and the Grantee agrees any request for subsequent funding will require a new application to the Treasurer. The Treasurer is under no obligation to agree to pay any subsequent funding to the Grantee.
- 26.2 The Grantee acknowledges the Treasurer will not be liable to reimburse the Grantee for any losses or cost over runs that may result from the operation of this Deed or the carrying out of the Purpose.
27. **TIME OF THE ESSENCE**
- Time is of the essence in respect of any time, date or specified period either in this Deed or in any notice served under this Deed.

- 28. NO WAIVERS**
- 28.1 No waiver of any right under this Deed is effective unless given in writing and signed by the Party waiving its rights.
- 28.2 A waiver by either Party in respect of a breach of a provision of this Deed by the other Party is not a waiver in respect of any other breach of that or any other provision.
- 28.3 The failure of either Party to enforce at any time any of the provisions of this Deed must not be interpreted as a waiver of that provision.
- 28.4 The rights and remedies contained in this Deed are cumulative and not exclusive of any rights or remedies provided at law.
- 29. CONSENT**
- If the Grantee requires the Treasurer's consent under this Deed, the Treasurer may in absolute discretion give or withhold consent (subject to any provision in this Deed to the contrary) and if giving consent, the Treasurer may impose any condition on that consent that he considers appropriate. The Treasurer's consent will not be effective unless it is in writing and signed.
- 30. INTERPRETATION**
- In this Deed (unless the context requires otherwise):
- 30.1 a reference to any legislation includes:
- (a) all legislation, regulations and other forms of statutory instrument issued under that legislation; and
 - (b) any modification, consolidation, amendment, re-enactment or substitution of that legislation;
- 30.2 a word in the singular includes the plural and a word in the plural includes the singular;
- 30.3 where a word or phrase is given a particular meaning other parts of speech or grammatical forms of that word or phrase have corresponding meanings;
- 30.4 a reference to a clause number is a reference to all its subclauses;
- 30.5 a reference to two or more persons is a reference to those persons jointly and severally;
- 30.6 a reference to dollars is to Australian dollars;
- 30.7 a reference to a Party includes that Party's administrators, successors and permitted assigns;
- 30.8 no provision or expression in this Deed is to be construed against a Party on the basis that the Party (or its advisers) was responsible for the drafting of this document;
- 30.9 a reference to legislation includes legislation repealing, replacing or amending that legislation;
- 30.10 mentioning anything after the words include, includes or including does not limit what else might be included; and
- 30.11 if any act pursuant to this Deed would otherwise be required to be done on a day which is not a Business Day, then that act may be done on the next Business Day.
- 31. DEFINITIONS**
- In this Deed:
- 31.1 **"Acquittal Form"** means a notice of financial acquittal in the form specified in Attachment 6;
- 31.2 **"Additional Obligations"** means the obligations specified in Attachment 3;
- 31.3 **"ADI"** means a deposit taking institution authorised under the *Banking Act 1959 (Cth)* to carry on banking business in Australia;
- 31.4 **"Adjustment Event"** has the meaning attributed in the GST Law;
- 31.5 **"Adjustment Note"** has the meaning attributed in the GST Law;
- 31.6 **"Application"** means the application for financial assistance from the Program submitted by the Grantee in respect of which the Grant has been awarded;
- 31.7 **"Approval"** means any approval, authorisation, permit, permission, licence, consent, clearance, exemption, filing, registration or the like, which is required by law or required to be issued by or obtained from a government authority or any other person;
- 31.8 **"Authorisation"** means any corporate action, approval or the like which is required to be satisfied or obtained in order to authorise the Grantee to undertake the Project or to enter into, deliver and perform its obligations under the Deed;
- 31.9 **"Business"** means the business of the Grantee described in Attachment 1;
- 31.10 **"Business Day"** means any day which is not a Saturday, Sunday or a public holiday in Adelaide;
- 31.11 **"Claim Notice"** means a notice of claim and compliance in the form specified in Attachment 7;
- 31.12 **"Commencement Date"** means the date of this Deed;
- 31.13 **"Crown"** means the Crown in right of the State of South Australia;
- 31.14 **"Deal With"** means:
- (a) sell, transfer, novate, assign, declare a trust over or otherwise dispose of or procure or effect the disposal of, any interest or right; or
 - (b) effect a change in the beneficial interest or beneficial unit holding under a trust which has an interest or right.
- 31.15 **"Eligible Expenditure"** means expenditure associated with the Project, reasonably incurred and actually paid, during the Eligibility Period, by the Grantee (exclusive of GST) but does not include:
- (a) amounts for which the Grantee is entitled to claim reimbursement or funding from the Government of South Australia pursuant to an arrangement other than this Deed;
 - (b) amounts for which the Grantee is entitled to claim reimbursement or funding from the Government of Australia (Cth) pursuant to an arrangement other than this Deed;
 - (c) amounts for which the Grantee is entitled to claim reimbursement or funding from other third party contributions (eg: sporting or community club) pursuant to an arrangement other than this Deed;
 - (d) any amount incurred by the Grantee prior to the Eligibility Period;
 - (e) any amount incurred by the Grantee in relation to the purchase of land, buildings or a business;
 - (f) any amount incurred by the Grantee in respect of ongoing operating costs including wages and salaries, recruitment, training, mentoring and procurement fees, rent or other property costs, grant applications and administration costs;
 - (g) any amounts incurred by the Grantee that are non-cash expenses according to generally accepted accounting principles such as depreciation, amortisation or opportunity costs;
 - (h) any amount incurred by the Grantee in respect of feasibility studies, project masterplans or business cases;
 - (i) any amount incurred by the Grantee in respect of marketing activities including websites, traditional and digital marketing, subscriptions or contract fees to third party

-
- marketing distributors and channel management providers; and
- (j) any other amounts that the Treasurer determines are the usual or direct requirement of business;
- 31.16 "Eligibility Period" means the period specified in Attachment 1;
- 31.17 "Event of Default" means the defaults specified in clause 15.1;
- 31.18 "Expiry Date" means the date specified in Attachment 1;
- 31.19 "Financial Year" means a year commencing on 1 July and ending on 30 June;
- 31.20 "General Purpose Financial Statements" has the same meaning as in the Australian Accounting Standards;
- 31.21 "Grant" means the funds payable under this Deed specified in Attachment 1;
- 31.22 "GST" means the tax imposed by the GST Law;
- 31.23 "GST Act" means the *A New Tax System (Goods and Services Tax) Act 1999*;
- 31.24 "GST Law" has the meaning given to that expression in the GST Act;
- 31.25 "Input Tax Credit" has the meaning attributed in the GST Law;
- 31.26 "Insolvency Event" means:
- (a) the Grantee ceases to carry on the Business;
 - (b) the Grantee ceases to be a council under the *Local Government Act 1999 (SA)*;
 - (c) the Grantee is or states that it is unable to pay its debts when they fall due; or
 - (d) anything analogous to or of similar effect to anything described above occurs in respect of the Grantee;
- 31.27 "Last Date to Claim" means the date specified in Attachment 1;
- 31.28 "Material Adverse Effect" means any change that has had, or is reasonably likely to have, an effect that is or will be materially adverse to the ability of the Grantee to perform its obligations under this Deed;
- 31.29 "Material Contracts" means those documents listed in Attachment 2;
- 31.30 "Other Funding" means funding or other financing in addition to the Grant that must be secured by the Grantee to enable it to satisfactorily complete the Project;
- 31.31 "Party" means a party to this Deed;
- 31.32 "Performance Milestones" means the performance milestones specified in Attachment 4;
- 31.33 "Prescribed Rate" means a daily interest rate being the aggregate of 2% per annum and the rate percent per annum determined by the Treasurer to be that which expresses as a percentage per annum the cost to the Treasurer of funding, on a daily basis for the period of the default, any amount due and unpaid under this Deed;
- 31.34 "Project" means the project specified in Attachment 2;
- 31.35 "Project Commencement Date" means the date specified in Attachment 1;
- 31.36 "Project Completion Date" means the date specified in Attachment 1;
- 31.37 "Project Documents" means:
- (a) All documents associated with the initial design (including any plans, designs, or specification documents), through to installation, construction, commissioning, and acceptance of the Project Description;
 - (b) All Project consents;
- (c) Any other document or agreement entered into by the Grantee for purposes of the Project;
 - (d) The Grantee's application for assistance under the Local Government Infrastructure Partnership Program; and
 - (e) For the avoidance of doubt, an amendment or variation to any documents or agreements referred to above is a Project Document.
- 31.38 "Project Location" means the location of the Project specified in Attachment 2;
- 31.39 "Purpose" means the purpose of reimbursing itself for Eligible Expenditure in accordance with this Deed;
- 31.40 "Repayment Amount" means:
- (a) all amounts paid by the Treasurer to the Grantee under this Deed up to the Repayment Date; and
 - (b) interest at the Prescribed Rate calculated from the Repayment Date up to but excluding the day on which the Grantee repays the amount in full without deduction;
- 31.41 "Repayment Date" means the date of the Treasurer's demand given under clause 15.4;
- 31.42 "Reports" means those reports specified in Attachment 8;
- 31.43 "Representatives" means the persons occupying the positions for each Party specified in Attachment 1;
- 31.44 "Taxable Supply" has the meaning attributed in the GST Law;
- 31.45 "Tax Invoice" has the meaning attributed in the GST Law; and
- 31.46 "Term" means the period commencing on the Commencement Date and continuing until the Expiry Date, unless terminated earlier.
-

Attachment 6 – Acquittal Form

NOTICE OF FINANCIAL ACQUITTAL**TO: SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY**

Director, Risk & Commercial Advisory

FROM: _____*Grantee Name*

Contact Person for enquiries: _____

Address: _____

Contact Email: _____

Contact Phone: _____ Facsimile: _____

DETAILS OF GRANT**Grant Deed** Grant Deed dated [] between the Treasurer and [] ("**Grantee**")**Purpose of Grant** Reimburse the costs incurred by the Grantee in respect of up to 50% of Eligible Expenditure for the Project.The Project is the Grantee's [] ("**Project**").**Grant Monies and Application**

Grant Amount: \$ _____

Total Eligible Expenditure: \$ _____

Funds Remaining: \$ _____

Representations

The Grantee represents and warrants that:

1. the Grant was solely applied to the Purpose;
1. the Project was completed on or prior to the Project Completion Date (as defined in the Grant Deed); and
2. the Grantee complied, in all material respects, with its obligations under the Grant Deed.

Signed for and on behalf of the Grantee by the Grantee's Authorised Representative:_____
*Signature***Print Name:**

Date: / /

Attachment 7 – Claim Notice

NOTICE OF CLAIM AND COMPLIANCE

To: South Australian Government Financing Authority
Level 5, 200 Victoria Square
Adelaide SA 5000

Attention: Director, Risk and Commercial Advisory

[Grantee] provides the Treasurer with a Notice of Claim and Compliance pursuant to the **Grant Deed** dated [] between the Treasurer and [Grantee] (Grant Deed). Unless the context otherwise requires, terms and conditions in the **Grant Deed** have the same meanings where used herein.

Claim

The [Grantee] advises that:

- (a) Performance Milestone [#] has been achieved;
- (b) the Grant instalment amount being claimed is \$[] (not to exceed the amount for the Performance Milestone achieved)
- (c) Eligible Expenditure related to the achievement of the Performance Milestone totals \$[]
- (d) the Grantee's bank account details are:
Account Name: []
BSB: []
Account Number: []
- (e) The Grantee has submitted all reports (if any) required on or before the submission of this Notice.

Attachments

The [Grantee] attaches the following documentary evidence of having incurred and paid the Eligible Expenditure:

- (a) [for example: invoices, receipts]

The [Grantee] attaches the following documentary evidence of having completed the relevant Performance Milestones:

- (a) []

Representations and Warranties

The [Grantee] represents and warrants as at the date of this Notice that:

- (a) the payment of the grant to be provided under the **Grant Deed** have/will be applied for the reimbursement of **Eligible Expenditure**;
- (b) no event which is, or with the giving of notice, the lapse of time or the making of any determination would be likely to become, an **Event of Default** has occurred or is continuing;
- (c) it is not in default of any of its remaining **Warranties or Representations** provided under the **Grant Deed** and they remain true as though made at the date of this certificate in respect of the facts and circumstances then subsisting;
- (d) all insurances required to be held pursuant to the **Grant Deed** have in fact been held and are presently in force;
- (e) Other Funding is comprised of:
a. [Other: \$ being []%]

DATED the day of
SIGNED for and on behalf of [Grantee] by the **Grantee's Authorised Representative**

.....
Name:
Title:

Attachment 8 – Reports

Report required	Date for Provision
<p>Performance Milestone Report containing:</p> <p>A brief report, to the satisfaction of the Treasurer, which details key expenditures, activities, use of local contractors and full time equivalent employees (FTEs) used during construction, and achievements associated with the satisfaction of each Performance Milestone. The report should also detail progress of the Project.</p>	Refer Attachment 4
<p>Project Completion Report containing:</p> <p>A brief report, to the satisfaction of the Treasurer, which:</p> <ul style="list-style-type: none"> • details key expenditures, activities, use of local contractors, FTEs used during construction, and achievements associated with the satisfaction of each Performance Milestone; • confirms that the Grant and Other Funding were spent for the Purpose and in accordance with this Deed and that the Grantee has complied with this Deed; and • reports on the Project as a whole and how Project outcomes (eg key achievements arising out of, or in connection with, the use of the Grant, the number of direct full time jobs created) have contributed to the Program's objectives. 	Refer Attachment 4
Acquittal Form	Within six (6) months of the Project Completion Date
<p>Other: Such other reports or information in respect of this Deed and the Grantee's performance, compliance with this Deed and laws, the application of the Grant, Other Funding, the Grantee's Business, the Project, and any other matters relevant to the Treasurer's grant of the Grant as the Treasurer may request.</p>	Within thirty (30) days of receiving a request for information from the Treasurer, any time prior to the Expiry Date

11.8 Landlord Consent - YMCA Hall Glengowrie

Report Reference	GC210727R11.8
Originating Officer	Property Management Officer – Chloe McDonald
Corporate Manager	Manager City Property - Thuyen Vi-Alternetti
General Manager	General Manager City Development - Ilia Houridis

REPORT OBJECTIVE

The purpose of this report is to seek Council's approval, as landlord, to undertake internal upgrades to the YMCA Hall Glengowrie to modernise the main entrance and office areas of the premises located at 1A Butler Crescent, Glengowrie.

EXECUTIVE SUMMARY

The YMCA of SA Incorporated (YMCA) hold a 5 year lease for the YMCA Hall Glengowrie which expires on 30 June 2022. Refer Attachment 1 – Aerial Plan.

At the beginning of July, YMCA approached Council, as landlord, seeking permission to undertake internal upgrades to the premises to modernise the main entrance and office areas. Refer to Attachment 2 – Design and Proposed Works Plans.

The estimated total cost for the work is \$80,000.

Prior to any alteration to any Council property that is leased or licensed to a third party, approval is required to be granted by Council as landlord (refer to Attachment 3 - Landlord's Approval Process Flowchart). Council Administration have previously sought Council approval for works valued at \$20,000 or higher.

The YMCA are planning to apply for an Infrastructure Projects Grant with the Office of Recreation, Sport and Racing (ORSR) to assist with 50% of funding for the internal upgrades to the premises – with the remaining costs being funded by the YMCA. Grant applications close Wednesday 4 August 2021.

In addition to the landlord consent request, the YMCA are seeking confirmation from Council that they will be offered a new lease term following the expiration of their current lease.

RECOMMENDATION

That Council:

1. **Grants Landlord Consent to undertake internal upgrades of the YMCA Hall Glengowrie, 1A Butler Crescent, Glengowrie, Certificate of Title Volume 1636 Folio 163, subject to:**
 - All works being undertaken in a professional manner and to the satisfaction of the City of Marion;
 - The City of Marion being indemnified against all claims, suites, losses etc. that may result from carrying out this work.

2. **Delegates to the Unit Manager Land and Property approval to authorise any relevant documents necessary to facilitate the construction and management of the work.**
3. **Advises that the YMCA of SA Incorporated will be responsible for any project related costs and will be responsible for all future maintenance and repairs of the internal upgrades**
4. **Notes that Landlord Consent will be subject to all Statutory approvals being obtained.**
5. **Notes that a new lease agreement with the YMCA of SA Incorporated be supported and entered into under delegation in accordance with Councils Leasing and Licensing Policy.**

GENERAL ANALYSIS

Legal / Legislative / Policy	Under this lease it is the responsibility of the lessee to remain insured in relation to Public Liability Insurance and to Indemnify the City of Marion against all damages, cost and expenses.
Other Funding Sources	All costs associated with the construction and future maintenance of the internal upgrades will be borne by the YMCA. This includes a 50% contribution through the ORSR as part of an Infrastructure Projects grant.

DISCUSSION

The YMCA are planning to apply for an Infrastructure Projects Grant with the Office of Recreation, Sport and Racing (ORSR) to assist with 50% of funding for the internal upgrades to the premises – with the remaining costs being funded by the YMCA.

The objective of the Community Recreation and Sport Facilities Program (CRSFP) is to provide access to funding for the development of sustainable, functional, inclusive and fit for purpose active recreation sport facilities that meet the current and future needs of the South Australian community. The CRSFP will assist eligible organisations to develop infrastructure that directly addresses demonstrated need and supports participation through the rational development of good quality products.

To support their grant application, the YMCA require written landlord consent and a letter of support from Council as the landowner. The YMCA have sought advice from Development Services and have been advised that the proposed works will require planning approval.

In addition, the YMCA are seeking confirmation from Council that they will be offered a new lease term following the expiration of their current lease. They have raised concerns that the upcoming expiry of their current lease may inhibit their opportunity to receive grant funding. The new lease terms would be in accordance with Councils Leasing and Licensing Policy and for a term of 5 years.

Based on the information provided, the scope of works include:

- Demolition of blockwork walls, ceilings, floor coverings and entrance doors and windows
- Installation of new beams, doorframes, doors and hardware, new skirting boards and trims and construction of new walls
- Installation of new ceiling and wall insulation, plasterboard to new walls and ceilings and cornices
- Relocation of plumbing and electrical services

- Installation of new LED lighting
- New cabinetry including front counter and cupboards
- Painting of walls, ceilings, doors and trims
- Installation of carpet in the office and lounge area and timber look flooring in the reception area
- Installation of pool fencing into the main hall area

The estimated total cost of the work is \$80,000. All costs associated with the construction and future maintenance of the internal upgrades will be borne by the YMCA.

The consent will be granted subject to:


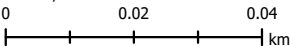
- All works to be undertaken in a professional manner and to the satisfaction of the City of Marion
- The City of Marion to be indemnified against all claims, suits, losses, etc. that may result from carrying out of this work
- All associated costs to be borne by the YMCA of SA Incorporated
- The City of Marion to have the right to reinstatement upon termination of the lease
- The YMCA of SA Incorporated to be responsible for the ongoing maintenance, repair and replacement of fixtures and fittings
- All works undertaken must comply with all relevant and applicable Legislation and all lawful conditions, requirements, notices and directives issued or applicable under any such Legislation.
- All works undertaken to comply with any applicable construction industry or public health and safety standards in relation to the works.
- The work is to be substantially commenced prior to 27 July 2022, after this date landlord consent will expire
- Building Consent and Development Approval are obtained prior to commencing work
- The City of Marion is to be informed once work has concluded and a site visit will occur

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

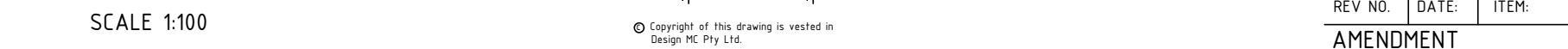
ATTACHMENTS

1. Attachment 1 - Aerial Plan [**11.8.1** - 1 page]
2. Attachment 2 - Design and Proposed Works Plans [**11.8.2** - 3 pages]
3. Attachment 3 - Landlord's Approval Process Flowchart [**11.8.3** - 1 page]



YMCA Hall Glengowrie		
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 21/07/2021 11:56 AM Coordinate System: WGS 1984 Web Mercator Auxiliary Sphere Scale: 1:1,128 

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 User Community



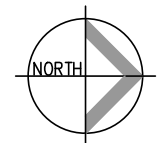
NOTE

BUILDER TO ALLOW TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION, SHOP DRAWINGS AND ORDERING OF MATERIALS.

ALL DISCREPANCIES TO BE REPORTED TO THE DESIGNER FOR CONSIDERATION AND INSTRUCTION.

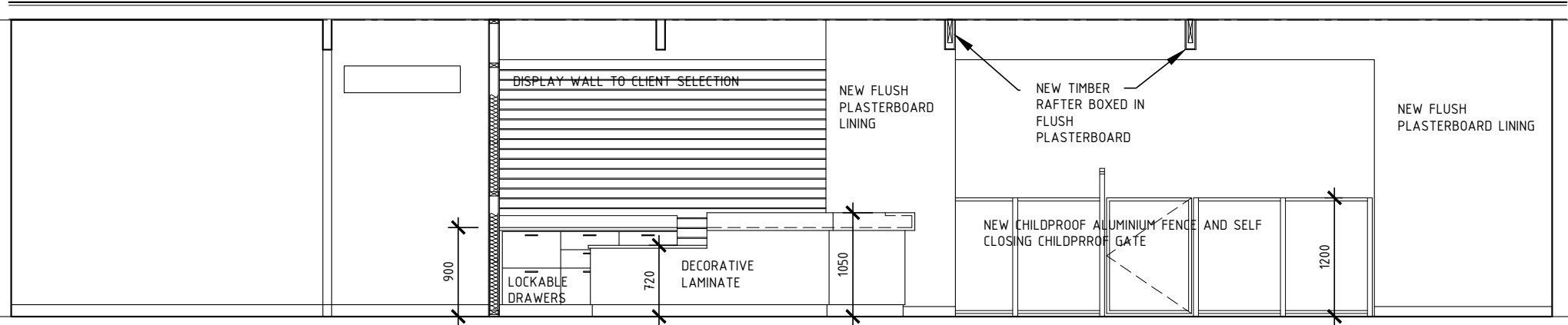
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BUILDER TO REVIEW DEVELOPMENT APPROVAL CONDITIONS AND DOCUMENTATION PRIOR TO COMMENCING ANY WORKS.



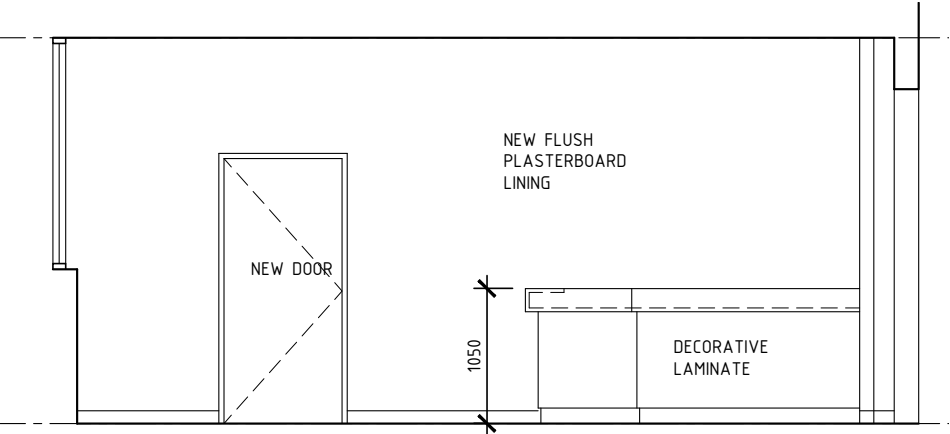
		ph 0408 900 889 paul@designmc.com.au	
PROJECT:		NAME OF PROJECT CNR OF MAXWELL TCE & BUTLER CRES WORKING DRAWING	
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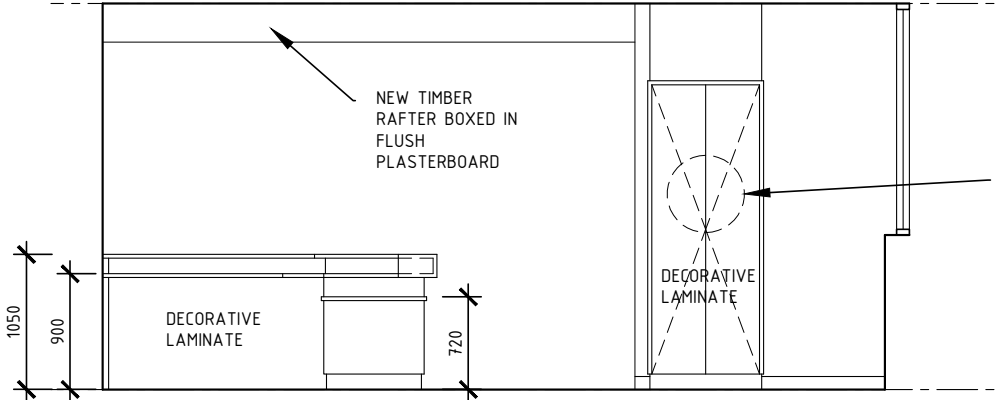
ELEVATION 1

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ELEVATION 2

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ELEVATION 3

SCALE 1:50

PRELIMINARY ISSUE 08-02-21
NOT FOR CONSTRUCTION

NOTE
BUILDER TO ALLOW TO CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCING CONSTRUCTION, SHOP DRAWINGS AND ORDERING OF MATERIALS.
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YMCA
GYMNASTICS
GLENGOWRIE



ph 0408 900 889
paul@designmc.com.au

3 Wylie Court,
WOODCROFT,
SA, 5162

PROJECT: **NAME OF PROJECT**
CNR OF MAXWELL TCE & BUTLER CRES
WORKING DRAWING

SCALE: AS SHOWN	DWG NO: 2033 A02	DATE: REFER ABOVE
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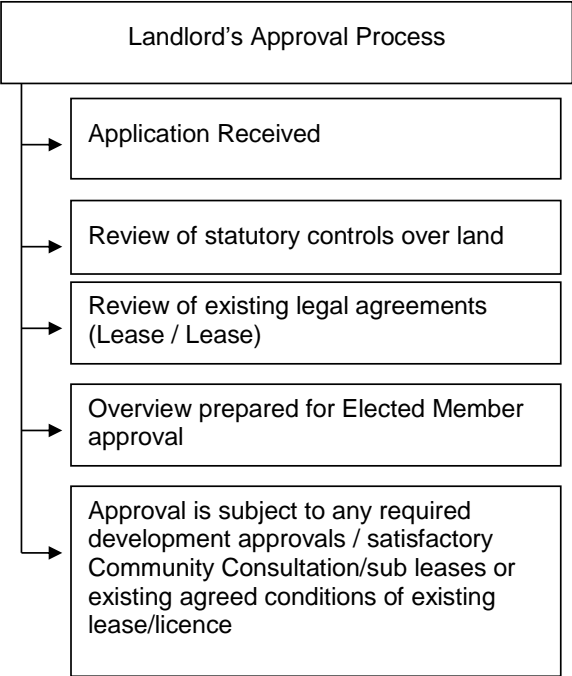
NOTE: BUILDER TO CHECK ALL DIMENSIONS ON SITE PRIOR TO ORDERING

REV NO. | DATE: | ITEM:

AMENDMENT

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Landlord’s Approval Process Flowchart



12 Corporate Reports for Information/Noting

12.1 Cats (Confinement) Variation By-law Update

Report Reference	GC210727R12.1
Originating Officer	Unit Manager Community Health and Safety – Sharon Perin
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
General Manager	General Manager City Development - Ilia Houridis

REPORT HISTORY

Report Reference	Report Title
GC200728R08	Cats (Confinement) Variation By-law Update

REPORT OBJECTIVE

Council requested an update on the Cat by-law after 12-months, if no response was received from the Minister for Environment and Water regarding a statewide 'model Cat By-law'.

EXECUTIVE SUMMARY

The City of Marion previously sought to develop a new Cat By-law to create a cat curfew and minimise nuisance caused by cats.

The by-law was formally disallowed by State Parliament on 17 February 2021 and previously recommended for disallowance by the Legislative Review Committee on 1 July 2020.

In noting a statement made by the Minister for Environment and Water that a 'model by-law' would be created, Council sought clarification of the timing of the by-law and offered to participate in its development.

At the General Council meeting 27 July 2020, Council subsequently made the following resolutions (GC200782R08):

"That Council:

- 1. Request a further report be brought to General Council, once a response has been received from the Minister for Environment and Water in relation to the State Government's proposed 'model Cat By-law' with options for Council to consider further options.*
- 2. That this matter be brought back to Council in 12 months if a response had not been received from the Minister."*

As at, 21 July 2021, the City of Marion has not received a response from the Minister for Environment and Water. However, staff of the Dog and Cat Management Board have advised that a model by-law is unlikely to be created in this term of Parliament.

Council continues to undertake action to reduce nuisance caused by cats, and in response to the lack of a statewide solution to this issue, Council has drafted a new Cat By-law which is currently out for community consultation.

RECOMMENDATION

That Council:

- 1. Note this report.**

DISCUSSION

Staff of the Dog and Cat Management Board have advised Council's Administration that a 'model Cat By-law' will not be considered until the Dog and Management Act (the Act) is amended, and that a review of the Act is unlikely to commence during the current term of State Parliament. When the Act is reviewed, all councils will have the opportunity to provide input.

Council is currently undertaking the legislated review and remaking of all of Council's by-laws. Council is seeking to reintroduce a cat curfew in Council's Cat by-law from 8.00pm - 7.00am daily and to stipulate the times of the curfew in the by-law, taking on board and incorporating the Parliament's Legislative Review Committee's feedback in disallowing the Cat Variation by-law (to not include powers to 'seize and detain').

Initial advice suggested that removing the 'seize and detain' powers would not give Council enough power to enforce and expiate under the by-law. However, Mount Barker District Council has been able to issue 5 expiation notices since adopting their cat by-law in January 2020.

Administration is aware that Mount Barker District Council employed an additional resource as a Cat Management Officer to help manage the extra responsibilities.

Administration has continued to implement strategies to manage nuisance caused by cats. This includes:

- Promoting recording a cat's details including ownership, on the statewide Dog and Cat On-line database, so cats and their owners can be identified;
- Providing information to cat owners to reduce nuisance caused by cats;
- Providing information to members of the community about how to deter cats from coming onto their property; and
- Hiring cat cages for a refundable deposit so residents can trap stray and feral cats and return identified cats to their owner or relocating unidentified cats to the RSPCA.

The new City of Marion draft cat by-law is on community consultation until 23 July 2021 with the results due to be presented to Council at the 24 August 2021 General Council meeting.

ATTACHMENTS

Nil

12.2 Revitalisation of the Edwardstown Employment Precinct - Progress Report

Report Reference	GC210727R12.2
Originating Officer	Project Coordinator - Edwardstown – Kate Silkstone
Corporate Manager	Manager City Activation - Greg Salmon
General Manager	General Manager City Development - Ilia Houridis

REPORT OBJECTIVE

The purpose of this report is to provide Council with a progress report on the Revitalisation of the Edwardstown Employment Precinct project.

EXECUTIVE SUMMARY

The Revitalisation of the Edwardstown Employment Precinct began in 2018 and forms part of the four-year business plan. Each year a 12-month action plan has been created to revitalise the precinct from an access, amenity and activation point of view.

In July 2020 council endorsed a 12-month action plan worth \$145,000 with one project coordinator. Thirty-two actions have been undertaken in the past seven months. A summary of progress is provided in attachment one.

RECOMMENDATION

That Council:

- 1. Note the progress of the Revitalisation of the Edwardstown Employment Precinct project.**

BACKGROUND

In July 2020 Council endorsed a 12-month action plan worth \$145,000 with one project coordinator. Thirty-two actions have been undertaken in the past twelve months.

GENERAL ANALYSIS

Within the 2020-2021 12-month action plan there are thirty-two line items to deliver on. These line items are all distinct projects in their own right to deliver outcomes against the three key themes:

- *Access (3 projects)*
- *Amenity (7 projects)*
- *Activation (11 projects)*

There are 11 other deliverables that involve research projects and establishment of key governance and project management tasks that are also being progressed.

Since July 2020, the following items have been delivered:

Access

- Traffic Management report received indicating some need for better line markings near corners and no compelling case for one-way street treatments.

- Staff are attending the Business Community meetings for the North-South Corridor to monitor business community sentiment.

Amenity

- The Greening of Edwardstown Part One delivered 150 advanced trees, 75 tree nets, 50 tree guards and eight educational totems.
- We successfully received a grant for the next stage of the Greening of Edwardstown with matched funding of \$60,000 to deliver 160 trees, 40 tree nets, 160 tree cages and 6 totems to be rolled out before December 2021. A demonstration street of Clarke Avenue to be created with grasses (as verges are not wide enough for trees) to further reduce the heat island.
- Two murals have been created, one on the corner of Raglan Avenue and Wilfrid Street showcasing the history of the Edwardstown Industrial Precinct, and the second showcasing the automotive sector located on Conmurra Avenue.
- Stobie pole art completed celebrating businesses for their commitment to Edwardstown and ongoing support for local jobs.
- Final thermal comfort report received indicating the need for a policy for a zero per cent increase in the heat island and the need for more permeable surfaces.

Activation

- Edwardstown brand and style guide completed. The brand will be rolled out in 2021-22 FY.
- Circular economy project completed with Garon Plastics and Seapa to identify how to generate value from waste.
- Ongoing work with the successful vendor to source a suitable location for the Creative Co-working Space.
- Business Community Group workshops held monthly at the Edwardstown Club to engage the local community, share information about the project and undertake workshops.
- Mayor visited Edwardstown to recognise eight businesses for success and ongoing support for local jobs which included a tour of the premises, presentation of certificates and plaques and morning tea.
- University students researched linkages between Edwardstown and Tonsley towards a 'Make it here!' manufacturing proposition for our City. The mapping of capability of the area has commenced.
- Making Marion continues to share information about the project and promote the 'Faces of Edwardstown'.
- Hosted the first Edwardstown International Women's Day networking event.

ATTACHMENTS

1. Council Paper 12 Month Action Plan 2020 2021 Revitalisation of Edwardstown [**12.2.1** - 4 pages]

12 Month Action Plan - Revitalisation of the Edwardstown Employment Precinct

						Council's Role				
	Outcome	Action Item	Benefit/Outcome	Progress	FY 21/22 Action Plan and/or Comments	Advocacy	Leadership	Coordination	Investment	Partnering
1	Governance	Project Governance 1. Board Champion – Mayor/Cr Joseph Masika/ Cr Sasha Mason 2. Project Sponsor – Ilia Houridis, General Manager City Development 3. Senior Leader – Greg Salmon, Manager City Activation 4. Project Manager – Donna Griffiths, Unit Manager Economic and Cultural Development. 5. Project Coordinator – Kate Silkstone, Project Coordinator 6. Monthly Business community meetings at the Edwardstown Club held the first Monday of each month. 7. Internal Project Control Group – Coordination and delivery of the project by establishing an internal working group of lead areas / subject matter experts to meet monthly. 8. Incorporate the independent member from the Infrastructure and Strategy Committee.	<ul style="list-style-type: none"> Organisational excellence A framework for responsibility and accountability Clear deliverables and project management The business community is involved in the project Activation of the Edwardstown Club as a place for networking for the business community 	On-going	Retained	X	X	X	X	X
2	Project Management	Use the Making Marion sites to continue engagement and two-way communication. <ul style="list-style-type: none"> https://www.makingmarion.com.au/edwardstown-project https://www.makingmarion.com.au/greening-edwardstown 	Increase participation in the project; increase engagement.	On-going	Retained			X		X
3	Project Management	Identify partnerships and funding opportunities to support the delivery of the Edwardstown Revitalisation Plan.	<ul style="list-style-type: none"> Community ownership of the revitalisation Leverage greater value for the project by working with others. 	On-going	Retained			X		X
4	Project Management	Monitor and maintain the Edwardstown Business and Property Database to ensure that it is kept up to date.	<ul style="list-style-type: none"> A consolidated up to date listing of business and property owners. 	On-going	Continue			X	X	
5	Project Management	Define the scope clearly and succinctly for EMs. The urban renewal project is within the eastern portion of the railway and bordered by South Road, Daws Road and Cross Road.	A clear project plan.		ELT		X	X		
6	Research	Understand the role of Tonsley as an incubator for entrepreneurs, then Edwardstown as a landing pad for warehousing , storage and manufacture. Understand the capability available at Tonsley and promote this to Edwardstown business community. When businesses are turned away at Tonsley where do they go? why not Edwardstown?	Understand the Tonsley and Edwardstown complementary value propositions.	Completed	Recommendations incorporated in FY 21/22 Action Plan			X		
7	Research	Research supply chains into industry sectors better and build on the existing strengths of Edwardstown.	Understand the strengths and supply chains already adopted and attract like-minded industry sectors.	On-going				X		
8	Research	What is missing? Undertake a Place Audit.	Understand the gaps and potential for business attraction.	Completed				X		
9	Research	City of Marion suppliers - why are they not in Edwardstown?						X		
10	Research	Hub and spoke capability model. How can this apply to Edwardstown - how does it become a node?			Recommendations incorporated in FY 21/22 Action Plan			X		
11	Project Management	Working across City of Marion and externally to identify opportunities to leverage internal funds to delivery actions.	Use of existing resources and budgets to support the delivery of this project and look for potential savings.					X		X
12	Activation	Mayor/Project Champion to advocate for project funding from the State / Federal Government to support this initiative.	<ul style="list-style-type: none"> Leverage Council funds. Generator of employment and business growth Long term vision 	On-going	Retained	X	X		X	X

13	Activation	Retain the Edwardstown Business Community monthly meetings • Monitor a shift in the base line mapping due to intervention. • Review and monitor activities. • Share ideas. • Discuss feasibility of the product opportunities identified.	• Market Intelligence • Outcomes are directly related to the needs of the business community • Business and industry voice in everything that is done	On-going	Retained - to meet quarterly		X	X		X
14	Activation	Ongoing provision of networking and peer to peer support by Southern Business Connections (our local business association). Workshop topics to include: • Building your Team • Building Visibility - Measurement	• Workshops and networking tailored to the needs of the Edwardstown business community provided by peers • Share knowledge and experience • Establish mutually beneficial business relationships • Activation and recognition of the Edwardstown Club as the local hub for business gatherings	On-going	Retained			X		X
15	Activation	Council to continue to liaise with DPTI to ensure the zoning proposed by the Code reflects specific directions currently sought by the Development Plan (Castle Plaza and the transition precinct) and to ascertain the opportunity for a Code Amendment to be undertaken, when and if required, once a final Edwardstown Precinct Plan has been created.	• Zoning supports the needs of the industry	On-going		X	X			
16	Activation	Create a brand for the Edwardstown Industrial Precinct that: • Celebrates the history of Edwardstown (using the information from the Marion Heritage Research Centre) • Builds on its diversity and comparative advantages • Attracts more manufacturers and creatives • Increase recognition of local Edwardstown businesses <u>Design concepts to be presented to Council NB</u>	• Attract investment in manufacturing, high tech and creative industries • Destination focus • Recognition and recall of Edwardstown as an industrial precinct • Strengthen local business focus • Attract new industry sector to add vibrancy to the precinct • Local businesses to self-promote as an Edwardstown business	Completed	Edwardstown brand to be rolled out in FY21/22			X	X	X
17	Activation	Circular Economy / Waste Minimisation: Establish a small group of businesses in a trial to look at ways to Reuse, Recycle or Reduce industrial waste within the precinct. • A specialist facilitator may be required to gain the most out of this. Investigate Green Industries SA business grant opportunities for: • Resource Efficiency and Productivity • Valuing Business Waste • Industry & Business Groups	• Minimise waste • Innovation in the circular economy space • Reduce dependence on importation of raw materials • Reduce environmental impact of economic activity • Create new job opportunities	Completed	Change of scope, pilot workshop undertaken with Garon Plastics at their premises Similar approach to be adopted with other businesses interested in circular economy		X	X	X	
18	Activation	Celebrate businesses in Edwardstown greater than 25 Years with a plaque from the Mayor and site tour for promotion. One per month for eight months.	• Recognise commitment to Edwardstown – retention of local businesses • Celebrate business success • Ongoing support for local jobs	Completed	Retained		X	X		
19	Activation	Encourage businesses to take up the Commonwealth Government Energy Advisory services to support the reduction of energy costs on their business. Advocate for an advisor to be located in South Australia.	• Reduce energy costs	On-going	Retained			X		X
20	Activation	Campaign to encourage businesses to take up the Southern Business Mentoring Program service in disciplines such as retail, wellbeing, strategic marketing, general business, HR and digital marketing.	• Business growth via mentoring in particular disciplines • Retention and growth of business community	On-going	Retained			X		
21	Activation	Establish a Creative Industries Co-working Hub.	• Support local artists and the development of creative industries • Community meeting space and access for workshops/events • Potential for retail, gallery space and café • Opportunity to utilise and recycle what is considered to be 'industrial waste'	On-going	Currently sourcing business premises		X	X	X	

22	Activation	Create a prospective business register to identify new businesses needing premises	<ul style="list-style-type: none"> Attraction of new businesses Retain and grow existing businesses Employment growth 		Businesses currently captured through Making Marion website and to be incorporated in the development of an investment website FY 21/22 Action Plan.			X		
23	Access	Consultative Committee for North-South Road Corridor to inform North South Road discussions with Cr Sasha Mason as chair. The Committee to include City of Mitcham, City of Marion, City of Unley and City of West Torrens. This committee will meet quarterly to advocate for business and connectivity for the region during the north-south corridor discussions.	<ul style="list-style-type: none"> Monitor Advocate for tunnelling South Road as this has the potential to improve access conditions for Edwardstown. Advocate for direct access/exit points at Daws Road and Cross Roads as this will have the impact of enhancing Edwardstown's connectivity to broader markets and suppliers. Advocate for creation of South Road Boulevard at surface level 		Retained - Cllr Mason is a member of Community Reference Group and Donna Griffiths is a member of Business Reference Group.		X			
24	Access	Undertake community consultation on South Road. Should South Road be a tunnel? Where should the drop points be?	Provide council with a clear preference on the treatment for South Road.		Pending outcomes of #23 and DIT Community Consultation			X		
25	Access	Detailed study into local area traffic management including potential traffic calming devices. Obtain data to validate the one way road treatments and include some design treatments.	<ul style="list-style-type: none"> Address traffic speed and behavioural concerns on the local road network Improve safety of pedestrians and cyclists Access to parking and traffic data will directly address one of the businesses main concerns. It reduces impact on residential streets and gathering data on utilisation of parks and traffic movements would enable the data-driven decisions around service delivery. People movement data helps to understand asset utilisation and peak times in the precinct which in the future could inform business hour trading, event planning and café openings 		Recommendations documented in Edwardstown Traffic Review undertaken by Tonkin Consulting.			X	X	
26	Amenity	Greening of Edwardstown: In partnership with the Greening Adelaide Fund and Water Sensitive Urban Design Grant Funding Program plant 176 advanced trees, provide 75 tree inlets and position 8 educational totems in Furness Avenue, Woodlands Terrace, Dunorlan Road, Deloraine Road and surrounding streets. This project is due to complete on 30 April 2021.	<ul style="list-style-type: none"> Improve public realm Create green character amenity including green spaces to help people meet Reduce urban heat Reduce air pollution and energy use <p>Project outcomes:</p> <ul style="list-style-type: none"> 166 advanced trees 75 tree inlets 8 educational totems Environmental monitoring Community engagement 	Completed				X	X	X
27	Amenity	Greening of Edwardstown Stage Two Investigate Greening Adelaide Fund and Water Sensitive Urban Design Grant Funding Programs as an opportunity to extend the Greening of Edwardstown to include another four streets. This fund requires a 50% council contribution.	<ul style="list-style-type: none"> Improve public realm Create green character amenity including green spaces to help people meet Reduce urban heat Reduce air pollution and energy use 	Completed - successful grant funding application.	Continuing in FY21/22			X	X	X
28	Amenity	Three Year Planting Program in the Edwardstown Employment Precinct to increase canopy and reduce the heat island impact.	Reduce the heat island impact.		Continuing in FY21/22			X	X	
29	Amenity	Stobie Pole Art: Incorporate Public Art into the Raglan Avenue streetscape upgrade via Stobie Pole Art. This project carried over from 2019/20 FY.	<ul style="list-style-type: none"> Reinforce the character and underlying cultural diversity within Edwardstown Create environments that have high levels of amenity and cultural identity 	Completed (not Raglan Avenue) - Stobie pole art recognising 7 businesses who received awards for over 25-years service and commitment to the local community. Located in close proximity to each	Retained			X	X	

30	Amenity	Create an industrial historical trail through Edwardstown via murals. Install one piece of art.	<ul style="list-style-type: none"> Celebrate the industrial history of the precinct Create a point of difference Improve the amenity of the precinct 	Completed - Mural located on the corner of Raglan Avenue and Wilfrid Street.					X	X	
31	Amenity	Thermal Comfort Modelling monitoring, aligned with Greening program. Using the recent urban heat island exercise undertaken by the southern region councils as a bench mark, Council can undertake thermal comfort modelling at the conclusion of this framework. Monitor.	Monitor change before, during and after interventions.	Completed	Recommendations to incorporated in on-going greening activities.				X		
32	Amenity	Clean-up Edwardstown		On-going	Continue						

12.3 WHS End of Year Performance Report - June 2021

Report Reference	GC210727R12.3
Originating Officer	Unit Manager Risk – Sherie Walczak
Corporate Manager	Manager Office of the CEO - Kate McKenzie
General Manager	Chief Executive Officer - Tony Harrison

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:

- 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.

It should be noted that two LTI incidents occurred late in 2019-20 however weren't included in end of year reporting as they either hadn't yet lost time or had been denied and were undergoing investigation subsequent to an appeal. Both were investigated and accepted post June 2020. This has resulted in a revised LTIFR of 9.2 for 2019-20 and the 10% reduction target has now also been revised to 8.28.

The **2020-21 LTIFR is 14.5** with **10** lost time injury claims being submitted. This is a **57.6% increase** on the 2019-20 LTIFR and therefore, the target has not been achieved.

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 (which has just completed its second year) to address compliance, key risks and reduce the LTIFR.

ATTACHMENTS

- GC210727R WHS Monthly Performance Report EOFY 2021 [**12.3.1** - 3 pages]

Attachment 1 – WHS End of Year Performance Report – June 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.

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	6	5	12	120	10

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	3	0	0	0	1	10

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	1+1	6*

*Two LTIs occurring late in 2019-20 either sought further medical intervention or were investigated and accepted post June 2020.

Table 5: Outline of LTIs reported - Financial Year 2020-21

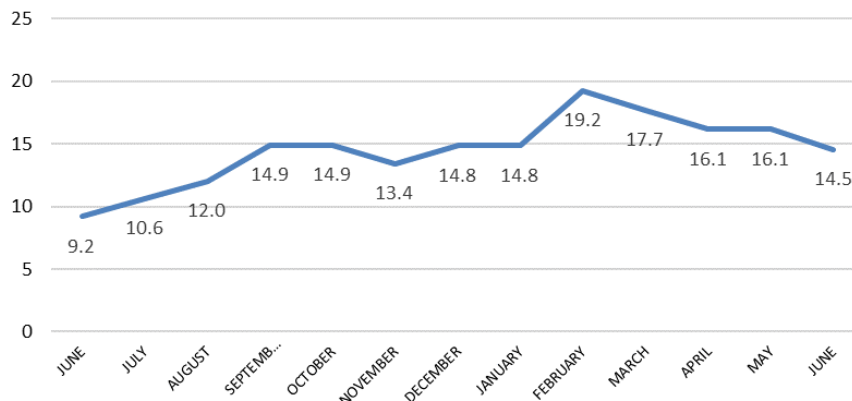
No.	Description of Incident	Mechanism of Injury	Injury Description
1	Experienced left shoulder pain while lifting, dragging & feeding branches into the woodchipper	Muscular stress while lifting, carrying or putting down objects	Sprain to left shoulder
2	Foot got stuck on the footstep and landed heavily 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, sitting on object	Fractured foot
5	Stepped out of backhoe into kerb excavation and twisted left knee	Stepping, kneeling, sitting on object	Unspecified joint/ligament trauma
6	After Hours - 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, sitting on object	Unspecified joint/ligament trauma
8	Walking off the verge onto the road and left foot slipped off the kerb twisting left knee	Stepping, kneeling, sitting on object	Unspecified joint/ligament trauma
9	Psychosocial Incident	Work related harassment and/or workplace bullying	Anxiety/stress disorder
10	Shoulder strain while entering cabin of truck	Stepping, kneeling, sitting on object	Unspecified joint/ligament trauma

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

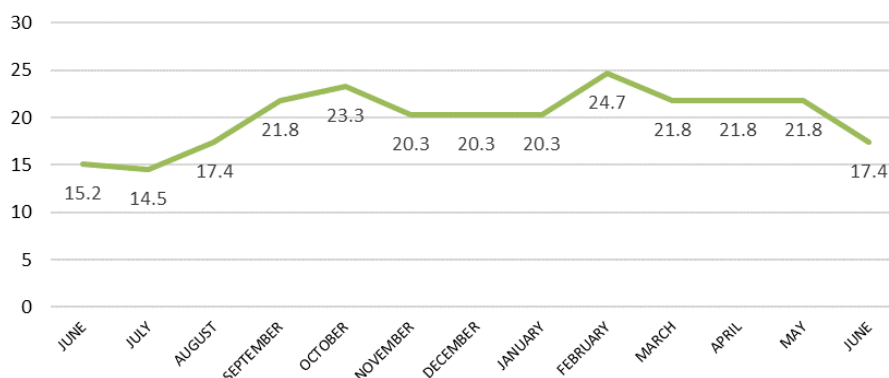


The current 12 month rolling LTIFR for the City of Marion is **14.5** which represents a **57.6%** increase over the previous 12 months from.

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

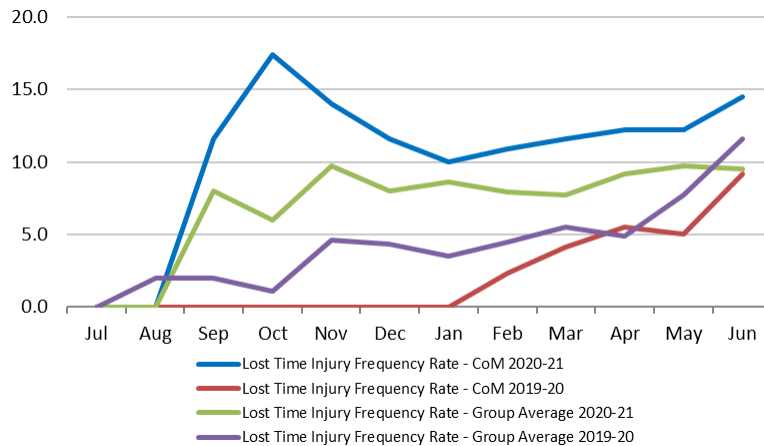


The current 12 month rolling TRIFR for the City of Marion is **17.4** which represents a **14.4%** increase over the previous 12 months.

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



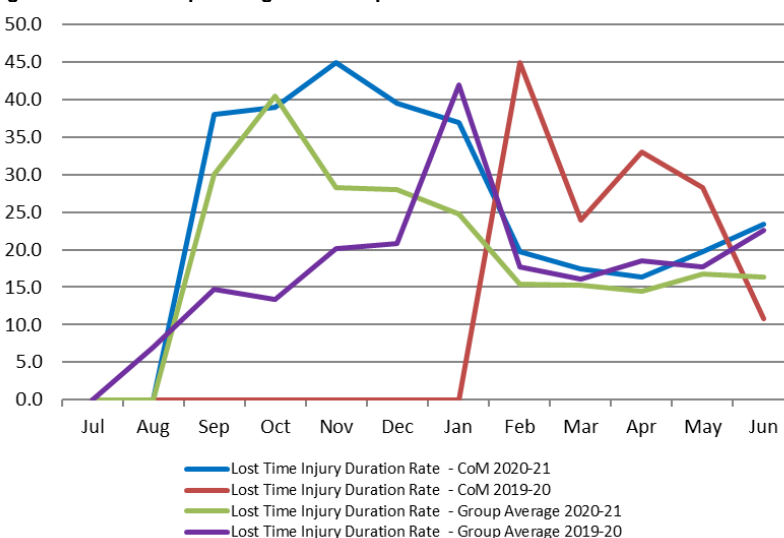
The current LTIFR for the City of Marion (represented in blue) is **14.5**, compared to GaCs recording **9.5**, with with ten LTI claims being accepted this year.

➤ **LTIFR Reduction target is 10% from 9.2 to 8.28. Result is a 57.6% increase = Target NOT MET**

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 is **23.4**, with ten LTI claims being accepted to date this year in comparison the our industry counterparts who have recorded **16.4**. This is also an increase on last year's LTIDR of **10.8**. The increase is due to an average increase in days away per claim however two LTIs were significant in length being 57 and 60 full-days away from the workplace.

¹ GaC are metropolitan councils with more than 300 staff (Marion, Adelaide, Charles Sturt, Onkaparinga, Playford, Port Adelaide Enfield, Salisbury and Tee Tree Gully).

12.4 Questions Taken on Notice Register

Report Reference	GC210727R12.4
Originating Officer	Governance Administration Officer – Anne Mitchell
Corporate Manager	Manager Office of the CEO - Kate McKenzie
General Manager	Chief Executive Officer - Tony Harrison

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'.**

ATTACHMENTS

1. GC210727 QON Register [12.4.1 - 1 page]

Questions Taken on Notice Register



Report Reference	Meeting Date	Councillor	Responsible Officer	Question taken on notice during the meeting	Response
SGC210713R12.1 – Marion Golf Park	13 July 2021	Councillor Nathan Prior	Manager City Property – Thuyen Vi-Alternetti	Can we access the T1 aquifer for the Golf Course?	The golf club is already irrigated from groundwater obtained from the T1 aquifer. Two bores/pumps and headworks were replaced circa 3 years ago that extract water from the T1 aquifer. The bores are not on the golf club but located within the rail corridor at Seacliff. Sourcing the water from this location has resulted in a more cost effective/reliable source of water as the bores were drilled through sand/gravel and clay compared to the very high capital cost of drilling a deep bore hole direct from the golf course site. A bore on the golf course site would need to be drilled deeper and through the hard blue stone rock to get to the T1 Aquifer.

13 Workshop / Presentation Items - Nil

14 Motions With Notice

14.1 Pedestrian Pathway - David Avenue to Sampson Reserve, Mitchell Park

Report Reference	GC210727M14.1
Council Member	Councillor – Raelene Telfer

MOTION:

That a report be brought to General Council (after consideration at the Asset and Sustainability Committee) regarding the feasibility and cost to Marion Council of a fenced pedestrian pathway to connect from David Avenue, Mitchell Park to Sampson Reserve, Mitchell Park, across the south east perimeter of the Hamilton College school oval.

SUPPORTING INFORMATION:

The fencing of the Hamilton oval has blocked access to the Hamilton School oval. This means that residents from David Avenue and environs cannot easily access Sampson Avenue and south to the Mitchell Park Sports and Community Centre sports fields and facilities. Moreover, residents in the proximity of Sampson Rd and Waterman Terrace cannot conveniently traverse on foot north to the shops and businesses on Daws Road. Consideration could be given to a fenced pathway from David Avenue south east along the perimeter of the Hamilton College School oval.

It is noted that one solution would be for the City of Marion to purchase a pathway from the Hamilton College oval perimeter and fence this.

Corporate Manager	Manager Engineering, Assets & Environment – Mathew Allen Manager City Property – Thuyen Vi-Alternetti
General Manager	General Manager City Services – Tony Lines

STAFF COMMENTS:

The area identified as Hamilton School Oval is owned by Department for Education. Sampson Avenue Reserve is community land located south of Hamilton School Oval. Within this locality property boundaries and fencing around the school oval limit pedestrian connections between David Avenue and Sampson Road. Historically the public have been able to walk through Sampson Avenue Reserve to David Avenue supporting community connections (refer attachment 1).

Should Council resolve to support this Motion, a report can be prepared for the Asset and Sustainability Committee's consideration prior to bringing a report back to Council; the report will consider:

- Access approval and land tenure.
- Footpath alignment.
- Footpath and fencing materials.
- Community consultation.
- Funding.
- Timeframes.

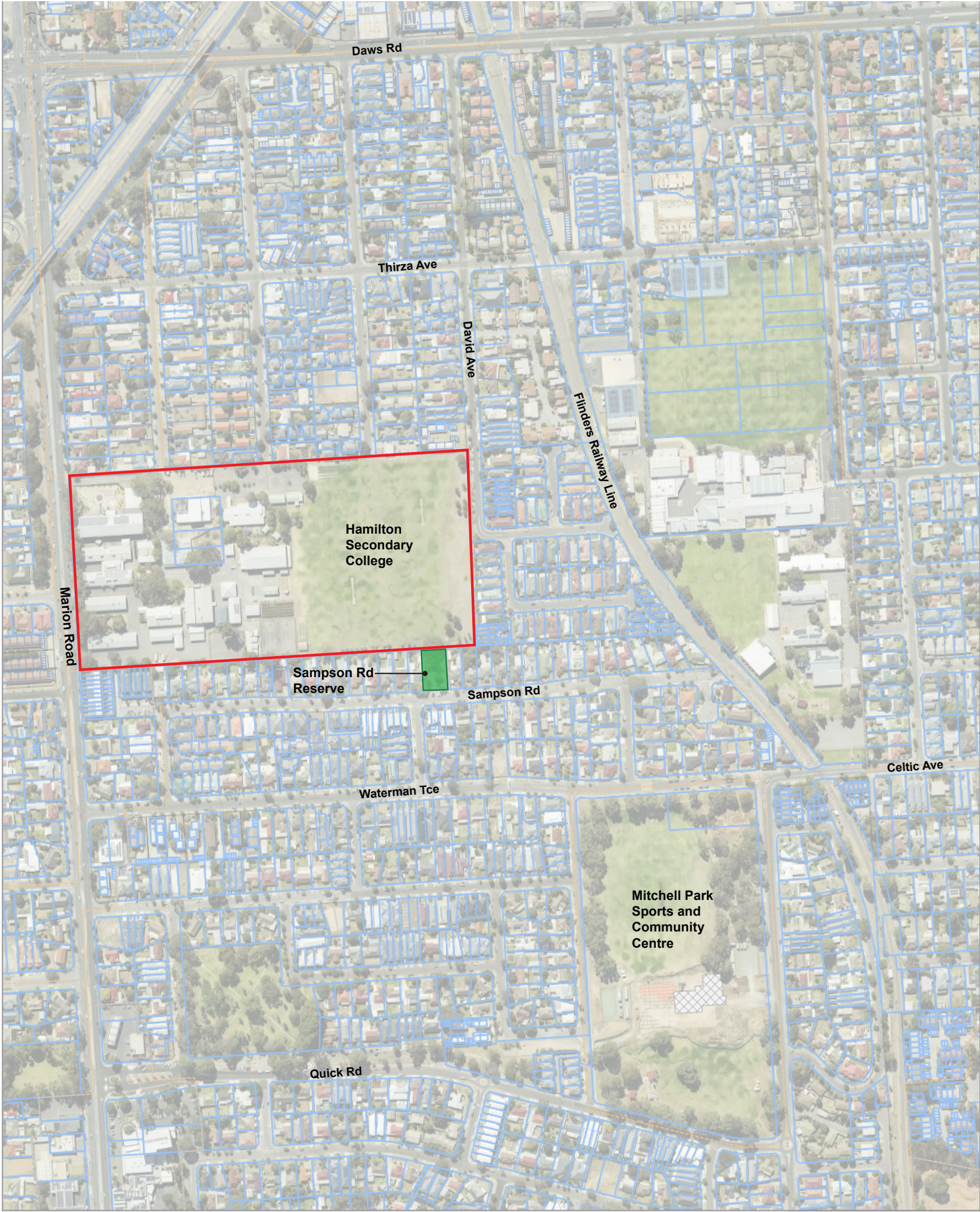
Council staff have previously engaged with Hamilton Secondary College in 2018 to discuss opportunities for a shared use path to connect the Mitchell Park Sports and Community Centre and Tonsley Precinct through Sampson Avenue Reserve to David Avenue. The proposal was to construct a path and fencing along the south-eastern edge of the oval with an appropriate lease to be negotiated. Following several meetings, the School Governing Council was not supportive of the proposal due to future curriculum needs for the land. A Council Report was presented (GC190423R06) noting that Hamilton Secondary College did not support the proposed greenway alignment through the eastern extent of the school oval.

Hamilton Secondary College

Land and Property Boundary



CITY OF
MARION



Legend

Minister for Education and Child Services

Council Reserve

Created by svc.ArcGIS
07/07/2021 10:39 AM

Coordinate System:
WGS 1984 Web Mercator Auxiliary Sphere
Scale: 1:4,514

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km

14.2 Rescission Motion - SWBMX - Scope of Pump Track

Report Reference	GC210727M14.2
Council Member	Councillor – Nathan Prior

MOTION

That Council

1. **Rescinds the following resolution of Council relating to SWBMX - Scope of Pump Track made on 22 June 2021 (GC210622R12)**

That Council approve the scope of the pump track to be:

1. **A community pump track comprising of both bitumen and dirt to cater for all levels of riders.**

And

2. **Resolves the following:**

That Council approve the scope of the pump track to be:

1. **A Union Cycliste Internationale (UCI) pump track that will be sealed with bitumen with additional funding of \$64,000 to be provided from the Asset Sustainability Reserve.**

SUPPORTING INFORMATION

Further information around a bitumen surfaced pump track has been presented including support from the Minister for the Environment, Hon. David Speirs MP and local community groups. This information pertains to the maintenance of the track as well as increased community use of the track.

Regarding maintenance, an indicative costing for materials totals \$8000 per annum and a dirt track will also requires several hours of maintenance per week which must be performed to keep the track in good condition, despite bitumen berms. If Council were to provide the labor component of this maintenance, payback of the increased cost of a full bitumen track would be of the order of 2-3 years.

A full bitumen track would be available to a wider proportion of the community including scooter riders, skateboarders and roller skaters, and the track would also be less susceptible to wet weather.

Response Received From	Project Manager Strategic Projects – Carla Zub
Corporate Manager	Manager City Activation – Greg Salmon
General Manager	General Manager City Development – Iliia Houridis

STAFF COMMENTS

At the General Council meeting of 22 June 2021, Council considered three options for the delivery of the pump track at the Sam Willoughby BMX (SWBMX) Facility, including a bitumen sealed Union Cycliste Internationale (UCI) pump track.

A UCI accredited pump track has the potential to attract World Class Red Bull racing events to

Adelaide and would complement the new SWBMX facility. The UCI has advised that a UCI pump track can only be delivered by one accredited pump track builder in Australia being Velosolutions and will be sealed with bitumen. Approval will be required from Council's Manager Procurement for the exemption to procurement process for the direct engagement of Velosolutions.

Given the UCI accreditation, the community will not have the opportunity to be involved in the design or construction of the bitumen sealed track with this type of pump track to cost an additional \$64,000 (to the existing \$136,000 budget) to deal with the reactive soils.

Minister Speirs and the Department for Environment and Water have confirmed their support for a bitumen track within Glenthorne National Park.

The pump track will be delivered at the SWBMX in mid-2022.

14.3 Green Adelaide

Report Reference GC210727M14.3

Council Member Mayor – Kris Hanna

Motion:

That Council:

1. Writes to the Green Adelaide Board advising that:

- Council shall contribute \$10,000 to Green Adelaide for heat mapping and canopy cover work subject to the CEO receiving a satisfactory proposal and invoice (funds to be drawn from savings arising from the next budget review); and
- Council shall sign the Adelaide National Park City Charter if there is widespread support from other metropolitan SA councils.

OR

2. That Council:

- Notes the heat mapping and canopy cover actions taken by the City of Marion; and
- Notes the National Park City concept.

Supporting Information:

Chris Daniels, Presiding Member of the Green Adelaide Board, wrote to the Mayor and CEO on 17 June 2021 asking for:

- a contribution of \$10,000 towards heat mapping and canopy cover work
- a commitment from Council to join the Adelaide National Park City Charter

Green Adelaide claims that being a National Park City brings international recognition to;

“the collective effort of citizens to create an urban landscape that results in stronger social connections and wellbeing due to being active in transforming how we live while facing the challenges of climate change and urban densification.” (!?)

Green Adelaide wishes for metropolitan Adelaide to become the second city to gain National Park City status; There is only one so far: London declared itself to be the first National Park City in 2019. Certainly, it was not known for its national parks before that time.

This contribution of \$10,000 would be over and above what Council already provides the Green Adelaide Board through the NRM/ Regional Landscape Levy collected from our ratepayers. Council may consider the proposed work is core business of Green Adelaide.

With regard to “return on investment” to the community in the City of Marion in relation to the levy, a 2016 Question on Notice (GC190116Q03) found that much more was collected from our ratepayers than was spent in our area:

1. The amount of revenue the City of Marion collected on behalf of the NRM Board in the last:
 - a) 5 years was \$ 6.949m
 - b) 10 years was \$ 11.069m
2. The amount of NRM funding received by the City of Marion in the last:
 - a) 5 years was \$3.815m (incl GST)
 - b) 10 years was \$4.008m (Incl GST)

Council collected and transferred \$1.997m by way of this levy in 2020/21 and is forecast to collect \$2.020m in 2021/22.

Response Received From Senior Environmental Planner - Rebecca Neumann

Corporate Manager Manager Engineering, Assets & Environment - Mathew Allen

General Manager General Manager City Services - Tony Lines

Staff Comments:

Heat Mapping and Canopy Cover

Collecting information on urban heat and green cover / tree canopy has been a priority for Council in determining areas that are vulnerable to extreme heat and quantifying impacts of urban infill.

The City of Marion has contributed financially in the past to both collection and analysis of data on urban heat and tree canopy. This information is available for public viewing on the 'Urban Heat and Tree Mapping Viewer' hosted by the state government

<https://data.environment.sa.gov.au/Climate/Data-Systems/Urban-Heat-Mapping>

The current heat mapping and tree canopy data is accessible to staff through Council's mapping programs. The maps and analysis have provided critical information to inform the current tree planting program and supported Council's successful grant funding for projects including Greening Edwardstown round 1 and 2 and the Lonsdale Highway Tree Greening Project.

Following consultation with Councils over the past 12 months, Green Adelaide is proposing to take a lead on further collection and analysis of urban heat mapping and tree canopy data that will assist with:

- Tracking urban development trends
- Updating green cover and tree canopy cover trends
- Assessing extreme heat vulnerability in our community – particularly nighttime temperature
- Assessing vegetation health
- Prioritising areas for water sensitive urban design.

The datasets and analysis will be important for Councils and the state government in prioritising ongoing urban greening efforts and funding across metropolitan Adelaide.

It is possible for the City of Marion to collect similar data independently or to access new technologies that offer some similar services, however there is no planned budget allowance for such work. Funding would likely be sought in the next 1-2 years if Council was not part of a wider effort.

The economy of scale to join in the Green Adelaide proposal provides good value for money for the City of Marion and ensures a consistent dataset across metropolitan Adelaide.

Green Adelaide expects the total data collection to be in the order of \$500,000. The contribution being requested from local government is \$170,000, with the remainder being covered by state government departments.

If Council chooses Option 1, then staff will work with Green Adelaide to ensure a satisfactory service agreement is established with Green Adelaide.

The information above has been provided for noting if Council chooses Option 2.

Adelaide National Park City Charter

The idea of a “National Park City” has not been previously considered by Council and was not specifically identified as a priority for Green Adelaide during the consultation that reformed the Adelaide and Mount Lofty Ranges Natural Resources Management Board (the NRM Board) to Green Adelaide (GC181009R07).

The proposed Adelaide National Parks City Charter (the Charter) is yet to be finalised and a draft of the Charter was not provided to City of Marion, however Green Adelaide Director Brenton Grear has suggested that it will be “very similar” to the Universal National Parks City Charter (Attachment 2) and will seek general support and commitment to work together for better:

- Lives, health and wellbeing
- Wildlife, trees and flowers
- Places, habitats, air, water, sea and land
- Time outdoors, culture, art, playing, walking, cycling
- Locally grown food and responsible consumption
- Deciding, sharing, learning and working together
- Relationships with nature and each other.

These principles are very consistent with the Marion Community Vision and existing directions of the City of Marion Strategic Plan 2019-2029 – particularly through the theme of Valuing Nature.

Currently anyone can ‘sign’ the Charter by entering their details on the Adelaide National Park City website www.adelaidenationalparkcity.org. The website was launched by Green Adelaide on 5 June 2021 and currently has 1177 signatures (08:00 22/07/2021).

Should Council choose Option 1 above, then staff will consult with Green Adelaide to confirm which metropolitan Adelaide Councils “sign the Charter” and once at least nine of the 17 Councils in the region sign, arrangements will be made for the City of Marion to formally sign the Charter.

The information above has been provided for noting if Council chooses Option 2.

ATTACHMENTS

1. Green Adelaide Letter - 17 June 2021 [**14.3.1** - 4 pages]
2. Universal Charter for National Park Cities [**14.3.2** - 1 page]



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17 June 2021

Dear Mayors and CEO's

Re: Local Government and Green Adelaide 3 June forum

Thank you for taking the time to again meet with the Green Adelaide board on 3 June at the Thebarton Community Centre. Your commitment to the day highlights our shared aspiration to have strong partnerships based on our common grounds as they relate to each of our greening agendas.

On the day, we acknowledged our December 2020 meetings with you and how your shared green agendas have been incorporated and recognised in both our **Regional Landscape Plan 2021-26** and our **Annual Business Plan 2021-22**. Both these documents are currently with the Minister for Environment and Water, seeking his endorsement. We will provide copies as soon as we are able.

In highlighting our annual business plan we talked about the four iconic programs being pursued. We spoke in particular about the first two, and signalled our interest in progressing conversations in relation to the second two at a future meeting.

Iconic projects

Greening our streets and backyards
Making Adelaide a National Park City
Rewilding our rivers and coastline
Restoring culture

We also provided an overview of our financial status and highlighted that we are wanting to better synchronise our budget planning cycle and priorities with the collective of Councils, and that this may take a few funding cycles to resolve. This is also in acknowledgement of our different legislative responsibilities. Until then, we feel that our 2021/22 annual Business Plan is nudging us closer together.

Also on the back of our December meetings, you asked us to take the lead on coordinating the **canopy cover and heat mapping** across the 17 councils, to ensure a consistent and comparable dataset from which good decisions can be made. To that end, we have gone to market and can confirm that estimates for this work are in the order of \$500,000. The majority of the costs can be sourced from Green Adelaide and collaborating state agencies. The outcomes of this work can be made better if Councils could contribute up to \$10,000 each, to enable all partners to consistently make strategic, evidence based decisions to maximise the impact of our collective greening investments. For further details, please see the attached proposal for your consideration.



The final matter discussed was **Adelaide National Park City**. Green Adelaide is vying for metro-Adelaide to become the second city to gain National Park City status. London became the first National Park City in 2019 and there's the goal of 25 cities by 2025 having this title. Being a National Park City brings international recognition to the collective effort of citizens to create an urban landscape that results in stronger social connections and wellbeing because of their care for the environment and being active in transforming how we live while facing the challenges of climate change and urban densification.

Earning the reputation of being a National Park City (NPC) is expected to improve the wellbeing of people, the liveability of the city and the financial strength of the city by creating nature based employment and circular economies to name a few outcomes. We all stand to benefit from this collective movement towards living with Nature in the city.

There is a rigorous assessment path that needs to be taken to achieve NPC status. One of them is to have majority community support, and another is for the city to have a Charter for people to sign. Green Adelaide is currently connecting with over 100 key influencers across Adelaide to start crafting this Charter, one that is built on the Universal NPC Charter. From our investigations, the collective effort of all the Greater Adelaide Councils, in delivering on your own community strategies, means that we're already meeting the expectations of a National Park City. Some of you are already Tree City members or Mayors for Climate Change Action. These are examples of the attributes that make for a multi-jurisdictional push towards being a NPC. Our intention is to keep building on that momentum, for being a city who lives with nature and is transforming to being a liveable city in the face of climate change.

We're starting as a government (Green Adelaide) led movement, but we want to hand this movement over to the community when the time is right. We want to co-design this Charter with key influencers - including Councils. Who from your staff should we connect with, to start shaping the vision and Charter for Adelaide as a National Park City? Will you join with Green Adelaide to sign the Adelaide NPC Charter in late July, when we have it completed? To coordinate your support, we propose to draft a motion for your Council to consider. We will also work with the Greater Adelaide Regional Organisation of Councils to consider and promote this approach to your organisations.

This is an exciting new venture, and The Advertiser's polling of the citizens of South Australia on World Environment Day (5 June) will help us shape the journey. Within days, over 600 people indicated that they want to play a role – this ranges from individuals to businesses. The movement has started.

To summarise the feedback we are seeking from each council: can you please contact Brenton Grear (Director Green Adelaide) directly, with your response to:

- **Would your Council be able to contribute \$10,000 towards the heat mapping and canopy cover work?**
- **Is Council, through the Mayor, willing to join Green Adelaide in signing an Adelaide National Park City Charter in late July?**
- **Who, from Council, can be part of a LG workshop to influence this Charter over the coming weeks?**
- **With support of a suitable motion "template" (initial draft version enclosed) are you able to discuss this in the Council Chamber?**



This letter is both a summary of the forum of 3 June and also an update for the Mayors and Chief Executives who were unable to attend on the day. To keep the momentum going, I look forward to your responses to our questions. I have included a copy of the presentations used on the day as a reminder of the content.

I appreciate hearing back from you on the above matters, and equally I look forward to our next steps. Please contact Brenton Gear at Brenton.gear@sa.gov.au or 0428 823 622 with your thoughts on these questions.

Yours sincerely



Chris Daniels
Presiding Member
Green Adelaide Board

Enc. 1. Urban Heat & Canopy Cover Proposal
2. NPC motion template
3. Presentation – 3 June





OUR VISION IS TO MAKE CITIES WHERE PEOPLE, PLACES AND NATURE ARE BETTER CONNECTED.

Let’s make National Park Cities that are rich with nature and where everyone benefits from exploring, playing and learning outdoors. Cities where we all enjoy high quality public and green spaces, where the air is clean to breathe and it’s a pleasure to swim in their waters. Together we can make cities greener, healthier, fairer and more harmonious places to live. *Why not?*

A National Park City is a shared vision and journey for a better life.
Everyone in a National Park City is able to benefit and contribute everyday.

It is a large-scale and long-term vision that is achievable through many actions. Much is already happening but by working, learning, sharing and acting together, across communities and governments, we can achieve even more.

UNIVERSAL CHARTER FOR NATIONAL PARK CITIES*

July 2019

WE ARE WORKING TOGETHER FOR BETTER:

- 1

LIVES, HEALTH AND WELLBEING
- 2

WILDLIFE, TREES AND FLOWERS
- 3

PLACES, HABITATS, AIR, WATER, SEA & LAND
- 4

TIME OUTDOORS, CULTURE, ART, PLAYING, WALKING, CYCLING AND EATING
- 5

LOCALLY GROWN FOOD AND RESPONSIBLE CONSUMPTION
- 6

DECISIONS, SHARING, LEARNING AND WORKING TOGETHER
- 7

RELATIONSHIPS WITH NATURE & EACH OTHER

THIS CHARTER CONFIRMS THAT WE COLLECTIVELY SHARE THE AMBITION, RESPONSIBILITY AND POWER TO DELIVER THESE THINGS AND MORE.

SIGNATURES

By signing this document, I/we pledge to play an active role in making the National Park Cities a success.

WHAT IS A NATIONAL PARK CITY?

What is a National Park City? It’s a place, a vision and a city-wide community that is acting together to make life better for people, wildlife and nature. A defining feature is the widespread commitment to act so people, culture and nature work together to provide a better foundation for life.

It is a timely cultural choice, a commitment to a sense of place and way of life that sustains people and nature in cities and beyond.

People and cities around the world can draw from the goals, principles and aspirations of this Universal Charter for National Park Cities. We hope that there will be a strong National Park City Family that works together to fulfil the aspirations of this Universal Charter.

The National Park City Foundation will work with others to publish a regular State of the National Park Cities report to highlight actions and progress being made to support the National Park City vision internationally.

**What if we restored nature wherever we can? *What if everybody could lose themselves in nature without leaving the city? *What if we shared more knowledge, ideas, tools and experiences? *What if there were more beautiful sights, smells, sounds and colours in the city? *What if we thought more about those who will be living in the city seven*

*generations from now? *What if there was more celebration and spontaneity? *What if we did more things to care for the people, places and nature we are interdependent with? *What if there was more space for reconciliation? *What if we had more balance and harmony within ourselves, our city and globe?*

15 Questions With Notice

15.1 JOLT EV Charging Station Advertising

Report Reference	GC210727Q15.1
Council Member	Councillor – Bruce Hull

Question:

With regards to the installation of a number of JOLT electric vehicle stations around the city:

- Was the illuminated advertising approved by Council as part of the JOLT EV charging station contract?
- In terms of informed consent in approving this contract by Elected Members. Was it clearly and explicitly explained to Councillors that there would be illuminated advertising signage on these JOLT EV charging stations?
- With regards to determining the location of these JOLT EV charging stations, was the potential advertising exposure the primary consideration for their locations?
- Given the relative revenue pittance that Council will receive with this quite lengthy contract with JOLT. Was the lucrative advertising revenue factored into the assessment of an appropriate contract with our Council?

Supporting Information:



Response Received From	Unit Manager Engineering – Carl Lundborg
Corporate Manager	Manager Engineering, Assets and Environment – Mathew Allen
General Manager	General Manager City Services – Tony Lines

Staff Comments:**• Was the illuminated advertising approved by Council as part of the JOLT EV charging station contract?**

Yes, Council endorsed at the 10 December 2019 General Council meeting (report reference GC191210F02) recommendation item 2 – “*Advises Jolt Charge Pty Ltd that they are the successful proponent in the delivery of Electric Vehicle charging stations in the Marion council area under the terms and conditions described in this report.*”

The report stated:

To pay for the ‘up front’ and operational costs of the EV charging stations, an advertising panel would be installed similar to that of the ‘advertising bus shelters’ which would generate the revenue required to facilitate the installation and ongoing operating costs.

• In terms of informed consent in approving this contract by Elected Members. Was it clearly and explicitly explained to Councillors that there would be illuminated advertising signage on these JOLT EV charging stations?

Yes, the report (report reference GC191210F02) stated:

The advertising will be via a 55 or 75 inch screen with a total width of 0.9 or 1.1 metres depending on the local site restraints (2.38 metres high).

Advertising at no cost for Council for the purpose of promoting Council business or community messaging (repeating once in every 6 advertisements – with a 45 second dwell time in accordance with DPTI requirements from a road safety perspective).

Attachment 1 of the report showed an artist impression of how the charger could look in the public realm. Please refer to supporting information above.

• With regards to determining the location of these JOLT EV charging stations, was the potential advertising exposure the primary consideration for their locations?

In considering locations for electric vehicle charging station Jolt have undertaken an analysis to determine ‘link and place’ locations within the Council that will likely meet the need for EV charging and also locations for effective advertisement.

Locations will likely be near arterial roads and car parking areas before considering Collector & Distributor roads with car parking areas – areas around high-volume areas (such as Westfield) seem to be the best opportunity for Council and Jolt. Consideration of locations also includes the distance to suitable power connections while also ensuring safety to pedestrian and motorists (path widths and sight lines).

• Given the relative revenue pittance that Council will receive with this quite lengthy contract with JOLT. Was the lucrative advertising revenue factored into the assessment of an appropriate contract with our Council?

Yes, In October 2019 a 'Request for Proposal' open tender was called to explore suitable proponent/s to provide Electric Vehicle (EV) charging stations within the cities of Marion, Port Adelaide Enfield Charles Sturt.

Jolt Charge Pty Ltd (Jolt) was assessed as the preferred contractor amongst the three Councils. Jolt demonstrated an effective business case, offered more flexibility and a higher number of charging stations (minimum 15 and up to 35 charging stations over the next several years within City of Marion).

It was also included as part of the contract that advertising at no cost for Council for the purpose of promoting Council business or community messaging (repeating once in every 6 advertisements – with a 45 second dwell time in accordance with DIT requirements from a road safety perspective).

Other electric vehicle charging station providers offered neither revenue nor free advertising with their application.

15.2 Dog and Cat Registrations

Report Reference	GC210727Q15.2
Council Member	Councillor – Matthew Shilling

Question:

1. How many dogs were registered in the City of Marion in the 2020/21 Financial Year
2. What was the breakdown of dog breeds?
3. How many cats were registered in the City of Marion in 2020/21?
4. Were all registration fees paid on time (August 2020), if not how many were followed up and expiated (where required)?

Supporting Information:

Nil

Response Received From Team Leader Community Safety – Caroline Corston

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

General Manager City Development – Ilia Houridis

Staff Comments:

1. How many dogs were registered in the City of Marion in the 2020/21 Financial Year
 - *There were 13,943 dogs registered for the 2020/2021 financial year.*
2. What was the breakdown of dog breeds?
 - *The Dogs and Cats Online (DACO) data base does not have the capability to report on a breakdown of dog breeds. Administration has raised a request with DACO administration requesting a report to be created as an enhancement to the system.*
3. How many cats were registered in the City of Marion in 2020/21?
 - *1,792 cats were 'registered' in the 2020/2021 financial year.*
 - *The City of Marion does not have compulsory cat registration, but the Dog and Cat Management Board and Council's Administration encourage cat owners to record their cat's details on DACO.*
 - *As microchipping is compulsory, the Dog and Cat Management Board refer to recording cat details on DACO as 'registration'.*
4. Were all registration fees paid on time (August 2020), if not how many were followed up and expiated (where required)?
 - *Not all registrations were paid on time.*
 - *The Community Safety Team conducted follow-up enquiries with 1,057 residents who did not pay for their dog registrations. Subsequently, 89 of these people failed to make registration payments and they were issued an expiation.*

15.3 LGAMLS Declaration

Report Reference GC210727Q15.3

Council Member Mayor – Kris Hanna

Question:

Why is it necessary for the Mayor to sign an LGAMLS Elected Members and Officers Declaration and what are the implications of it not being signed by the Mayor?

Supporting Information:

On 23rd March 2021 at 10.32 am the Mayor received an email from staff stating that “both Adrian and Kris’ signature are required on the LGAMLS Elected Members & Officers Declaration for 2021”. Attached to the email was the Declaration form which had a few questions about the organisation.

On 23 March 2021 at 10:46 am the Mayor replied “I am not comfortable signing off on the “No” to awareness of employee behaviour which may give rise to civil liability. I do not recall being asked to sign such a form before. I think forms of this nature should come to me directly rather than through Tom.”

To that the Mayor received no response or follow-up from staff. After raising a query about this verbally with the new CEO, the Mayor wrote to the CEO on 26 April 2021 stating “after my email of 23/3/21, I heard nothing further at all”.

To date the Mayor has received no clarification.

Response Received From Sherie Walczak, Unit Manager Risk

Corporate Manager Kate McKenzie, Manager Office of the CEO

General Manager Tony Harrison, CEO

Staff Comments:

The Local Government Association Mutual Liability Scheme (LGAMLS) requested dual sign off from the CEO and Mayor regarding the Elected Members and Officers Declaration as part of the insurance renewals. The Mayoral sign off is not a legislative requirement but imposed by the scheme as part of their assurance processes. The dual sign off is a recent addition to the insurance declaration process.

Mayor Hanna indicated that he was uncomfortable in signing off on employee behaviour which may give rise to civil liability, as the declaration is for both employees and Council members. This was raised with the LGAMLS and the forms were submitted without the Mayor’s signature. The LGAMLS accepted the submission and the insurance renewals progressed as normal.

As the declaration is an administrative process that can be executed by the CEO, management will seek to streamline the process with the LGAMLS for the 2022/23 renewal and request again that the dual declaration is removed.

15.4 Solar Panels - Marion Leisure and Fitness Centre

Report Reference GC210727Q15.4

Council Member Mayor – Kris Hanna

Question:

Did negotiations ever take place regarding joint funding of solar panels for the rooftop of the Marion Leisure and Fitness building? If so, can a summary of interactions please be provided?

Supporting Information:

After receiving a report “Energy Review of Marion Leisure and Fitness Centre” at the General Council meeting of 24 October 2017, Council resolved that:

“Financing models to support energy efficiency and solar energy on Council-owned leased facilities is discussed at an Elected Members Forum early in 2018 with a report brought to Council by 20 February 2018 for consideration following the Forum discussion”.

When the matter came back to Council on 13 February 2017, it was resolved that Council;

- “1. Adopts a proposed approach to fund up to 50% of the purchase and installation costs of energy efficiency upgrades and solar panels for Council-owned and leased facilities.**
- 2. Supports the use of the Community Facilities Partnership Program to assess and fund applications for energy efficiency upgrades and solar panels for Council-owned and leased facilities.**
- 3. Adopts Methodology B – Council coordination of submission process and sites installation to implement the program.”**

When the matter was again considered at a General Council meeting on 8th August 2017, Council resolved to *“adjourn the item until the 10 October 2017 General Council meeting to enable discussions regarding equitable contributions from relevant parties to occur”*.

On 29 September 2020 the Mayor’s Assistant, based on the Mayor’s instructions, sent an email to a relevant staff member stating;

*“Mayor has dug up an old report (GC080817 are) proposing to install solar and energy saving infrastructure at the Marion Leisure and Fitness Centre. (Link below)
Do you know if this ended up happening or not?”*

To which the staff reply on 16 October 2020 was;

“at this stage it doesn’t appear solar has been installed under this arrangement”.

Response Received From	Acting Unit Manager Land & Property – Michael Collins
Corporate Manager	Manager City Property – Thuyen Vi-Alternetti
General Manager	General Manager City Development – Ilia Houridis

Staff Comments:

Following a previous Council report seeking Council funding of a new rooftop solar system for the MLFC on 13 February 2018 Council resolved to seek expressions of interest for 50% contribution to

solar installation on Council leased premises in accordance with 'Methodology B' outlined in the Council Report. This methodology proposed that Council coordinates the management of the program, seeking expressions of interest from lessees over a period of around 3 months, and then engaging a provider/retailer to work with the Council and lessees in a coordinated way to manage the installation of improvements.

In September 2020 the Mayor followed up with Administration in relation to the implementation of the resolution, it was identified that Administration had not progressed Council's 2018 resolution and this was communicated to the Mayor.

Administration subsequently commenced the EOI process in line with Council's previous decision, with the EOI opening on 22 April 2021 and concluding on 16 July 2021.

Correspondence was sent to all lessees and licensees of Council's facilities, including the lessees of the MLFC at the commencement of the EOI period. A follow up email was also sent on 5 July 2021 as a reminder to lessees and licensees.

Four enquiries were received following the EOI notification and at the close of the EOI period on 16 July only one EOI submission had been received from YMCA of SA in relation to the MLFC.

An assessment of the submission from YMCA in relation to MLFC is currently being carried out, and a further report will be prepared for Council to provide a formal update Council's resolution from 2018. Subject to Council endorsement, Administration will seek to procure a provider to manage the installation of the improvements at the facility in consultation with the YMCA.

16 Motions Without Notice

17 Questions Without Notice

18 Confidential Items

18.1 Cover Report - Abandoned trolleys and the utilisation of the Local Nuisance and Litter Control Act

Report Reference	GC210727F18.1
Originating Officer	Unit Manager Community Health and Safety – Sharon Perin
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
General Manager	General Manager City Development - Ilia Houridis

REASON FOR CONFIDENTIALITY

Local Government Act (SA) 1999 S 90 (2) 3

(h) legal advice

RECOMMENDATION

That pursuant to Section 90(2) and (3)(h) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Corporate Governance, Manager Development & Regulatory Services, Unit Manager Community Health and Safety 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 Abandoned trolleys and the utilisation of the Local Nuisance and Litter Control Act, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to legal advice.

19 Other Business**20 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.