

His Worship the Mayor
Councillors
City of Marion

Notice of General Council Meeting

Public Access via Virtual Meeting Room (Zoom) only

Tuesday, 14 September 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-livestream>) on the day of the meeting.



Tony Harrison
Chief Executive Officer

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1 Open Meeting

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)

5 Confirmation of Minutes

5.1 Confirmation of Minutes of the General Council Meeting held on 24 August 2021

Report Reference	GC210914R5.1
Originating Officer	Governance Administration Officer – Anne Mitchell
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 24 August 2021 be taken as read and confirmed.

ATTACHMENTS

1. GC210824 - Final Minutes [5.1.1 - 16 pages]



**Minutes of the General Council Meeting
held on Tuesday, 24 August 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 Maggie Duncan

Councillor Raelene Telfer

Councillor Bruce Hull

Councillor Kendra Clancy

Councillor Sasha Mason - electronic

Councillor Matthew Shilling

Councillor Luke Hutchinson - electronic

Councillor Nathan Prior

Councillor Jason Veliskou - electronic

Councillor Joseph Masika - electronic

In Attendance

Chief Executive Officer - Tony Harrison

General Manager City Services - Tony Lines

General Manager Corporate Services - Sorana Dinmore - electronic

General Manager City Development - Iliia Houridis

Manager Office of the Chief Executive - Kate McKenzie

Governance Officer - Angela Porter

1 Open Meeting

The Mayor opened the meeting at 6.31pm.

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

5.1 Confirmation of Minutes of the General Council Meeting held on 10 August 2021

Report Reference GC210824R5.1

Moved Councillor Matthew Shilling

Seconded Councillor Raelene Telfer

That the minutes of the General Council Meeting held on 10 August 2021 be taken as read and confirmed.

Carried Unanimously

6 Communications

6.1 Elected Member Verbal Communications

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

Verbal communications were provided during this period.

Moved Councillor Luke Hutchinson

Seconded Councillor Matthew Shilling

That the following Communications Reports be moved en bloc:

- Mayoral Communication Report
- CEO and Executive Communication Report

Carried Unanimously

6.2 Mayoral Communication Report

Report Reference GC210824R6.2

Name of Council Member Mayor - Kris Hanna

Date	Event	Comments
15 July 2021	Community Leadership Program Graduation Event	
22 July 2021	COASTFM radio interview	
6 August 2021	Marion RSL Civil Works completion celebration followed by dinner	
10 August 2021	Special citizenship ceremony	Two new citizens
11 August 2021	Friends of Glenthorne National Park AGM	
16 August 2021	Club Marion Committee meeting	Attended as Council liaison



Moved Councillor Luke Hutchinson

Seconded Councillor Matthew Shilling

That Council:

1. Receives and notes the Mayoral Communication Report.

Carried Unanimously

6.3 Deputy Mayor Communication Report

Report Reference GC210824R6.3

Name of Council Member Deputy Mayor – Nathan Prior

Nil.

6.4 CEO and Executive Communication Report

Report Reference GC210824R6.4

Date	Activity	Attended By
28 July 2021	Plan Lab Facility at Rivergum re Oaklands Green – Dwellings and Streetscapes	Ilia Houridis Tony Lines
28 July 2021	Meeting Monthly Oaklands Green Project Control Group	Tony Lines
29 July 2021	Meeting Tony Harrison, Jim Whiting Badge Construction and Steve Byrne SHC	Tony Harrison
29 July 2021	Meeting City of Marion Satalyst	Sorana Dinmore
29 July 2021	Feedback Survey Council Ready Governance Group	Tony Lines
30 July 2021	Meeting Judith Sellick (Sellick Consulting) Sorana Dinmore (CoM)	Sorana Dinmore
3 August 2021	Meeting Flinders University re Graduate Opportunities	Tony Lines
4 August 2021	Meeting Tony Harrison and Hamilton Secondary College	Tony Harrison
5 August 2021	Meeting Glenthorne Nature Play PCG	Ilia Houridis
5 August 2021	LGA CEO Advisory Group meeting	Tony Harrison
5 August 2021	Meeting Tony Harrison & John Schutz (DEW)	Tony Harrison
5 August 2021	KPMG CoM Fraud Scoping Meeting	Sorana Dinmore

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6 August 2021	Meeting Tony Harrison, Tony Lines, Minister David Speirs, Lucy Huxter and Jana Kranixfeld	Tony Harrison Tony Lines
9 August 2021	Meeting: CoM & Objective	Sorana Dinmore
10 August 2021	Meeting SWBMX & Southern Soccer PCG	Ilia Houridis
10 August 2021	Meeting Tony Harrison and Kylie Fergusen (Community Centres SA)	Tony Harrison
10 August 2021	KPMG Scoping Meeting Collaborative Project(s) Health Check Internal Audit	Sorana Dinmore
11 August 2021	Meeting BioChar Project Debrief with Stakeholders	Ilia Houridis
11 August 2021	Meeting Tony Harrison and Christine Locher (VUCA)	Tony Harrison
11 August 2021	Meeting PEET and Green Hill Australia re Tonsley Village WSUD Design	Tony Lines
12 August 2021	City of Marion and Studio Nine Administration Building Workshop	Tony Harrison Sorana Dinmore Ilia Houridis Tony Lines
12 August 2021	Meeting Tony Harrison and Jayne Stinson MP	Tony Harrison
13 August 2021	SMRF JV Advisory Committee Meeting	Sorana Dinmore
13 August 2021	Meeting Tony Harrison and Scott Ashby (City of Onkaparinga)	Tony Harrison
13 August 2021	Meeting: Pernix CoM	Sorana Dinmore
17 August 2021	Meeting RSPCA & City of Marion	Tony Harrison Ilia Houridis
17 August 2021	Meeting: EGM Partners Recruitment (Claire Coombs) CoM (Sorana Dinmore)	Sorana Dinmore
18 August 2021	Bi-monthly SAALC Meeting Ilia Houridis, Adam Luscombe (SAALC), Bruce Hull & Nathan Prior	Ilia Houridis
19 August 2021	Meeting City of Marion & Seaclyff Group re Seaclyff Development	Tony Harrison Ilia Houridis
19 August 2021	Meeting: Alison Surjan (Harrison McMillan Recruitment) Sorana Dinmore (City of Marion)	Sorana Dinmore
20 August 2021	Presentation Operation Flinders	Tony Lines

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		Sorana Dinmore
20 August 2021	Meeting Tony Harrison and Cathy Miller	Tony Harrison
21 August 2021	Launch Kitchen Caddy roll-out with Mayor Hanna and Minister for Environment Member for Elder Carolyn Power MP	Tony Lines
23 August 2021	Meeting City of Marion & SAJC re Infill Development	Ilia Houridis
23 August 2021	Meeting City of Marion and SA Water re Cove Road, Hallett Cove	Tony Lines

Moved Councillor Sasha Mason

Seconded Councillor Maggie Duncan

That Council:

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

Carried Unanimously

6.5 Elected Member Communication Report

Report Reference

GC210824R6.5

Name of Council Member

Councillor – Raelene Telfer

Date	Event	Comments
3/08/21	Hallett Cove Outdoor pool and coastal adaptations	Discussion with staff
3/8/21	Hamilton Senior College oval and accessibility in Mitchell Pk	Met Elder candidate Nadia Clancy at Sampson Reserve
3/8/21	CoM Early Years Collective	Meeting by Zoom with Karina Fry as Chair
3/8/21	Planning & Development Committee	Meeting
4/8/21	Mitchell Park Station accessibility	Met staff re laneways
4/8/21	Council Assessment Panel	Member of Panel
6/8/21	Marion RSL civil works completion	Launch and networking
10/8/21	Warriparinga Ward Briefing	Attended in person
18/8/21	Mitchell Park Operations Management	Met Mark Hubbard with Andy Sakas
19/8/21	Warriparinga priorities explained	Met Boothby Candidate Dr Rachel Swift
19/8/21	Marion Museum plans and Satellite sites	Discussion with staff



7 Adjourned Items - Nil

8 Deputations

8.1 Deputation Request from Ms Jane Osborne (Request Denied)

Report Reference	GC210824D8.1
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Ms Osborne has requested to make a deputation to Council regarding her proposal to have Meet the Candidates sessions run under guidelines similar to the sessions convened by the City of Holdfast Bay Council prior to council elections.

The request was declined on the basis that it would be more effective and more efficient if an email was sent to Elected Members with the details and reasons for the proposal.

9 Petitions - Nil

10 Committee Recommendations

Moved Councillor Sasha Mason

Seconded Councillor Maggie Duncan

That the following reports be moved en bloc:

- Confirmation of the minutes for the Planning and Development Committee held on 3 August 2021
- Confirmation of the minutes of the Special Review and Selection Committee meeting held on 20 August 2021

Carried Unanimously

10.1 Confirmation of the minutes for the Planning and Development Committee held on 3 August 2021

Report Reference	GC210824R10.1
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Moved Councillor Sasha Mason

Seconded Councillor Maggie Duncan

That Council:

1. Receives and notes the minutes of the Planning and Development Committee meeting held on 3 August 2021.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Planning and Development Committee.

Carried Unanimously



10.2 Confirmation of the minutes of the Special Review and Selection Committee meeting held on 20 August 2021

Report Reference GC210824R10.2

Moved Councillor Sasha Mason

Seconded Councillor Maggie Duncan

That Council:

1. Receives and notes the minutes of the Special Review and Selection Committee meeting held on 20 August 2021.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.

Carried Unanimously

11 Corporate Reports for Decision

11.1 Morphetville/Glengowrie Horse Related Activities Code Amendment

Report Reference GC210824R11.1

Moved Councillor Jason Veliskou

Seconded Councillor Kendra Clancy

That Council:

1. Endorses the 'Morphettville/Glengowrie Horse Related Activities Code Amendment - Proposal to Initiate' and forwards the document (Attachment 1) to the Minister for Planning for consideration.

Carried

Councillor Hull called a Division

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

Those Against: Councillor Bruce Hull

Carried

11.2 Proposal to initiate boundary realignment at Seacliff Park

Report Reference GC210824R11.2

Moved Councillor Ian Crossland

Seconded Councillor Nathan Prior

That Council:

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1. Authorises the Administration to submit a 'Stage 1 Potential Proposal' to the Boundaries Commission for a realignment of the boundary for the development site on Scholefield Road, Seacliff Park (commonly known as Cement Hill) so that the relevant parcels of land are wholly located within the City of Marion council boundary.
2. Notes that up to \$200,000 may be required from savings from the 1st quarterly budget review to fund the Stage 2 proposal, should the 'Stage 1 Potential Proposal' be accepted by the Boundaries Commission.
3. Considers the future usage of Les Scott Reserve as part of the development of the 'Stage 1 Potential Proposal' as recommended by the Local Government Boundaries Commission.

Carried Unanimously

12 Corporate Reports for Information/Noting

Moved Councillor Matthew Shilling

Seconded Councillor Raelene Telfer

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

- Finance Report - July 2021
- WHS Monthly Performance Report July 2021

Carried Unanimously

12.1 Finance Report - July 2021

Report Reference GC210824R12.1

Moved Councillor Matthew Shilling

Seconded Councillor Raelene Telfer

That Council:

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

Carried Unanimously

12.2 WHS Monthly Performance Report July 2021

Report Reference GC210824R12.2

Moved Councillor Matthew Shilling

Seconded Councillor Raelene Telfer

That Council:

1. Notes the report and statistical data contained therein.

Carried Unanimously



12.3 Development expiations

Report Reference GC210824R12.3

Moved Councillor Raelene Telfer

Seconded Councillor Maggie Duncan

That Council:

1. Note this report.

Carried Unanimously

Moved Councillor Matthew Shilling

Seconded Councillor Raelene Telfer

That the following reports be moved en bloc:

- DAIP Implementation Report 2020-21
- 2020-21 Reconciliation Action Plan Implementation Report

Carried Unanimously

12.4 DAIP Implementation Report 2020-21

Report Reference GC210824R12.4

Moved Councillor Matthew Shilling

Seconded Councillor Raelene Telfer

That Council:

1. Note the DAIP 2020-2021 Implementation Report
2. Note the DAIP implementation report for State Government

Carried Unanimously

12.5 2020-21 Reconciliation Action Plan Implementation Report

Report Reference GC210824R12.5

Moved Councillor Matthew Shilling

Seconded Councillor Raelene Telfer

That Council:

1. Note the 2020-21 RAP Implementation Report
2. Note the City of Marion response to Reconciliation Australia's 2020-21 RAP Survey (Attached)

Carried Unanimously



13 Workshop / Presentation Items

13.1 Local Government Reforms

Report Reference GC210824R13.1

Meeting Suspension

Moved Councillor Matthew Shilling

Seconded Councillor Bruce Hull

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

Carried Unanimously

7.27pm formal meeting procedures suspended

7.39pm formal meeting procedures resumed

Moved Councillor Matthew Shilling

Seconded Councillor Kendra Clancy

That Council:

1. Notes the amendments to the *Local Government Act 1999* and further information will be presented to Council as it is made available.
2. Provides feedback to the Local Government Association that the Regulations for the *Local Government Election Act* support that when a casual vacancy occurs within 12 months of an election, the vacancy will be filled by the method of 'Preferred Candidate'. This method should apply to Mayoral and Councillor positions.
3. Provides feedback to the Local Government Association that the implementation date for new sections of the Local Government Act that relates to Member Behaviour commences in June 2022.

Carried Unanimously

14 Motions With Notice - Nil

15 Questions With Notice

15.1 New Residents' Kit

Report Reference GC210824Q15.1

Council Member Mayor Kris Hanna

QUESTION

Has the New Residents Kit been distributed in accordance with Council's resolution of 12/3/19 and, if not, when did the practice cease and why?



SUPPORTING INFORMATION

Council resolved on 12/3/19 (confirmed 28/5/19) to distribute a New Residents' Kit to incoming residents either by email or hard copy.

Response Received From	Manager Customer Experience – Megan Bradman
Corporate Manager	N/A
General Manager	General Manager Corporate Services – Sorana Dinmore

STAFF COMMENTS

Following Council's resolution of 12 March 2019 (GC190312M06), a new process was implemented for new residents with a 'New Residents Kit' issued upon notification of a property Change of Ownership. In all, 2465 hard copy kits were sent to new residents. New Resident Kits were also made available on the City of Marion website.

In December 2019, the kits required revision due to changes in information/services and in early 2020 the provision of New Resident Kits ceased temporarily as a result of COVID-19 and the impact on some services.

In June 2021 work re-commenced on an updated Residents Kit. The updated kit is available on the website <https://cdn.marion.sa.gov.au/sp/Documents-Media/New-Residents-Kit-2021.pdf>. Hard copies of the updated Resident Kits are currently being printed to meet the expected demand during the full 2022 calendar year and the service will resume once the reprinted kits have been received.

15.2 Fraud and Corruption Matter - Investigation Status

Report Reference	GC210824Q15.2
Council Member	Councillor – Bruce Hull

QUESTION

"In terms of the Council fraud policy (Ensure timely reporting of fraud and corruption issues to Council (consideration will be given to the method of reporting in line with the nature of the incident and the confidentiality obligations ie ICAC). What is the status of the investigation of the former staff member Unit Manager, James O'Hanlon. If charges are pending or a prosecution/convictions have been made, can this be detailed to Council with a clear time line of any such findings?"

SUPPORTING INFORMATION

Nil

Response Received From	Chief Executive Officer – Tony Harrison
Corporate Manager	N/A
General Manager	N/A

STAFF COMMENTS

Council Members were informed verbally of this incident via a confidential Elected Member Forum

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in late 2020. This was confirmed via a confidential email to Council Members in December 2020 when Councillor Hull queried if the Fraud and Corruption Policy had been complied with. Members were notified that the matter was referred to SAPOL and was being investigated.

In March 2021, the Administration was formally advised that Mr O'Hanlon was arrested in November 2020 and charged with dishonest dealings with documents in relation to letters which were believed to be forged. Prosecution subsequently amended those charges laid at court to reflect a false statement in an application to a licensing authority.

Mr O'Hanlon pled guilty to those charges at the first opportunity and subsequently entered a good behaviour bond for a period of 12 months and to pay Court costs (without conviction). SAPOL did not progress with any other charges.

The Chair allowed a point of clarification in relation to the matter. Questions were asked and answered during this period.

16 Motions Without Notice - Nil

17 Questions Without Notice - Nil

Order of Agenda Items

The Mayor sought and was granted leave of the meeting to consider the item Late Report - Statewide Super Board - nominations sought (GC210824R19.1) next on the agenda.

19 Other Business

19.1 Late Report - Statewide Super Board- nominations sought

Report Reference	GC210824R19.1
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The Mayor declared a material conflict in the item '*Late Report – Statewide Super Board – nominations sought*' (GC210824R19.1) and will leave the meeting for the item.

7.47pm Mayor Hanna left the meeting

7.47pm Deputy Mayor Prior assumed the Chair

Moved Councillor Kendra Clancy

Seconded Councillor Joseph Masika

That:

1. Council notes the report.
2. Council nominates Mayor Hanna to the LGA for the appointment on the Statewide Superannuation Board.
3. Administration forwards the above nomination/s to the Local Government Association by COB Tuesday 31 August.

Carried



7.51pm Mayor Hanna re-entered the meeting and resumed the Chair

18 Confidential Items

Moved Councillor Matthew Shilling

Seconded Councillor Raelene Telfer

That the confidential cover reports be moved en bloc.

Carried Unanimously

18.1 Cover Report - Confirmation of the confidential minutes of the Special Review and Selection Committee meeting held on 20 August 2021

Report Reference GC210824F18.1

Moved Councillor Matthew Shilling

Seconded Councillor Raelene Telfer

That pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager City Services, General Manager Corporate Services, Manager Office of the Chief Executive, Manager People and Culture, Manager City Property, Unit Manager Governance and Council Support, Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Confirmation of the confidential minutes of the Special Review and Selection Committee Meeting held on 20 August 2021, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to recruitment of independent members for the Warriparinga Advisory Team.

Carried Unanimously

7.53pm the meeting went into confidence

Moved Councillor Matthew Shilling

Seconded Councillor Ian Crossland

In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, Confirmation of confidential minutes of the Special Review and Selection Committee meeting held on 20 August 2021, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2021.

Carried Unanimously



18.2 Cover Report - Appointment of Warriparinga Advisory Team Members

Report Reference GC210824F18.2

Moved Councillor Matthew Shilling

Seconded Councillor Raelene Telfer

That pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager City Services, General Manager Corporate Services, Manager Office of the CEO, Manager People & Culture, Manager City Property, Unit Manager Cultural Facilities, Unit Manager Communications, Unit Manager Governance and Council Support, Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Warriparinga Advisory Team, 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 appointment of two independent members.

Carried Unanimously

Moved Councillor Matthew Shilling

Seconded Councillor Ian Crossland

In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, Warriparinga Advisory Team, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(a) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection until the successful candidates have been notified. This confidentiality order will be reviewed at the General Council Meeting in December 2021.

Carried Unanimously

7.56pm the meeting came out of confidence

18.3 Cover Report - Lot 707 Marion Road, Bedford Park

Report Reference GC210824F18.3

Moved Councillor Matthew Shilling

Seconded Councillor Raelene Telfer

That pursuant to Section 90(2) and (3)(m) 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 Office of the CEO, Manager Development and Regulatory Services, Team Leader Planning, Senior Policy Planner, Manager Finance, Unit Manager Communications, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting

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as the Council receives and considers information relating to Lot 707 Marion Road, Bedford Park, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to commercial in confidence information provided by a third party regarding future development of the site.

Carried Unanimously

7.57pm the meeting went into confidence

Meeting Suspension

Moved Councillor Raelene Telfer

Seconded Councillor Luke Hutchinson

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

Carried

7.58pm formal meeting procedures suspended

8.22pm formal meeting procedures resumed

Moved Councillor Matthew Shilling

Seconded Councillor Maggie Duncan

In accordance with Section 91(7) and (9) of the *Local Government Act 1999* the Council orders that this report, Lot 707 Marion Road, Bedford Park, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(m) 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

8.29pm the meeting came out of confidence

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.

The meeting was declared closed at 8.29pm.

CONFIRMED THIS 14TH DAY OF SEPTEMBER 2021

CHAIRPERSON

6 Communications - Nil**7 Adjourned Items - Nil****8 Deputations****8.1 Marion Cultural Centre Plaza Plan - Deputation from Mr Graham Watts**

Report Reference	GC210914D8.1
Originating Officer	Executive Assistant to the Mayor – Tom Matthews
Corporate Manager	Manager Office of the CEO – Kate McKenzie
General Manager	Chief Executive Officer – Tony Harrison

SPEAKER

Mr Graham Watts

ORGANISATION

Resident

COMMENTS

Mr Watts has requested to make a deputation to Council regarding the Marion Cultural Centre Plaza Plan. The request was received as part of consultation for the Marion Cultural Centre Plaza Plan. Staff currently anticipate that the results of this consultation will come before Council at the General Council meeting of 26 October 2021.

9 Petitions - Nil**10 Committee Recommendations****10.1 Confirmation of Minutes for the Finance and Audit Committee Meeting held on 17 August 2021**

Report Reference	GC210914R10.1
Originating Officer	Unit Manager Governance and Council Support – Victoria Moritz
Corporate Manager	Manager Office of the Chief Executive - Kate McKenzie
General Manager	Chief Executive Officer - Tony Harrison

REPORT OBJECTIVE

The purpose of this report is to facilitate the receiving and noting of the minutes of the Finance and Audit Committee meeting held on 17 August 2021.

EXECUTIVE SUMMARY

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

Reports for Discussion

- Elected Member Report
- Service Review Program and Recommendations – Progress Update
- Corporate Risk Review Report Q4 2020/21
- HSE Program Annual Report
- Annual Insurance and Claims Report
- Finance and Audit Committee Annual Report to Council
- Finance and Audit Committee Effectiveness Survey
- Meeting with the Internal Auditors in Confidence
- Internal Audit Program – Progress on 2020/21 and Carryover Report
- Internal Audit 2021/22 - Plan and Scope (Fraud and Corruption)

Reports for Noting

- Internal Audit Program – Implementation of Recommendations
- Australian Service Excellence Standards – Audit Outcome

Workshop / Presentation Items

- CoM Security Positions vs Western Australia Auditor General

RECOMMENDATION

That Council:

- 1. Receives and notes the minutes of the Finance and Audit Committee meeting held on 17 August 2021.**
- 2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Finance and Audit Committee.**

ATTACHMENTS

1. FAC210817 - Final Minutes [10.1.1 - 10 pages]



**Minutes of the Finance and Audit Committee
held on Tuesday, 17 August 2021 at 4.00 pm
Council Chamber, Council Administration Centre
245 Sturt Road, Sturt**



**PRESENT**

Ms Emma Hinchey (Chair)
Ms Nicolle Rantanen
Mr David Papa
Councillor Maggie Duncan

Staff In Attendance

Chief Executive Officer - Tony Harrison
General Manager City Services - Tony Lines
General Manager Corporate Services - Sorana Dinmore
General Manager City Development - Ilia Houridis
Manager Office of the CEO - Kate McKenzie
Unit Manager Governance and Council Support - Victoria Moritz
Chief Financial Officer - Ray Barnwell
Unit Manager Risk – Sherie Walczak
Manager Customer Experience – Megan Bradman
Mr Eric Beere (KMPG)
Ms Heather Martens (KMPG)

1 Open Meeting

The Chair opened the meeting at 4.00pm.

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 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.



4 Confirmation of Minutes

4.1 Confirmation of Minutes of the Finance and Audit Committee Meeting held on 18 May 2021

Report Reference FAC210817R4.1

Moved Ms Rantanen

Seconded Mr Papa

That the minutes of the Finance and Audit Committee Meeting held on 18 May 2021 be taken as read and confirmed with the following correction:

- Page 5 of the Minutes (Declaration of Interests) Ms Hinchey is a member on the SRWRA Audit Committee not the SRWRA Board.

Carried Unanimously

5 Business Arising

5.1 Business Arising Statement - Action Items

Report Reference FAC210817R5.1

The Committee noted the business arising statement, meeting schedule and upcoming items and made the following comments:

- The Committee raised concerns around the timing of the first budget review in October and queried if this was realistic and whether this was enough time to complete this. The FAC meeting schedule for next year has not been set yet and the opportunity exists to adjust the meeting schedule if required to align the timing of reporting requirements.
- It was noted that one credit card remains with a higher limit, however staff confirmed that additional controls have been put in place to review Council's expenditure through the Executive Budget Committee as a standing item. The higher limit is appropriate and controlled.

6 Confidential Items

Nil

Order of Agenda Items

The Chair sought and was granted leave of the meeting to vary the order of the agenda items and consider the items relating to the internal auditors (items 7.8, 7.9, 7.10 and 8.1) next on the agenda.



7 Reports for Decision

7.8 Meeting with the Internal Auditors in Confidence

Report Reference FAC210817R7.8

Moved Ms Rantanen

Seconded Mr Papa

That the Finance and Audit Committee:

1. Pursuant to Section 90(2) and (3)(g) of the Local Government Act 1999, orders that all persons present, be excluded from the meeting, with the exception of Eric Beere and Heather Martens from KPMG, as the Finance and Audit Committee meets with Council's Internal Auditors, on the basis that the Finance and Audit Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to commercial information of the Council.

Carried Unanimously

4.07pm the meeting went into confidence

Moved Ms Rantanen

Seconded Mr Papa

That the Finance and Audit Committee:

1. Include the following comments within the minutes:
 - The Finance and Audit Committee met with the Internal Auditors without management present to discuss the following:
 - the level of cooperation and the relationship with the administration.
 - the adequacy and quality of the controls, systems and processes in place.
 - the appropriateness of the internal control environment.
 - the major risks to Council achieving its strategic plan.

Carried Unanimously

4.24pm the meeting came out of confidence

7.9 Internal Audit Program - Progress on 2020/21 and Carryover report

Report Reference FAC210817R7.9

The Finance and Audit Committee noted the progress of the Internal Audit Program and provided the following feedback on the Project Carryover Report:

- Clarification was sought in relation to the Project Management Office (PMO) and the senior project officer and whether this was the same person. Staff confirmed that it was. The report highlighted the importance of the project management function acknowledging there is a lot of work to be done in this space.
- Consider looking at other models of project managers for capital works projects, what methodologies are used and consider other options.
- The report indicates there may be an oversight opportunities for projects that aren't IT related in terms of scheduling resources
- The Committee expressed concerns around the resourcing levels for project management across the organisation. They acknowledged the constraints around



keeping FTE positions down, however commented that this will reduce capabilities of management to deliver the projects. They suggested investing in the right places for adequate resources, otherwise this may lead to inefficiencies.

Staff acknowledged the comments made by the committee and provided the following:

- The current re-structure will start to address some of these concerns around resourcing.
- An increase in capital works projects as a result of stimulus grant funding has seen the organisation increase project delivery and the oversight of project management may not have grown at the same rate. Upcoming workshops with the Executive Leadership Team will focus on delivery updates with the aim of providing a more defined structure coping for increasing capacities.
- Different models will be explored to improve the strategy and structure of project management to apply across a 10-year plan.

7.10 Internal Audit 2021/22 - Plan and scope (Fraud and Corruption)

Report Reference FAC210817R7.10

The Committee provided the following comments in relation to the Internal Audit 2021/22 – Plan and Scope:

- The Committee queried if further assurance on the DTP is required due to the significant size of the project with individual components that lends itself as a large risk to council with competing priorities.
- It was noted there are four big deliveries in the next 9 months and the timing was best suited to quarter 1 2022/23 after implementation. The Committee queried the risks of not delivering on time and if the organization has the resourcing and skills required
- It was suggested that this be brought forward with an interim health check however management suggested that an interim report be presented to the next meeting to provide an update first and then seek guidance on the timing of the audit. Staff advised that EI Consulting have already undertaken a similar task and will bring the outcomes of this as part of the report.
- KPMG confirmed there were various options they could look at part of the audit including a holistic approach, breaking it down into phases and an up front governance program to ensure success and all elements are in place. They confirmed their flexibility to schedule the audits if required.
- The Committee confirmed that the Project Management audit should be completed early in 2021/22 due to the significant risk involved.

Action: an update be brought to the next FAC meeting on the status of the Digital Transformation Program and the independent assurance provided to date.

Moved Mr Papa

Seconded Ms Rantanen

That the Finance and Audit Committee:

1. Endorse the Internal Audit Plan for 2021/22-2022/23 noting that the timing of the DTP audit may change depending on outcomes of the report to be presented in October 2021
2. Endorse the Fraud Framework Review scope.

FAC210817 - Finance and Audit Committee - 17 August 2021



Carried Unanimously

8 Reports for Noting

8.1 Internal Audit Program - Implementation of Recommendations Report Reference FAC210817R8.1

The Committee noted the status of the Internal Audit Program. The Committee suggested developing a process to apply to the implementation of actions that outline the ownership of due dates and parameters around approvals for granting extensions and completing items. This would help to alleviate some of their concerns around consistency and accuracy when reporting on the implementation of recommendations.

The Committee queried the PIO relating to the IMT commander and whether automatically appointing the CEO as commander in the first instance was best practice. Staff advised that the CEO has the discretion to delegate this and the current practice has worked well for the City of Marion. . KMPG were comfortable with this given the low risk rating.

Action: The Committee requested that PIO1.1 relating to the Asset Inspection Schedule Audit (p133) be re-opened as the data has not yet been transferred from the GIS to AMIS.

7.1 Elected Member Report Report Reference FAC210817R7.1

The Committee provided feedback that the Budget Review for Quarter three was presented on 8 June 2021, and should be presented by 31 May in each year to meet the legislative requirements. The Committee suggested being mindful of timeframes when setting the workplan and schedule of upcoming items.

Staff Confirmed the 3rd Budget Review was completed and presented to Council within the legislated timeframe. The report was presented at the 25 May General Council Meeting, however, was not considered at this meeting as the meeting concluded before the item was presented. It was subsequently held over to the General Council meeting on 8 June.

Moved Mr Papa

Seconded Ms Rantanen

That the Finance and Audit Committee:

1. Notes this report.

Carried Unanimously

7.2 Service Review Program and Recommendations - Progress Update Report Reference FAC210817R7.2

The Committee notes the implementation progress of the Service Review Program recommendations and recognised the importance of the Service Review Program and the potential for improved opportunities and benefits as a result. They acknowledged the good work being achieved in this space and the improvements being seen.

The Committee provided the following comments and feedback on the future approach to the Service Review Program:

- Queried the utilities optimization report and how we are achieving this. Staff advised that



that the goal following the service review and once the actions had been implemented was this team will be able to pay for their salaries through the savings. This was achieved across the three councils.

- The Committee had concerns around the outstanding action items and timeframe extensions that were applied and whether we were opening ourselves to risk through the extensions. Staff commented that the extensions were sought to allow the three councils to work together in their cross council collaboration to achieve the outcomes.
- The Committee suggested that as a result of focusing on the collaborative approach we may be missing an opportunity to be better and more efficient, and it would be helpful to quantify the potential benefits of each of the elements. It was noted that this is a balancing act, the benefits are more valuable when working collaboratively, however the projects may take longer to complete.
- It is important to implement all of the recommendations thoroughly so that we are not missing out on the full benefits.
- The Committee suggested focusing on non-data elements, however overall the program is delivering big benefits which is good to see.

Management advised they are in the process of working through the best model to deliver and capitalise on the opportunities. They are looking at opportunities to benchmark against other councils, looking at best practice and whether it is applicable. This is an opportunity to apply the learnings from what has and hasn't worked.

7.3 Corporate Risk Review Report Q4 2020/21 Report Reference FAC210817R7.3

The Committee noted the report and provided the following feedback on the review outcomes:

- Clarification and further information were sought on the change in rating for the Inability to deliver community projects and key strategic outcomes, due to two recent issues with grant acquittals. Staff clarified this was in relation to the Local Roads and Community Infrastructure grants and the two projects for which an extension has been sought. The risk was increased to medium as the grant is a reimbursement and if the projects aren't completed by the end of the calendar year, and the extension is not granted, we will not receive the reimbursement. Continual discussions are occurring with the General Managers to ensure the completion of these projects.
- The Committee discussed the North / South Corridor and land acquisitions associated with this. There are 74 properties that will be impacted which is likely to have an impact in 2022/23 of negative growth, this will be a re-distribution and not a loss to Council. The risks to any capital works projects were discussed. Staff advised there was the potential for this to impact one project at Glandore Oval, however DIT have confirmed there will be no direct impact, any very minor impact will potentially not be for another 3-years away. Staff advised Council is liaising with the State Government regarding regenerating works around these areas with representatives on all three of the Committees that have been established.
- The controls and review dates within the high risk on a page it appears as though some are future and past. The Committee requested this be reviewed and clarified. Staff confirmed they are still working on finessing these, and more work and maturity is still required.
- The Committee expressed their concerns with the implementation of the IT systems and allocated timeframes and deadlines for these and noted that any learnings from the implementation of the payroll system should be captured now and applied to the other projects.
- The PMO should be considered a control not a cause

FAC210817 - Finance and Audit Committee - 17 August 2021



- Emergency Management Risk should reflect an additional risk of the failure to recognise identify potential risks (i.e COVID-19 was generally not predicted).
- Requested that the control dates be reviewed as some of these are out of date as well as the review of some administrative errors.

7.4 HSE Program Annual Report Report Reference FAC210817R7.4

The Unit Manager Risk introduced the item and noted the organisation will be actively progressing with the LGA WHS audit action plan. The recent re-structure allows a dedicated team to have resources to support the organisation with working collaboratively to implement the actions. It was recognised that we may have been a little ambitious with the targets, with not enough resources dedicated in the past.

It was noted the Lost time injuries reported were generally a result of everyday tasks, not necessarily a result of hazardous conditions or a result of staff working under different circumstances due to Covid-19. The General Managers work with those who are injured to support the analysis of injury and identifying opportunities to keep them gainfully employed.

The Committee noted the report and statistical data and provided the following general comments:

- Queries whether we are analysing the data for potential trends in departments to determine a root cause analysis.
- The injuries could be as a result of the distractions from the past year resulting in anxiety and elements outside our control
- These were very simple incidents, consider exploring the effects of Covid-19 and perhaps look at the wellbeing program
- Is there an opportunity to improve the training and development and verification of competencies of staff.
- Highlighted the importance of the verification of competencies and ensuring there is a strong culture around this.
- Acknowledged the role of the new business partner and the hands on support and dedication to this role will be invaluable.
- They recognised pressure from council to manage employee numbers but highlighted the importance of resources that are justifiable, and the benefits are invaluable.

Staff commented in response that they are looking at proactively and reactively addressing these matters. All of the points have been considered in the planning for 2021/22 and safety in the workplace continues to be a high priority for management.

7.5 Annual Insurance and Claims Report Report Reference FAC210817R7.5

The Committee noted the report and commented on the overall increase in claims during the Covid-19 environment and queried the number of claims relating to vandalism.

They were comfortable with the overview of the annual insurance renewal for 2021/22 and an evaluation of the public liability and asset incidents and claims for 2020/21.



7.6 Finance and Audit Committee Annual Report to Council Report Reference FAC210817R7.6

The Committee suggested that the items they would like to cover in the Annual Report to Council include:

- Digital Transformation Program
- Assurance mapping and work with the internal auditors
- Work with external auditors
- Review of risk management
- Follow up of service reviews
- Asset management plans
- Annual Business Plan and budget process
- Utilisation of resources
- Prudential reporting

7.7 Finance and Audit Committee Effectiveness Survey Report Reference FAC210817R7.7

The Committee were comfortable with the Performance and Effectiveness Survey as provided and requested that the results be de-identifiable before being released.

Staff confirmed this would be the case and that the survey would be forwarded to Member through Survey Monkey.

8.2 Australian Service Excellence Standards - Audit Outcome Report Reference FAC210817R8.2

The Committee commended staff on achieving a great result. They acknowledged this is the second time we have achieved a certificate level and challenged staff to consider the Award level as a stretch target.

The implementation of recommendations and performance improvement was discussed, and the Committee queried how staff plan to track these.

Action: Investigate the options for tracking the recommendations and provide a report back to the Committee in August 2022 with an update on the implementation of actions.

9 Workshop / Presentation Items

9.1 CoM Security Position vs Western Australia Auditor General Report Reference FAC210817R9.1

The Committee noted the report and information contained within the presentation.

The Unit Manager IT Operations delivered the presentation and summarised the following key points focusing on the security status for City of Marion:

- The City of Marion is going well, however there is room to improve



10

- There is a lack of policy frameworks around cyber governance
- There is a shortfall in some areas which will be addressed in the next step is to document these.
- When looking at the benchmark for information security, City of Marion is currently sitting around "Defined and Repeatable", however we are aiming for "Managed and Measurable" and optimized to be achieved in 12-24 months. This is to be achieved through capability and vulnerability assessments.
- The focus will be on improving what we currently have, bringing people along and not moving too quickly to keep them on the journey
- It was acknowledged that we may be the subject of such a report and audit and although we are on the right track, this is an ongoing area of development and improvement, particularly around IT Operations and management of risks.

Management indicated that it will:

1. Continue external security audits and vulnerability assessments
2. Maintain a security focus for all new system implementations
3. Continue the rollout of COM1 Digital literacy and cybersecurity awareness project to train our staff on security issues and test their learnings.

10 Other Business

Nil

11 Meeting Closure

The meeting was declared closed at 5.58 pm

CONFIRMED THIS 12th DAY OF OCTOBER 2021

CHAIRPERSON

11 Corporate Reports for Decision

11.1 Messines Avenue Streetscape Project

Report Reference	GC210914R11.1
Originating Officer	Co-Ordinator Streetscape Design – Cain Jeffery
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 an update to the Messines Avenue Streetscapes project and to provide Council with design options. The four design options for Council's consideration include a multi-criteria assessment used to illustrate benefits related to each option, these include:

- Car parking
- Business outcomes
- Tree management

REPORT HISTORY

Report Reference	Report Title
GC190924R04	Messines Avenue - WW1 Memorial of Honour
GC190625M01	Messines Avenue - WW1 Memorial of Honour

EXECUTIVE SUMMARY

The provided options 1 to 3 of Messines Avenue Streetscape will deliver the Streetscape design principles to the following service levels:

- 1.5 metre paved footpath
- Street furniture
- Water sensitive urban design
- Artist commemorative war history piece

Option 4 will provide little to no benefit within the service levels identified.

The considered designs have been reviewed by an independent arborist looking at the existing and long-term tree health.

Each design provides a varied outcome for the estimated life expectancy to the existing English Elm trees. An estimated life expectancy of 20 to 30 years will be the greatest timeframe given to a tree within an urban setting due to the change in the tree's environment. A detailed arborist report is attached.

The heavily utilised road and verge is generally occupied by two businesses. Design options 1 and 3 will have a negative impact on their daily operations. Design option 2 will provide a reasonable outcome for the businesses.

RECOMMENDATION

That Council:

1. **Recommends proceeding to Messines Avenue Streetscape detailed design with Option 1 at an estimated cost of \$400,000. Balance of funding (\$91,000) to be obtained through any savings in the 2021/22 capital works budget.**

OR

1. **Recommends proceeding to Messines Avenue Streetscape detailed design with Option 2 at an estimated cost of \$481,000. Balance of funding (\$172,000) to be obtained through any savings in the 2021/22 capital works budget.**

OR

1. **Recommends proceeding to Messines Avenue Streetscape detailed design with Option 3 at an estimated cost of \$817,000.**
2. **Defer the delivery of the Messines Avenue Streetscape project. Project to be funded and delivered through the 2022/23 Capital Works Program.**

OR

1. **Recommends proceeding to Messines Avenue Streetscape detailed design with Option 4 at an estimated cost of \$68,000. Savings to be identified through the first budget review process.**

GENERAL ANALYSIS

Background

Historical

Messines Avenue, Edwardstown has a rich historical value to the City of Marion linking to our service men and women who fought in the First and Second World Wars (WW1 and WW2). The historical significance is represented in:

- The Street Name 'Messines Avenue'
- The English Elm trees planted in remembrance
- The annual ANZAC day marches

(A detailed account is noted within the council report GC190924R04)

Community/ Local Business

Council officers have met with Bone Timber and Australian Motors Mazda who are the main businesses located along Messines Avenue. The meetings discussed day-to-day operations, car parking requirements and the proposed Streetscape.

Both businesses rely on Messines Avenue to provide access to heavy vehicles to deliver essential materials to operate and the use of the existing verge area for their staff car parking.

The existing car parking arrangement accommodates '90 degree' parking along both verges in amongst the English Elm trees. Observations have revealed up to 60 vehicles utilising the entire road reserve for daily parking and business operations.

Bone Timber currently has a parking permit system in place, which they have been implementing since the early 1980's. Council archives have no formal record of issuing permits within Messines Avenue. A request to Bone Timber to provide a formal record of the parking investigation and permit system has revealed no formal correspondence.

The businesses have indicated that to meet their current operation requirements they will require 50 on-street carparks:

- Bone Timber – 20
- Australian Motors Mazda - 30

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

Environmental

The avenue of 27 English Elm trees located along Messines Avenue, Edwardstown was planted in 1917. The trees and are considered regulated.

A tree survey was conducted in 2019 by 'Tree Environs' with the summary report indicating the trees are considered to be in average to good health but with varying levels of decay. The report noted however if the current environment remains unchanged the trees will become increasingly unhealthy and unstable with losses expected. The report recommends a tree management program to be implemented and a change to the current environment surrounding the trees.

DISCUSSION

Outlined below is a summary of four streetscape design options that have varying impacts on existing Elm tree longevity or businesses.

Option 1 (See Attachment 1)

Provides a reduction in car parks (60 reduced to 27) along Messines Avenue. It does provide greater tree protection zones which offers a better growing environment for the English Elm trees. The expected project cost is estimated at \$400,000.

Option 2 (See Attachment 2)

Provides the most car parking spaces when compared to options 1 and 3 (60 reduced to 54) but compromises the health of the English Elm trees. The expected project cost is estimated at \$481,000.

Option 3 (See Attachment 3)

Provides similar car parking spaces as per option 2 by including some existing and some new parks next to the railway line (74 reduced to 53) but requires the land acquisition of Bone Timber land on the western side of the property. The cost to acquire land is expected to be significant and the overall project cost is estimated at \$817,000. Bone Timber does not support this outcome. Similar to option 1, it does provide greater tree protection zones which offers a better growing environment for the English Elm trees.

Option 4 (See Attachment 4)

Leave Messines Avenue unchanged. The current car parking situation offers approx. 60 unformalised spaces. Works can occur on Messines to improve connectivity and minor improvements which is expected to cost \$68,000. It should be noted that the current situation isn't allowing the English Elms to grow in an ideal environment.

Table 1: Summary of options for Messines Avenue

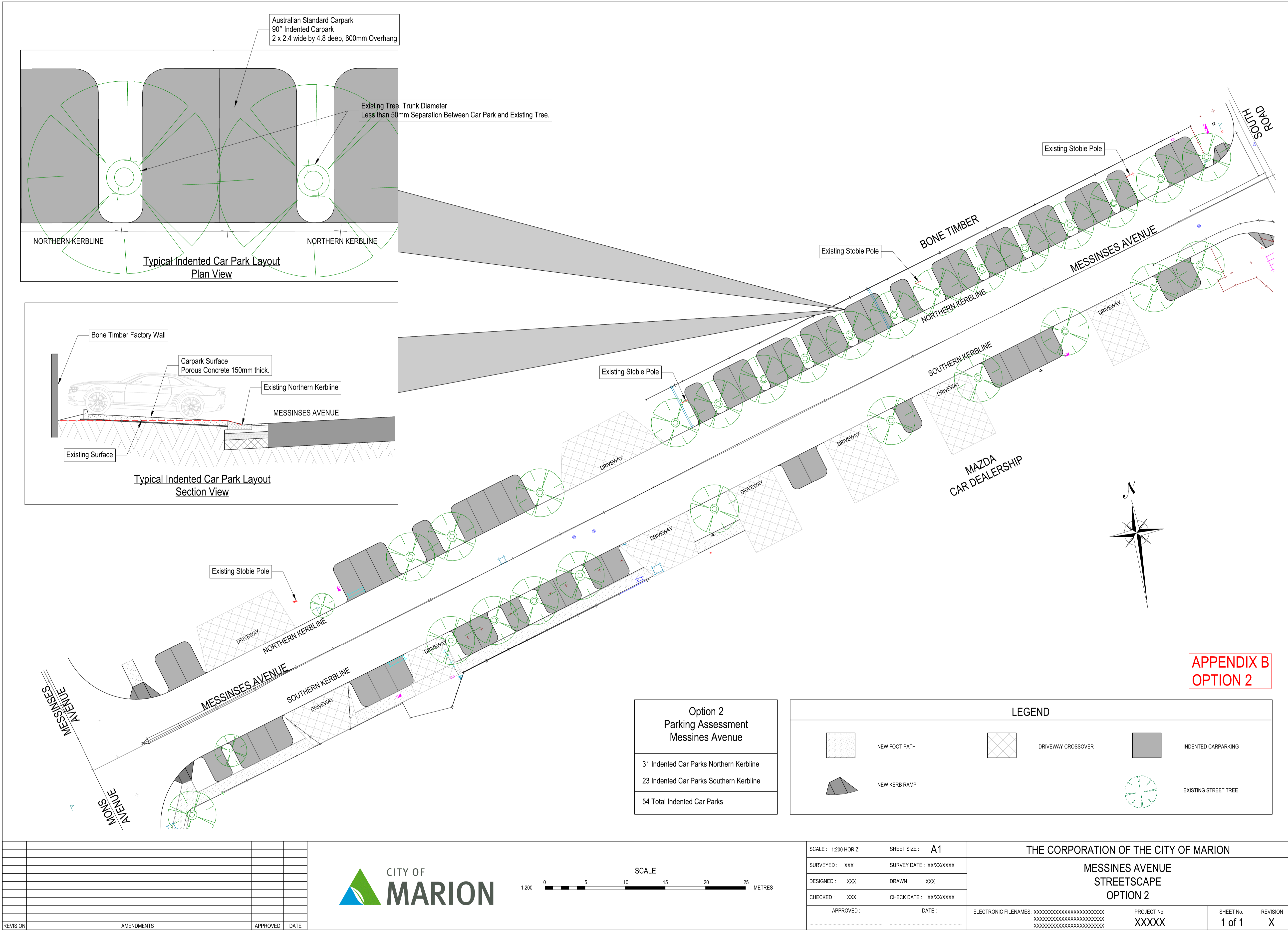
	CAR PARKS	COST	BUSINESS OUTCOME SCORE <i>(1 – Poor, 3 – Good)</i>	ENGLISH ELM TREE – ARBORIST REPORT SCORE <i>(1 – Poor, 3 – Good)</i>
OPTION 1	27	\$400,000	1	3
OPTION 2	54	\$481,000	3	2
OPTION 3	53 *includes some existing and some new parks next to the railway line	\$817,000	2	3
OPTION 4	60	\$68,000	3	1

To continue to a detailed design an option on which direction to proceed with is required. It should be noted that Council has allocated \$309,000 in the 2021/22 Capital Works budget to this Streetscape project and options 1, 2 and 3 if selected will require additional budget to complete.

ATTACHMENTS

1. OPTION 1 [11.1.1 - 1 page]
2. OPTION 2 [11.1.2 - 1 page]
3. OPTION 3 [11.1.3 - 2 pages]
4. OPTION 4 [11.1.4 - 1 page]
5. Arborist Report Messines Avenue [11.1.5 - 40 pages]

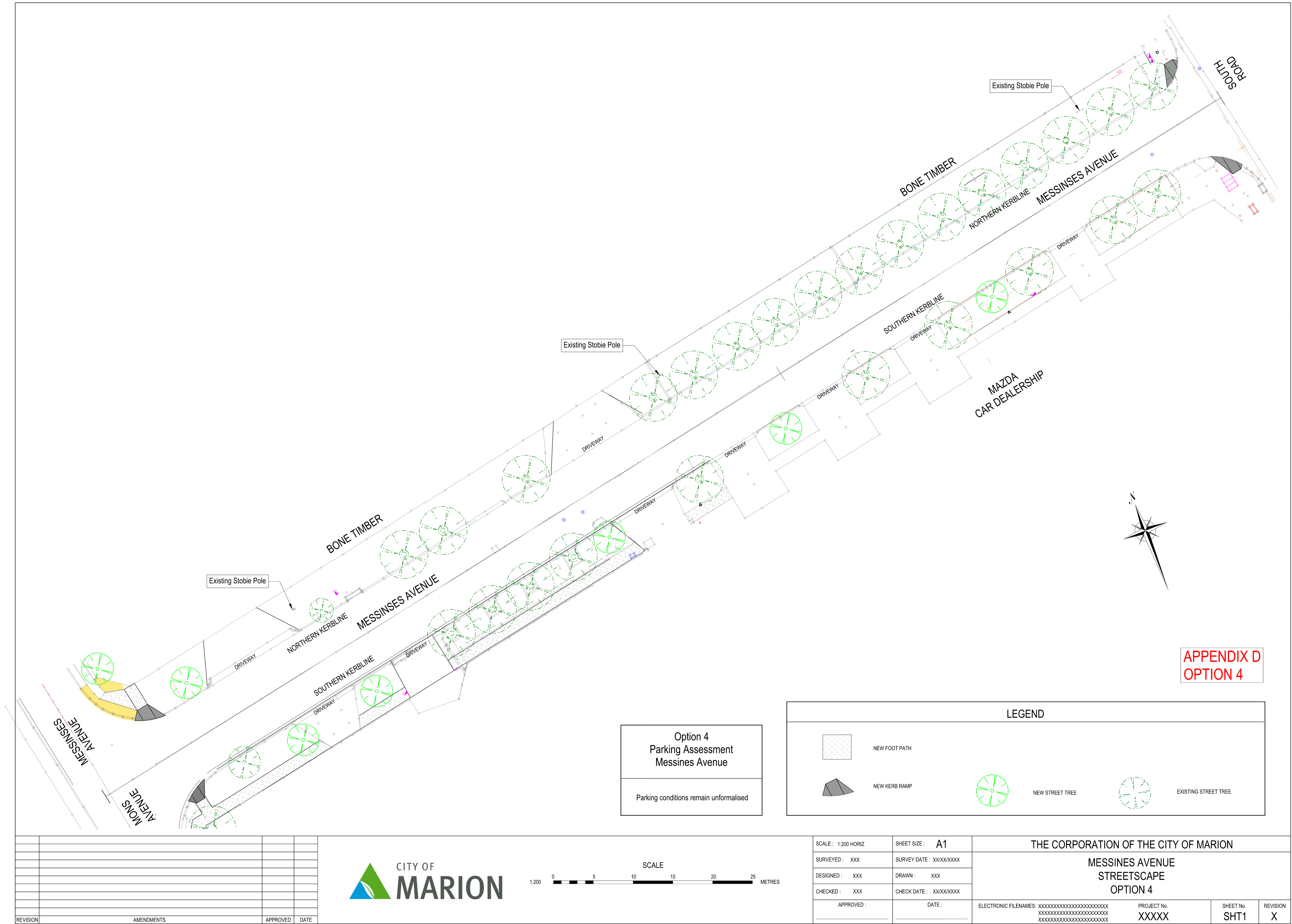








SCALE : 1:200	SHEET SIZE : A1	THE CORPORATION OF THE CITY OF MARION			
SURVEYED : JR/KJ	SURVEY DATE : NOVEMBER 2020	<p style="text-align: center;">MESSINES AVENUE STREETSCAPE OPTION 3 PLAN VIEW</p>			
DESIGNED : CNJ	DRAWN : CNJ				
CHECKED : AMD	CHECK DATE : XXXX/XXXX				
APPROVED :	DATE :	ELECTRONIC FILENAMES: XXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXXXXXX	PROJECT No. XXXXX	SHEET No. SHT2	REVISION A





Document # - RJ000302-MesAvUpro
Prepared for the City of Marion
Attn: Cain Jeffery
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Date: 7th September 2021

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Messines Avenue - Edwardstown

Tree Assessment and Management Recommendations



Prepared for Cain Jeffery
City of Marion
Compiled by Shane Selway
Adelaide Arb Consultants

Messines Avenue of Honour

Tree Assessment and Proposed Carparking Appraisal
7th September 2021



Executive Summary

Data collection and assessment of various trees within Messines Avenue indicates that 28 trees assets exist within the northern and southern roadside verge areas.

The majority of population assessed display sustainable attributes and are noted to have been established to form an Avenue of Honour to fallen servicemen of World War I. The trees as an avenue provide high levels of character and amenity value within the local environment as well as the historical values relating to the sacrifice made during this war.

Of the 28 trees identified, all are recommended to be retained to maintain the historic values presented through the avenue. One tree, Asset 25, presents a moderate risk, however pruning management options are achievable to remediate this. It is acknowledged that the beehive noted within the primary structure of this tree may have restricted the ability to undertake management pruning and that once the beehive has been managed, pruning will then be undertaken.

Three design options have been presented for a potential infrastructure upgrade of Messines Avenue with each having different levels of benefit to the sustainable retention of the trees. The following overviews outline these benefits versus potential restrictions to current land use and provide a score for each design regarding tree benefits. Scores range between 1 and 3 with 1 being a poor outcome for tree retention and 3 being a good outcome. These include the following:

1. Option 1 Tree sustainability score – 3/3

Reduce the number of car parking spaces between trees and establish garden beds surrounding them to improve tree health and sustainability while also formalising car parking areas through the streetscape.

This option reduces the number of car parks within the street to 27 spaces and may not be sufficient to support the surrounding businesses.

The limitation of car parking spaces may result in vehicle users creating undefined car parking areas on garden beds as is noted to be the case currently.

The increased size of garden beds will have a beneficial effect to soil and root function and therefore promote tree health and sustainability. This will also have a beneficial effect of protecting stem tissue by limiting the potential for vehicle impact to trees during parking.

2. Option 2 Tree sustainability score - 2/3

Increase the number of car parking spaces within the street by maintaining existing car parks, adding additional car parking areas at the western end of the street while also formalising car parking areas through the streetscape.

This option increases the number of car parks within the street to 54 spaces.

Messines Avenue of Honour

Tree Assessment and Proposed Carparking Appraisal
7th September 2021



The increase of car parking spaces will promote the use of vehicles within close proximity to tree stems. It should be expected that vehicle impacts to tree stems will occur in the future should this plan be adopted.

The use of pervious concrete for the establishment of formalised car parking areas will maintain soil function and is not expected to have a detrimental effect on tree sustainability once established.

Construction of this design may be difficult to achieve given the proximity between root flares on the northern side of the avenue and the proposed car park perimeters.

Existing Asset 28 is an immature specimen, and the plan does not provide sufficient space for stem expansion. Future development of this tree should be expected to disrupt car park surfacing.

3. Option 4 Tree sustainability score – 1/3

Maintain the existing environment.

This option will not improve the current hostile growing environment, particularly of trees within the northern side of the avenue.

Vehicles are currently parked within close proximity to tree stems and various wounds are noted from vehicle impacts.

The soil profile is severely compacted, and this will have detrimental effects to tree sustainability.

There is no potential for the environmental conditions to improve and enable ongoing sustainable tree retention using this option to manage the streetscape.

Recommended Streetscape

A combination between Option 1 and 2 is recommended to be adopted. The reduction of car parking in the streetscape is noted to present a risk to trees in the future due to the potential for cars to be parked on areas designated as garden areas. Likewise, the number of carparks proposed within Option 2 causes them to be located close to stems throughout the northern verge particularly.

An improvement to tree health and sustainability can be achieved in this location while also establishing/maintaining 37 carparking spaces. This has been shown on the attached Tree survey and car park location plan and is the preferred option regarding the balance between car park requirements and tree preservation.

Conclusions

All of the noted plans have potential to negatively impact tree sustainability. Options 1, 2 or a combination to these will result in changes to the environment surrounding trees which may lead to root damage and minor health decline. This is not expected to be long lasting and the trees, with sufficient protection during construction, will recover.

Option 4, to leave the environment unchanged, should be expected to result in ongoing and chronic health decline resulting in the ultimate demise of trees over the coming 10-20 years.

Messines Avenue of Honour

Tree Assessment and Proposed Carparking Appraisal
7th September 2021



I therefore encourage change at this location with either Proposal 1, 2 or a combination of these to ensure the heritage values of the Avenue of Honour is maintained sustainably while also providing for the use of the streetscape to the local community of businesses.

Thank you for the opportunity to provide you with this advice. Should you require any further assistance or clarification, please do not hesitate to call or email me.

Kind regards,

SHANE SELWAY

Senior Consulting Arboriculturist

Graduate Certificate of Arboriculture

Diploma of Arboriculture

International Society of Arboriculture – Certified Arborist AU-0270A

Messines Avenue of Honour
Tree Assessment and Proposed Carparking Appraisal
7th September 2021



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Messines Avenue of Honour

Tree Assessment and Proposed Carparking Appraisal
7th September 2021



Brief and Methodology

Adelaide Arb Consultants were commissioned by Cain Jeffery of the City of Marion to conduct a Pre-Development Survey and assessment of trees forming an Avenue of Honour within the northern and southern roadside verge areas of Messines Avenue, Edwardstown.

The aims of such assessments in this case were intended to gain an understanding of the tree population within these areas including health, structure and condition, and vegetation controls implemented under South Australian Legislation including the *Planning, Development & Infrastructure Act 2016*.

Additionally, tree protection designs and methods that will enable development proposal designs to achieve in unison with appropriate tree protection and sustainability were a primary aim of the assessment and reporting process.

Development and construction activities have been proposed within the vicinity of the trees. This includes the formalisation of car parking areas adjacent to trees. Three design options have been proposed for consideration including maintaining the current environment, or altering this area as shown within either of the two clearly defined designs of the development proposal.

It is acknowledged that the design will potentially change because of information provided within this document also which in turn has course to limit the design specification availability to date. Tree protection measures outlined within Australian Standard AS4970-2009 *Protection of trees on developments sites* will therefore be implemented in cases where such potential exists to ensure trees which are currently sustainable and designated for retention remain in their current condition.

The data collection process occurred during August 2021 using the TreePlotter™ Data Logger Platform. This device enabled the collection of visual tree assessment data, as well as GIS location data. Trees were assessed from ground level using a level 2 tree assessment¹.

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The assessment and collection of Data included the following attributes:

All Trees – Conducted by Shane Selway (Adelaide Arb Consultants)

The collection of data throughout the allotment included all avenue trees irrespective of trunk diameter or overall tree size. These trees were assessed against the following criteria.

- **Tree Number**
- **Location (plotted onto the various plans)**
- **Botanical Name, Common Name and Origin**
- **Digital Photography**
- **Crown size (height x spread)**
- **Trunk diameter (DBH), circumference (at 1m) & trunk diameter at ground level**
- **Tree Health**

A visual assessment of the tree's health is determined by considering the foliage density and colour, the presence of any pests or disease and the proportion of deadwood within areas of the crown. The situation of deadwood within the crown is also considered, i.e., terminal deadwood is likely a better indication of health decline opposed to internal deadwood where natural crown shading leading to poor photosynthetic success may be the cause of such decline and is therefore not a health concern.

- **Structure**

A visual assessment of the primary and secondary structure will enable the calculation of the trees ULE, potential for failure and risk score. Consideration to specific structural flaws will be given such as but not limited to poor/unstable root buttressing, trunk defects, and included bark unions.

- **Tree Condition**
- **Useful Life Expectancy**
- **Tree Protection Zone (TPZ radius (m))**

The principal means of providing protection for trees during development and includes both root development areas as well as crown projection. This area should be isolated from construction works of any kind, however some alterations may be made by the project arborist in certain circumstances. This is expressed as a radius from the centre of the trunk in metres.

- **Structural Root Zone (SRZ)**

The area around the base of the tree required for the tree's stability in the ground. The woody root growth and soil cohesion in this area are necessary to hold the tree upright. The SRZ is minimally circular with the trunk at its centre and is expressed by its radius in metres.

This zone considers a tree's structural stability only, not the root zone required for a tree's vigour and long-term viability, which will usually be a much larger area.

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- **Tree Age**

Tree age will range between young and senescent with the following criteria considered.

Young – newly planted, unestablished trees.

Immature – established trees within the first 20% of the trees ULE.

Mature – established trees that have developed their full crown potential. These trees may range between 20-70% of their ULE.

Over-Mature – established trees that have developed their full crown potential and have started health and structural decline. These trees may range between 70 and 95% of their ULE.

Senescent – Trees nearing the end of their ULE and generally past 95% of this parameter.

- **Tree Risk Rating (TRAQ - ISA)**

- Likelihood of Failure
- Likelihood of Impacting a Target
- Consequence of Failure
- **Risk Score**

The risk assessment will be conducted using the Tree Risk Assessment Qualification Framework. Further information regarding the assessment of risk and collection criteria under these guidelines can be provided should this be desired.

- **Detailed management recommendations**
- **Landscape Contribution**
- **Individual Significance**
- **Retention Value**
- **Legislative Control**
 - *Planning, Development and Infrastructure Act 2016*
 - *Native Vegetation Act 1991*
 - *Local Government Act 1999*

Additional comments relevant to the individual assessment

Messines Avenue of Honour

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**ISA Tree Risk Assessment Qualification (TRAQ)**

The International Society of Arboriculture (ISA) Tree Risk Assessment Qualification (TRAQ) method has been used to determine the level of risk posed by this tree at the site to persons and property over the next 12 months during typical weather conditions.

I am a qualified user of the ISA Tree Risk Assessment Qualification (TRAQ) method. More information about this method can be found in the *Tree Risk Assessment Manual – Second Edition* (2017) International Society of Arboriculture, Champaign, Illinois, USA 2017.

Tree risk is calculated in 2 steps:

Matrix 1- Likelihood matrix.**Likelihood of Failure**

x

Likelihood of Impact

Factors taken into account include the presence and significance of defects or conditions of concern, the location and loads on the defects or conditions of concern, the location of targets relative to the defects or conditions of concern, the target zone use and occupancy rates, surrounding site conditions, tree age, health and vigour, species characteristics, fall characteristics, target protection and other relevant factors.

The likelihood matrix below is used to determine the likelihood of failure and impact.

Likelihood of Failure	Likelihood of Impact			
	<i>Very low</i>	<i>Low</i>	<i>Medium</i>	<i>High</i>
<i>Imminent</i>	Unlikely	Somewhat likely	Likely	Very likely
<i>Probable</i>	Unlikely	Unlikely	Somewhat likely	Likely
<i>Possible</i>	Unlikely	Unlikely	Unlikely	Somewhat likely
<i>Improbable</i>	Unlikely	Unlikely	Unlikely	Unlikely

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Matrix 2 – Risk rating matrix.**Likelihood of Failure & Impact****(Carried over from Matrix 1)****x****Consequences of Failure**

Consequences of failure are determined by a complex of variable factors at the site. These include the value of the target, the size of the tree or tree part, fall characteristics, fall distance, factors that may protect the target and the level of property damage or personal harm that could be expected.

The risk rating matrix is used to define the level of risk.

Likelihood of Failure & Impact	Consequences of Failure			
	<i>Negligible</i>	<i>Minor</i>	<i>Significant</i>	<i>Severe</i>
<i>Very Likely</i>	Low	Moderate	High	Extreme
<i>Likely</i>	Low	Moderate	High	High
<i>Somewhat likely</i>	Low	Low	Moderate	Moderate
<i>Unlikely</i>	Low	Low	Low	Low

A variety of risk mitigation options may be considered to reduce risk to acceptable levels. These options may include.

- Pruning
- Target management
- Tree removal
- Cabling & bracing
- Other management options

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Observations / Discussions

The data collected indicates that there are **28 tree assets within the areas noted for assessment**. The trees identified vary significantly in age, condition and sustainability within the environment. While many trees have been lopped in the past and display substantial stem cavities, the population is predominantly well balanced with a high level of tree retention capability.

The potential for small to medium diameter branch failure has previously been identified during the risk assessment which may result in significant to severe consequences. Management has therefore been applied throughout the majority of the population to repeat pollarding and remove branches of epicormic origin.

The removal of these branches limits the potential for branch failure to an improbable level, thus maintaining the risk level associated with the tree population at low.



- Image right: Asset 5 which has recently been pruned using pollarding techniques. This pruning has removed all branches that displayed potential for failure that exceeded an improbable level.

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Asset 25 remains with a full canopy that has yet to be pollarded in the current cycle. An active beehive was noted within the primary structure at the time of the assessment, and it is presumed that this beehive had restricted the pruning management from being conducted.

This tree currently represents a moderate risk to public safety. It is recommended that this beehive be managed, and the tree subjected to pollarding within the coming 3-6 months to reduce and maintain the risk associated with branch failure from this tree at a low and acceptable level.



Assets 27 and 28 are young specimens that display good form. No pruning management is required to maintain these trees.

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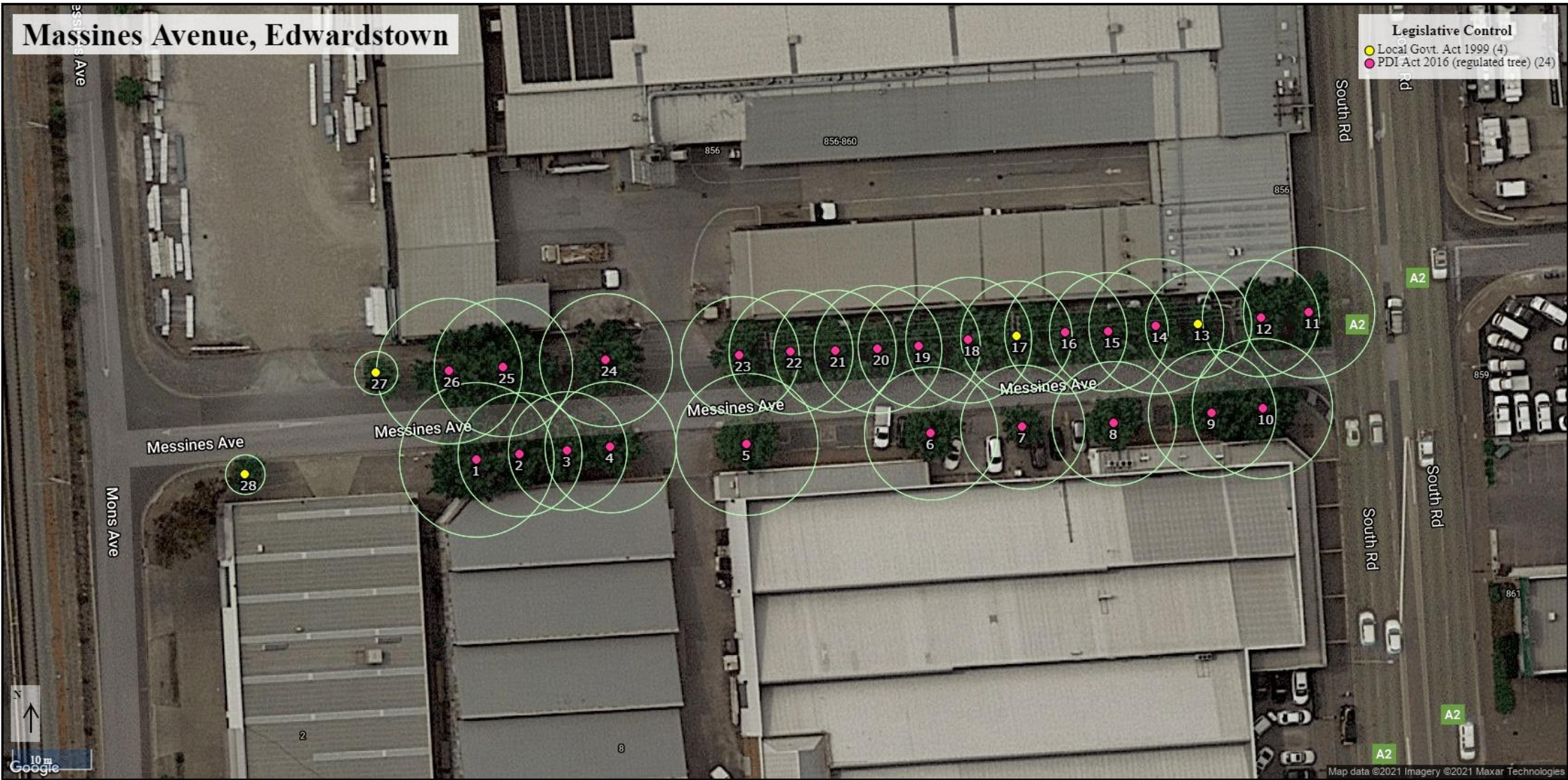
South Australian Legislative Tree Control

24 trees within the assessment area are controlled under the *Planning, Development & Infrastructure Act 2016*. Trees with trunk circumferences greater than two metres at one metre above ground level are controlled under this Act while trees that exceed three metres at one metre above ground level are afforded protection as Significant Trees. No trees within the assessment area achieved Significant Tree status.

The remaining 4 trees within the group are located on publicly managed land and therefore are controlled under the provisions of the *Local Government Act 1999*.

Green circles within the below plan denote the extent of each tree’s tree protection zone (TPZ).

Trees controlled under either Act are not permitted to be removed, damaged or altered without Development Approval or written from the relevant planning authority. The locations of Regulated Trees are listed within the Legislative Control aerial overview below.



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**Avenues of Honour**

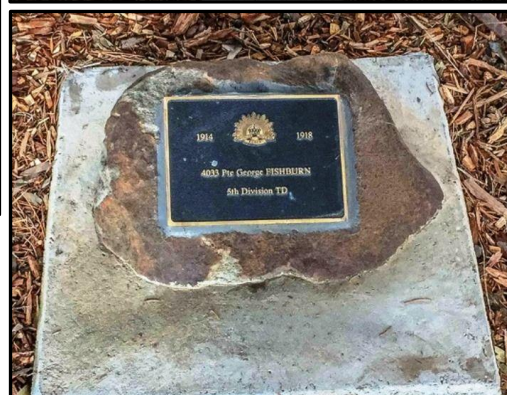
Messines Avenue was established during World War I (1917) with trees planted in honour of 8 soldiers who died in this war. The remaining trees (with the exception of Trees 27-28 identified within this report which were planted circa 2000) were planted to honour soldiers still fighting in the war at the time.

The Avenue was named after the Battle of the Messines and is now recognised as an Avenue of Honour by the Places of Pride – National Register of War Memorials.

Many Avenues of Honour are recognised across Australia, with some having been maintained extensively, while others are in lesser condition. The trees throughout Messines Avenue display sustainable attributes despite the history of lopping² management.

This historical element is identified as a significant opportunity to engage the community on the values of trees and their historical attachment. It is recommended that further community engagement and consultation be conducted to ascertain information regarding the Avenue, and to potentially learn the names of soldiers represented by it.

It may also be beneficial to include small plaques at the base of trees with the names of the soldiers found identified. An example of this may be the recent rejuvenation of the Modewarre Avenue of Honour in Victoria.



- Image 1 (Above): The greater Avenue of Honour in Modewarre.
- Image 2 (Top Right): An information plaque explaining the Avenue and its connection to the local area.
- Image 3 (Bottom Right): An individual tree plaque recognising the service of an Australian Soldier.

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Development Proposal Appraisal

Development Design and Construction Considerations

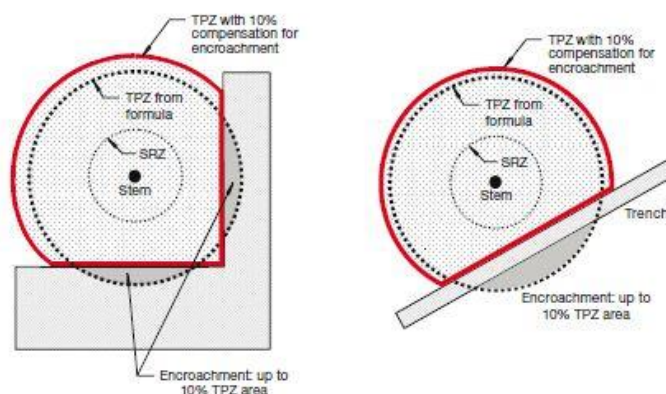
- Development activities should be kept as far as practicable outside of Tree Protection Zones. It is acknowledged however that this is not always achievable and that some encroachment within Tree Protection Zones will occur for a variety of reasons. Australian Standard AS 4970-2009 *Protection of trees on development sites* provides scope for such encroachments to occur. Encroachment parameters are described in two categories, Minor Encroachment and Major Encroachments. These are defined and should be managed as follows:

Minor Encroachment

Encroachment that occurs within however at the periphery of the Tree Protection Zone and encompasses 10% or less of the overall area within the Tree Protection Zone. Encroachments made in such cases should not require diagnostic works to demonstrate tree sustainability however all encroachments made are required to be offset by the allowance of additional areas attached to the undisturbed Tree Protection Zone extend and be equivalent in size to the total encroachment size. An example of such encroachment is shown within the diagram below.

Major Encroachments

Encroachments consuming greater than 10% of the peripheral area of a Tree Protection Zone. In instances where Major Encroachment is required, the project arborist must be engaged to demonstrate tree sustainability using diagnostic techniques to analyse root density proportions and distribution including the loss of any roots as a result of development activities, tree stability, tree age, vigour and size, tree species tolerance to development activities, soil characteristics and other factors. As was the case regarding Minor Encroachments, the area consumed within the Tree Protection Zone must be offset in the same way as that expressed above.



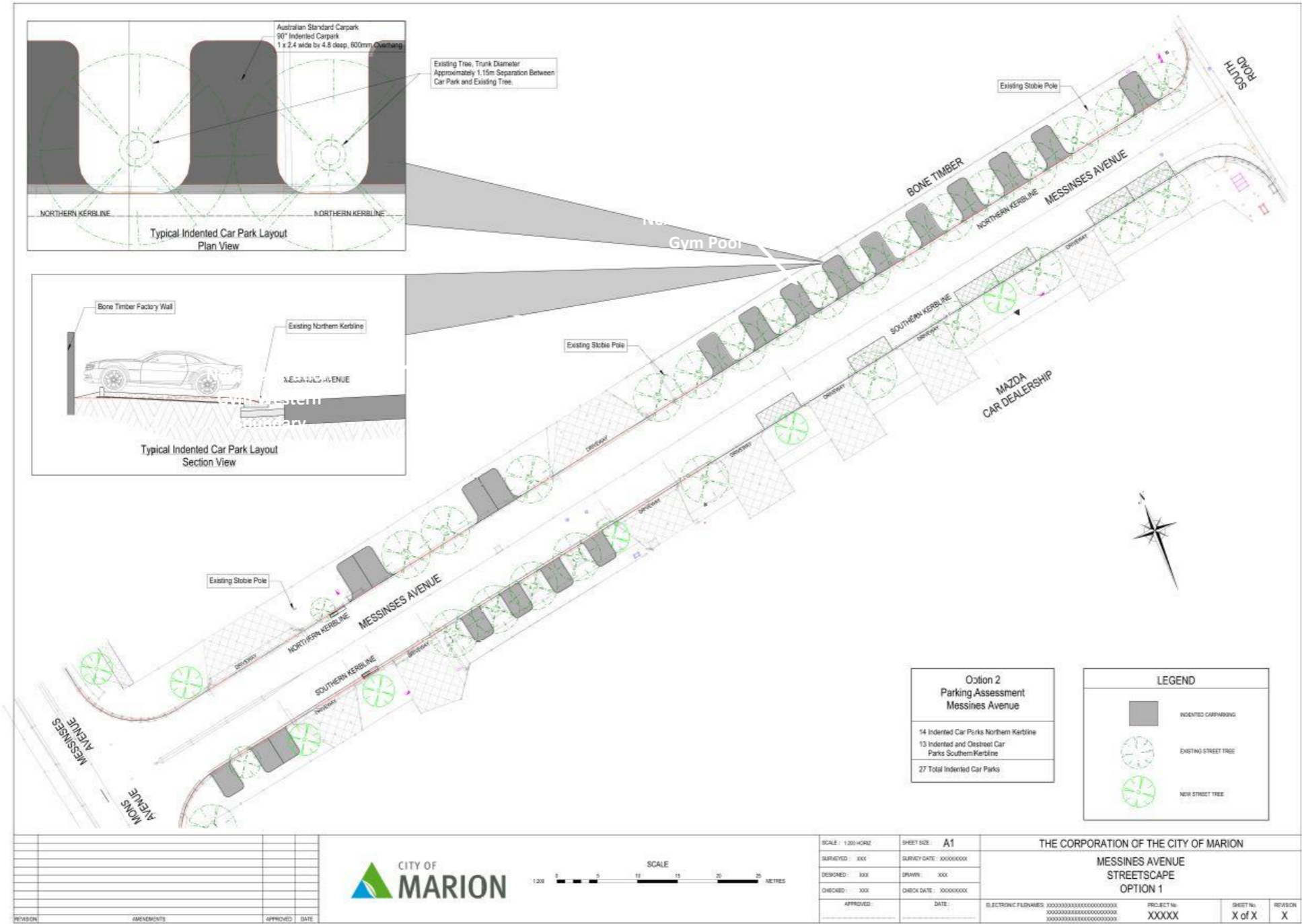
Right: Extract from Australian Standard AS4970-2009 *Protection of trees on development sites* illustrating minor encroachments and offset root zones.

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The development location is situated throughout the northern and southern roadside verge areas of Messines Avenue, Edwardstown as defined by the two City of Marion Concept plans below. It is expected from these plans, that where changes to the environment occur, all trees within the assessment area will be subjected to potential damaging activities during development.

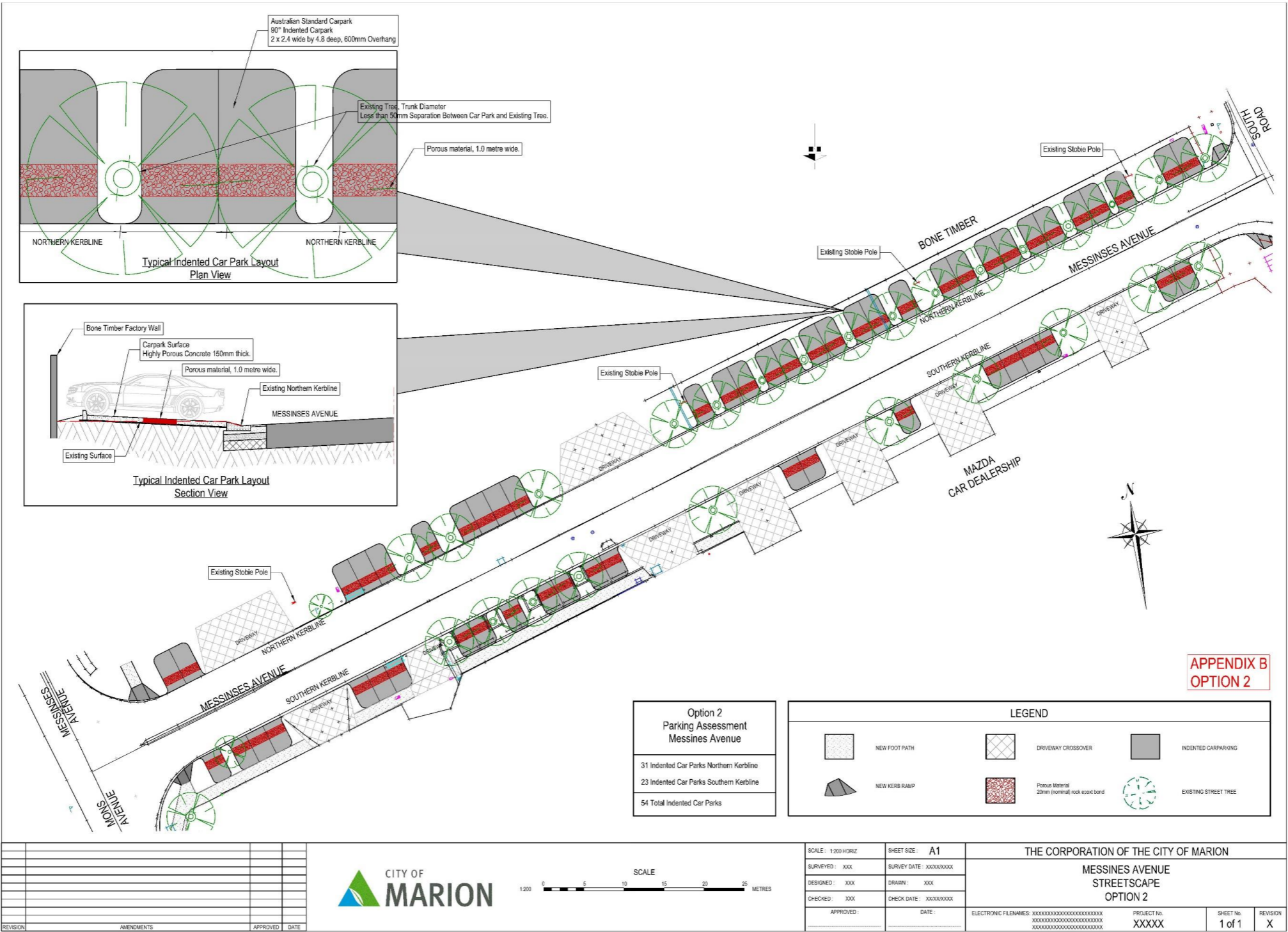
Design Option 1



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Design Option 2



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- Pavement surfacing that traverse within any Tree Protection Zone must be constructed above the existing soil gradient without alteration and should incorporate the use of pervious materials. Porous concrete as proposed in either Option 1 or 2, as shown in this report, are suitable to maintain moisture infiltration and gaseous exchange to the soil profile.
- The number of car parks outlined within Option 1 may be increased to include an additional car parking space to the west of Asset 25, a single space between Assets 25 & 26 and a third car parking space to the east of Asset 26.
- The number of car parking spaces illustrated within Option 2 does not appear to be achievable practically. The car parking areas will fit on paper and the pervious nature of the concrete surfacing proposed will have benefit in maintaining soil function however some trees display trunk burls and broadened root flares which would be expected to be in conflict with car turning requirements.



- *Image Right: An example of a trunk burl, which may be in conflict with vehicle movements should multiply car parking spaces be constructed between trees on the northern side of Messines Avenue.*

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-
- Existing car parking spaces surrounding Assets 1-4 may be maintained with the replacement of current brick pavement to pervious concrete. Extreme care is recommended to protect surface roots that may have developed immediately below the brick pavement, should alterations occur to this surfacing. It is recommended that alterations of this area should occur with consultation from the project arborist during demolition.
 - New concrete or brick pavement is recommended to be installed above the existing soil grade.
 - Areas where pavement is not constructed between trees is recommended to incorporate open garden spaces. Decompaction using vertical mulching techniques³ may also be beneficial and a cost-effective technique to decompaction of soils surrounding trees.

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Recommended Design Option

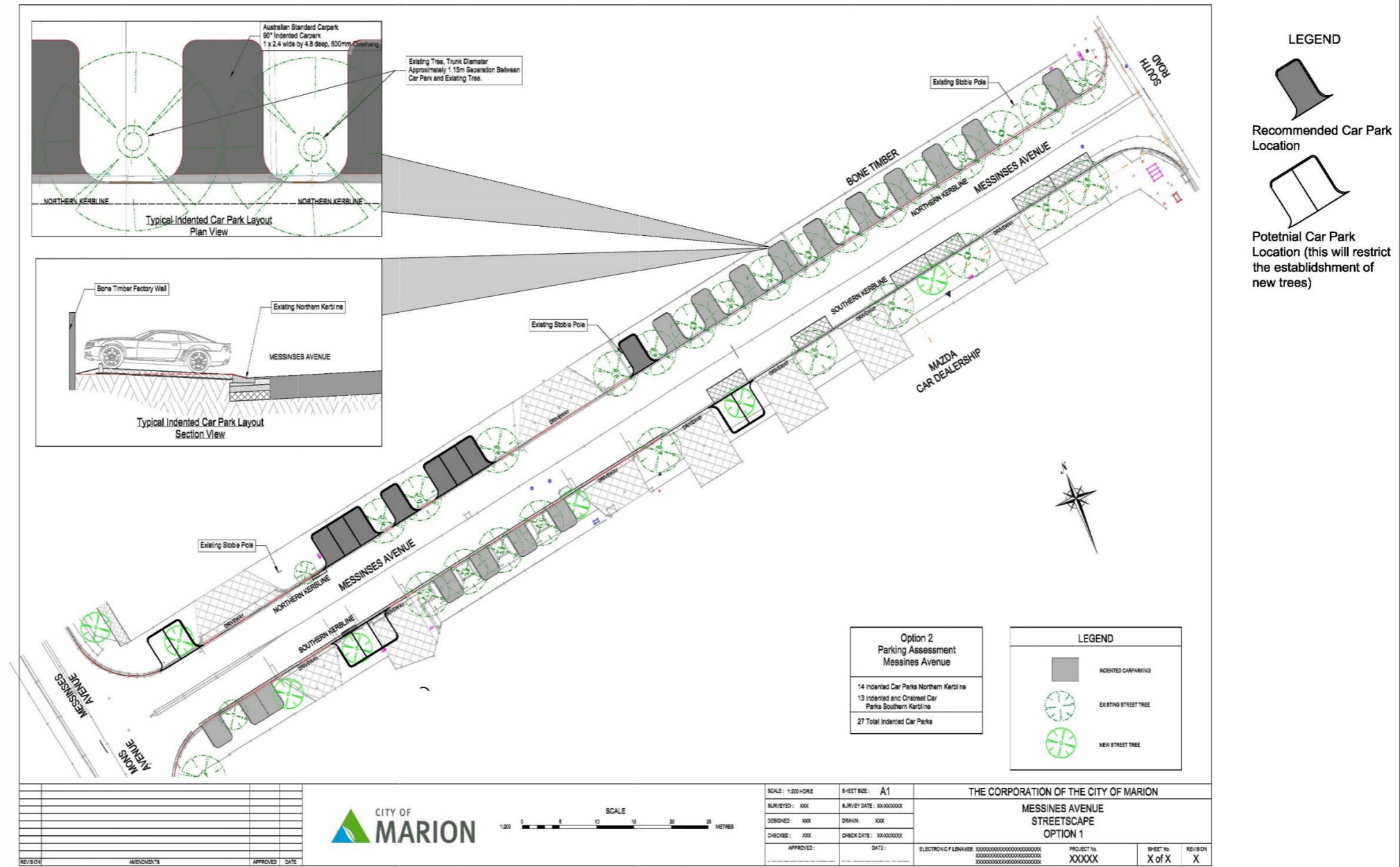
Various upgrades to infrastructure, carparking arrangement and the growing environment at Messines Avenue are achievable.

The adjacent plan illustrates a suggested and preferred design to balance the requirement for carparking at this location with the sustainable retention of the Avenue of Honour at Messines Avenue.

A total of 37 formalised carparking spaces may be established within the northern and southern verge areas while also significantly improving the growing environment for the trees.

It must be noted that reducing this to establish a total of 32 car parks will enable three additional trees to be planted in this location and balance the avenue. While this will be beneficial in the long-term sustainability of the avenue, the requirement for car parking spaces may outweigh the establishment of additional trees to the current format.

Where additional trees are to be established, parallel parking may substitute the proposed off-street design.



Tree survey and car park location plan
Messines Avenue, Edwardstown
City of Marion
Base drawing provided by Cain Jeffery - City of Marion



DATE	DRAWING NO	PO Box 381 Goodwood SA 5034 (p) (08) 8351 4849 www.adelaidearb.com.au
07/09/2021	TS01	
SCALE	DRAWN BY	
NTS	SS	



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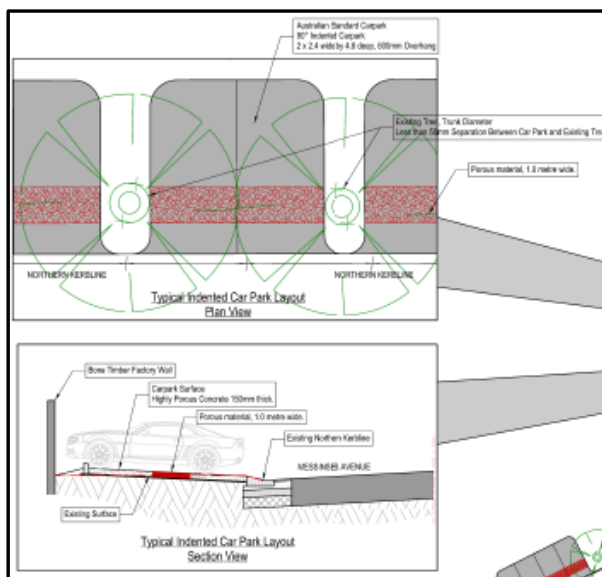


The single car parking areas at the northern verge of the streetscape are highly recommended to be included within the design. This will limit the potential of vehicle impact to tree stems and increase the area of soil function and root development.

Where multiple car parks are to be constructed together, the surfacing design expressed within Option 2 is recommended to be adopted to improve permeability. This is not necessary where single car parks have been constructed, as the larger garden beds will facilitate acceptable permeability. However, a more permeable surface treatment in such cases is acceptable should there be a requirement to maintain aesthetics.

Additional car parking within the southern verge surrounding Assets 1-4 may also be acceptable given the current car parking arrangement here is similar. Extreme care to establish this format will be required during construction, and there will remain the potential for vehicles to impact tree stems following the completion of the car park construction.

Where construction activities are to occur within the root zones of any of the subject trees, tree protection zone management will be required as outlined within the Tree Protection Zone Management Requirements over page.



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Tree Protection Zone Management Requirements

The overall tree population requires various management types, however all trees are recommended to be retained. Each will require Tree Protection Zone maintenance should development or construction activities occur within their vicinity. These tree protection ideals will also be required to be implemented for the duration of the project construction. The various management types include:

Tree Protection Zone Maintenance: Protection of above and below ground tree parts are paramount to sustainable tree retention. The following management guidelines for Tree Protection Zones are generated from Australian Standard AS 4970-2009 *Protection of trees on development sites* and provide generic information which should be implemented in all areas where trees are required or desired to be retained in a sustainable condition.

General

To protect suitable trees during the development process, a range of tree protection activities and structures are required. The tree protection zone is usually a restricted area delineated by fencing.

The following activities are restricted within the TPZ. Some of these works may be permitted by the determining authority and must be supervised by the project arborist⁴.

- a) machine excavation including trenching;
- b) excavation for silt fencing;
- c) cultivation;
- d) storage;
- e) preparation of chemicals, including preparation of cement products;
- f) parking of vehicles and plant;
- g) refuelling;
- h) dumping of waste;
- i) wash down and cleaning of equipment;
- j) placement of fill;
- k) lighting of fires;
- l) soil level changes;
- m) temporary or permanent installation of utilities and signs, and
- n) physical damage to the tree.

Prior to any site works commencing, the site/project manager and relevant sub-contractors should meet on site with the project arborist to review work procedures, access routes, storage areas, parking areas and tree protection measures.

Tree Protection Zone establishment

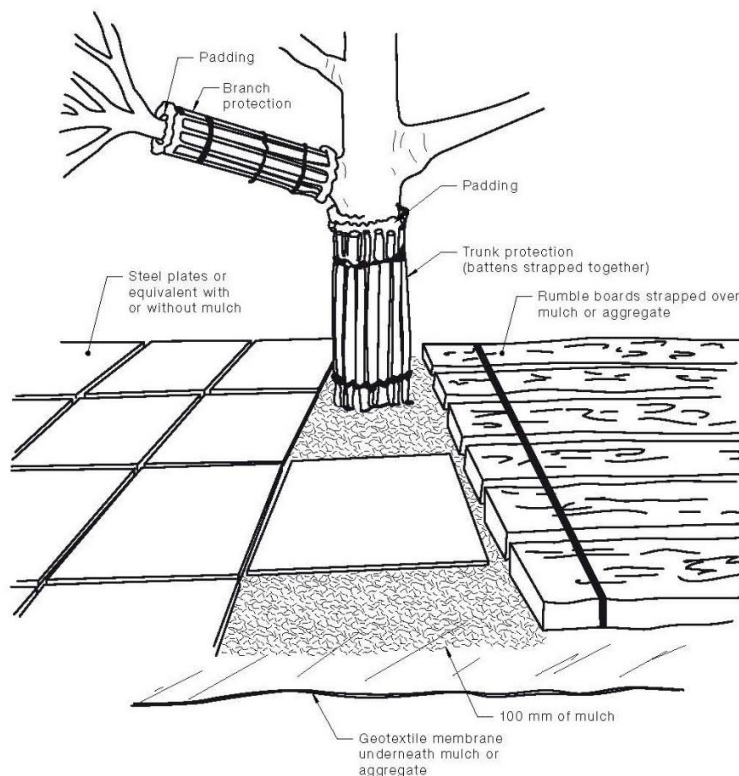
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As all areas of construction works will occur within tree protection zones, erection of tree protective fencing is not suitable at this site. The Tree Protection Zones should be established and managed as follows.

- Where construction activities or vehicle access is in close proximity to any tree, install protection to the trunk and branches of trees as shown in the figure below. A minimum height of 2 m is recommended (where possible). Ground protection (as described above) will also be required in this situation.
 - Install breathable padding or hessian around the trunk of the tree.
 - Install closely spaced timber battens around the trunk, with the top edge protecting the trunk/bark by the padding/hessian. Secure with strapping.



NOTES:

- 1 For trunk and branch protection use boards and padding that will prevent damage to bark. Boards are to be strapped to trees, not nailed or screwed.
- 2 Rumble boards should be of a suitable thickness to prevent soil compaction and root damage.

FIGURE 4 EXAMPLES OF TRUNK, BRANCH AND GROUND PROTECTION

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- All faces of the Tree Protection batons visible to the construction area must be signed with appropriate Tree Protection Zone signage as shown below. An example of this signage is attached as Appendix C – TPZ Signage.



- Where tree protection parameters have been reduced, ground protection suitable for construction personnel will be required as follows. This is required to minimise soil compaction and to capture any building material spills/waste that may contaminate soils.
 - Install ground protection as indicated on the Tree Protection Plan.
 - Install a layer of geotextile fabric on top of the natural ground.
 - Cover the geotextile with a 100mm thick layer of mulch or coarse gravel/ballast.
 - Install ground protection mats on top of the mulch to make walking/wheelbarrowing easier if required.

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- Where future garden bed areas are proposed, ground protection will be required. This ground protection may be required for essential vehicle access, excavator access, crane access, pier drilling machinery access, hydro-excavation trucks and pedestrian access etc.
 - Install vehicle access ground protection as indicated on the Tree Protection Plan.
 - Install a layer of geotextile fabric on top of the natural ground.
 - Cover the geotextile with a 100mm thick layer of organic mulch.
 - Install ground protection mats (e.g., BogMat <https://www.bogmat.com.au/>).
 - Excavations for piers are to be conducted through the mulch. Excavate by hand, or drill the holes using machinery that stands off the TPZ or an area with suitable ground protection.

Site establishment

The establishment of the site should occur in conjunction with the establishment of the Tree Protection Zone structures and features. This may include site access, storage areas, construction huts, waste management areas etc.

1. Refer to the previous section on Tree Protection Zone establishment which outlines some of the essential Tree Protection Zone requirements.
2. All ancillary zones required for construction purposes should be located outside the Tree Protection Zone. This includes, but is not limited to:
 - Site access routes for various vehicles and machinery.
 - Areas to receive and store construction materials.
 - Areas for skip bins and waste management.
 - Wash out areas.
 - Site huts and toilets.
 - Storage of chemicals.
 - Car parking areas.
3. Where site constraints prevent this, and any of these activities are necessary within a Tree Protection Zone, suitable ground protection measures are required set out in the previous section on Tree Protection Zone establishment.

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**Installation of underground services**

A range of underground services may be required to service a new car parking layout. These may include but are not limited to:

- Electricity supply
- Water supply
- Stormwater drainage
- Irrigation pipes
- Telephone and communication cables

Open trenching to install these services within a Tree Protection Zone has the potential to sever roots which can adversely affect tree health and stability. Unless otherwise approved, underground services should be installed according to the following guidelines.

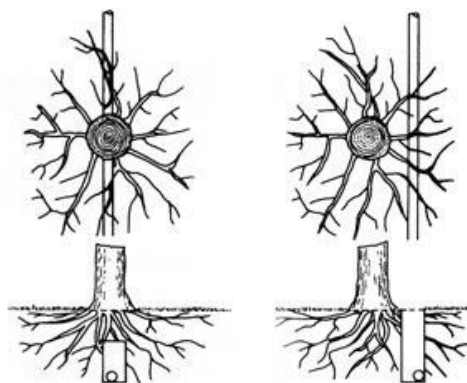
1. All services should be routed outside the Tree Protection Zone where possible. If underground services must pass through a Tree Protection Zone, consult with the project arborist. These services should be installed by directional drilling or in manually excavated trenches.
2. Directional drilling.
 - The directional drilling bore should be at least 600 mm deep. The project arborist should assess the likely impacts of boring and bore pits on retained trees.
 - Entry, exit points, connection points and inspection points should be located outside the Tree Protection Zone where possible.
3. Manual excavation
 - For manual excavation of trenches the project arborist should advise on roots to be retained and should monitor the works. Manual excavation may include the use of pneumatic and hydraulic tools.
 - Excavate the soil using hand tools and hydro excavation down to the required depth for the entire length of the service required within the TPZ.
 - Use the lowest pressure possible to carry out the excavations whilst avoiding damage to the outer bark on tree roots.
 - When tree roots are encountered, the operator should avoid damaging the protective layer by directing high pressure water away from tree roots.
 - Smaller tree roots (<20mm in diameter) may be damaged by the process, as this is generally unavoidable.
 - Tree roots greater than 30mm in diameter shall left intact and undamaged.

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4. Root pruning:
 - Retain as many roots as possible extending across the trench.
 - Any root pruning should be carried out in consultation with the project arborist.
 - Roots smaller than 50mmØ may be pruned back (preferably to a side branching root) using sharp pruning tools (such as secateurs or tree pruning handsaws).
 - Roots larger than 50mmØ should only be pruned after consultation with the project arborist.
5. Insert the underground service into the trench by weaving between exposed tree roots.
6. Backfill the trench as soon as possible after the service is installed to avoid root desiccation. If a trench is to remain exposed for more than 2 hours, the exposed roots and surrounding soil must be kept moist by hand irrigation and/or use of shading materials (hessian or boards). These roots must not be allowed to dry out.



Less damage is done to tree roots if utilities are tunneled under a tree (left, top and bottom) rather than across the roots (right, top and bottom).



Examples of directional drilling (left) and manual excavation with hydro-excavation (right).

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**Paving within a Tree Protection Zone**

Paving treatments and other hard surfaces include concrete paths and driveways, unit pavers, bitumen etc. Paving within a Tree Protection Zone can create an impervious surface, limiting air and water infiltration into the root zone, and may adversely affecting tree health. In addition, compaction works can increase soil density, impairing root development and growth. There is also a risk of root damage from grade changes when preparing for paving works. To ensure paving works do not adversely affect trees to be retained on site, the following guidelines should be followed.

1. The following guidelines are indicative only and may require consultation with permeable paving specialists and civil engineers.
2. Paving and surface sealing should be excluded from the Tree Protection Zone where possible. Surface sealing of the root zone should not exceed 20% of the Tree Protection Zone area⁵.
3. If hard surfaces are required within a Tree Protection Zone, paving materials and methods should aim to avoid damage to the root system and use permeable materials.
4. Consider the finished paving levels in relation to the levels of surrounding structures in the design phase of the project. Adjust finished floor levels to ensure paving works do not lower grade by more than 50-80mm.
5. Tree root investigations may be required prior to designing and installing paver systems.
6. Consider future growth of tree roots and how they may impact on the paved surface. Paving works should remain outside the Structural Root Zone to reduce the likelihood of surface disruption in the future.
7. The project arborist should supervise any pavement installation work within a Tree Protection Zone.
8. Grade changes
 - No lowering of grade (cut) within a Tree Protection Zone for paving works without approval. The soil surface can be skimmed by removing loose organic matter, turf or old gravel surfaces carefully using hand tools or with a straight edge trimming bucket of an excavator standing outside the Tree Protection Zone (or on suitable ground protection). Skimming of the surface should cease when fine tree roots are encountered and should not exceed 50-80mm below the original level.
 - Any increase in grade (fill) must use permeable base layers that allow air and water to infiltrate.
9. Root damage
 - Damage to woody tree roots is not permitted. If woody tree roots are encountered, consult with the project arborist.

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10. The natural soil structure and density within the Tree Protection Zone should be maintained when installing hard surfaces. The natural soils below paved surfaces should not be compacted unless absolutely necessary (e.g., trafficable loads). Compaction of natural soils should not be necessary for pedestrian or light traffic paving applications.

11. Base layer

- The depth of the base layer will vary depending on the intended load. Trafficable areas will require a deeper preparation while pedestrian areas can be shallower.
- Base layer materials should allow air and water to infiltrate and consist of a graded material with no fines, such as 2-5mm graded particle size.
- Sand should not be used in the paving system due to its high clogging potential.
- A geotextile layer can be used between the base layer and subgrade to prevent fine particles migrating up from below.
- A three-dimensional cellular confinement system (such as 'EcoCell' or 'Geoweb') can be used for the base layer where required. This is a system of cells into which the base material is placed.
- The base layer material can then be compacted. Compaction should be to the minimum level required to support the intended load.

12. Bedding layer

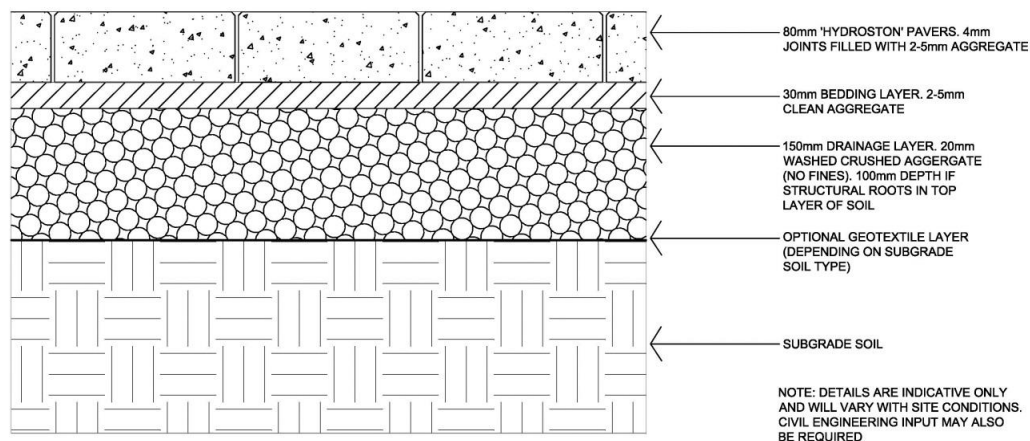
- The bedding layer should be applied directly on top of the base layer.
- The bedding layer should use a single-graded material to provide good porosity and permeability.
- Regular paving sand is not recommended for this application.

13. Surface treatments

- Final surface treatments should allow air and water to infiltrate into the root zone. There are two main types of permeable surface treatments:
- Systems in which the unit pavers are impervious but contain permeable joins where air and water can pass between pavers (e.g., Ecotrihex, Hydrapave).
- Systems in which the paver material is porous, and air and water can pass through the paver (e.g., HydroSTONE).
- The unit pavers should have a single-graded aggregate swept in to fill in the gaps between pavers to allow air and water to infiltrate. Regular paving sand is not suitable for this application.

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- An example of a permeable paving system (Dr Martin Ely) – Note** the proposed reinforced porous concrete surfacing in either Design Proposal 1 or 2 is acceptable.

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**Landscaping around established trees**

Care is required when landscaping around established trees. Damage can occur from a range of activities, including soil compaction, soil contamination, physical damage to the tree during landscaping works, damage to the root system from trenching and level changes, root disturbance from paving works and lawn installation etc. The following guidelines should be followed when landscaping around established trees.

To minimise the possible adverse impacts from these activities during landscaping activities, a tree protection zone (TPZ) is required. The TPZ roughly equates to the drip line of the tree but is accurately calculated in the body of the tree report. All potentially adverse activities must not occur within this zone or must be modified to minimise the impacts.

Landscaping guidelines

1. The landscape design should be reviewed by the project arborist prior to being finalised.
2. Landscaping contractors should observe the guidelines set out in the previous sections on Tree Protection Zone establishment and Site Establishment.
3. The growing environment for mature trees should be optimised with the use of mulches. Mulches should be organic in origin, semi composted and contain a mixture of coarse and fine particles. Mulches should be 75-100mm thick and applied out to the drip line of trees or further if possible, without coming into contact with the trunk. Mulches should be topped up every 1-2 years as required.
4. Irrigation systems around established trees should be set up as follows.
 - Drip irrigation systems are an effective way of applying water to the root zone of trees.
 - Connect the system to a reliable water source, preferably using a battery-operated programmable timer.
 - Use pressure reducers and relief valves as required.
 - Irrigation main lines should be radially arranged in relation to the root system rather than traversing the root system. Deep trenching across the drip line of trees must be avoided.
 - Install in-line dripper hose that emits ~3L of water per drip emitter per hour.
 - A parallel row pattern or a spiral pattern are simple installation methods to use with lines installed at 0.5m – 1.0m apart.
 - Irrigation should be applied during hotter months by providing one good soaking per week (2-3 hours at a time). Less water can be applied during cooler and wetter months.
 - Irrigate in the early morning. Avoid watering during the middle of the day.
 - Irrigation requirements should be adjusted according to species, soil type and climatic conditions.

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5. Paving works should be kept to a minimum within a Tree Protection Zone. If paving must occur, it must utilize a no dig method, use permeable base preparations to minimum soil compaction requirements and utilise permeable unit pavers. Refer to the previous section on paving within a Tree Protection Zone.
6. Use caution when applying herbicides in the vicinity of established trees. Target the unwanted plants carefully and follow manufacturer's recommendations.
7. Pruning of established trees should be carried out by qualified arborists.
8. Retaining wall should not be installed within the Tree Protection Zone. If required, consult with the project arborist.
9. Fences on the boundaries of the property must be installed without damaging the root system of established trees.
 - Fencing must not use continuous strip footings.
 - Lightweight fencing panels attached to concrete pads and posts are recommended.
 - Concrete pads should be located outside the Structural Root Zone.
 - Grade changes (cut and fill) must be avoided during fence installation.

Other planting considerations

- Care is required when planting new vegetation within the drip line of established trees. Cultivation of the area under the tree should be kept to a minimum and undertaken with hand tools.
- Grade changes (cut or fill) within the drip line of established trees should be avoided. Do not build up soil levels by more than 100mm.
- The use of competitive plants should be kept to a minimum. Minimise the use of turf, and dense groundcovers etc.
- The mature size of larger plants and trees should be considered. Plants should be well spaced to allow them to reach their mature size.
- Select the largest trees for the size available. Larger trees provide greater benefits than smaller trees.
- Provide adequate growing area for the trees to grow in. Small openings in paved areas are usually inadequate for healthy tree growth.
- Species diversity is important a sustainable garden (and urban forest). While monoculture plantings may provide a desired aesthetic, they are generally more vulnerable to pest and disease outbreaks.
- Consider when to use shade trees or deciduous trees in relation to building orientation, the movement of the sun and the placement of windows.
- The use of locally indigenous vegetation should be considered for their habitat, biodiversity, and wildlife corridor value.

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**Development Monitoring and Certification**

Through various stages of development, compliance certification provided in writing by a suitably qualified AQF Level 5 Arboriculturist is required.

These are outlined as follows with compliance recommended to be supplied to council as a condition of Development Approval:

Indicative Stages in Development and the Tree Management Process		
Stage in development	Tree management process	
	Matters for consideration	Actions and certification
Planning (AS 4970-2009 Section 2 and 3)		
Site acquisition	Legal constraints	
Detail surveys	Council plans and policies Planning instruments and controls Heritage Threatened species	Existing trees accurately plotted on survey plan
Preliminary tree assessment	Hazards/risks Tree retention value	Evaluate trees suitable for retention and mark on plan Provide preliminary arboricultural report and indicative TPZs to guide development layout
Preliminary development design	Condition of trees Proximity to buildings Location of services Roads Level changes Building operations space Long-term management	Planning selection of trees for retention Design review by proponent Design modifications to minimise impact to trees
Development submission	Identify trees for retention through comprehensive Arboricultural impact assessment of proposed construction Determine tree protection measures Landscape design	Provide Arboricultural impact assessment including tree protection plan (drawing) and specification
Development approval	Development controls Conditions of consent	Review consent conditions relating to trees

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Preconstruction (AS 4970-2009 Section 4 and 5)		
Initial site preparation	State based OHS requirements for tree work Approved retention/removal Refer to AS 4373 for the requirements on the pruning of amenity trees Specifications for tree protection measures	Compliance with conditions of consent Tree removal/tree retention/transplanting Tree pruning Certification of tree removal and pruning Establish/delineate TPZ Install protective measures Certification of tree protection measures
Site establishment	Temporary infrastructure Demolition, bulk earthworks, hydrology	Locate temporary infrastructure to minimize impact on retained trees Maintain protective measures Certification of tree protection measures
Construction work	Liaison with site manager, compliance Deviation from approved plan	Maintain or amend protective measures Supervision and monitoring
Implement hard and soft landscape works	Installation of irrigation services Control of compaction work Installation of pavement and retaining walls	Remove selected protective measures as necessary Remedial tree works Supervision and monitoring
Practical completion	Tree vigour and structure	Remove all remaining tree protection measures Certification of tree protection
Post construction (AS 4970-2009 Section 5)		
Defects liability / maintenance period	Tree vigour and structure	Maintenance and monitoring Final remedial tree works Final certification of tree condition

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Tabled Tree Data

Tree Id	Botanic Name	Tree Height Range	Crown Spread Range	Circ.	Legislative Control	DBH [cm]	TPZ Radius [m]	DRF [cm]	SRZ Radius [m]	Health	Structure	Form	Age	ULE	Observation Comments	Detailed Management	Priority	Risk Rating
1	<i>Ulmus procera</i> English Elm	8-13m	8-13m	265	Regulated tree <i>PDI Act 2016</i>	86	10.32	87	3.12	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
2	<i>Ulmus procera</i> English Elm	8-13m	4-7m	215	Regulated tree <i>PDI Act 2016</i>	69	8.28	76	2.95	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
3	<i>Ulmus procera</i> English Elm	8-13m	4-7m	208	Regulated tree <i>PDI Act 2016</i>	66	7.92	72	2.88	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
4	<i>Ulmus procera</i> English Elm	8-13m	4-7m	218	Regulated tree <i>PDI Act 2016</i>	73	8.76	80	3.01	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
5	<i>Ulmus procera</i> English Elm	8-13m	4-7m	247	Regulated tree <i>PDI Act 2016</i>	79	9.48	85	3.09	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
6	<i>Ulmus procera</i> English Elm	4-7m	8-13m	232	Regulated tree <i>PDI Act 2016</i>	74	8.88	81	3.03	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
7	<i>Ulmus procera</i> English Elm	4-7m	4-7m	216	Regulated tree <i>PDI Act 2016</i>	69	8.28	75	2.93	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
8	<i>Ulmus procera</i> English Elm	8-13m	8-13m	215	Regulated tree <i>PDI Act 2016</i>	69	8.28	78	2.98	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low

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Tree Id	Botanic Name	Tree Height Range	Crown Spread Range	Circ.	Legislative Control	DBH [cm]	TPZ Radius [m]	DRF [cm]	SRZ Radius [m]	Health	Structure	Form	Age	ULE	Observation Comments	Detailed Management	Priority	Risk Rating
9	<i>Ulmus procera</i> English Elm	8-13m	8-13m	225	Regulated tree <i>PDI Act 2016</i>	71	8.52	79	3	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
10	<i>Ulmus procera</i> English Elm	8-13m	8-13m	247	Regulated tree <i>PDI Act 2016</i>	78	9.36	87	3.12	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
11	<i>Ulmus procera</i> English Elm	4-7m	<3m	221	Regulated tree <i>PDI Act 2016</i>	73	8.76	77	2.97	Good	Poor	Poor	Mature	5-10 years	This tree has impacted by truck approximately two years ago and has a crack extending from the primary union to ground level. This tree has been pollarded following this event and is currently stable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
12	<i>Ulmus procera</i> English Elm	8-13m	8-13m	204	Regulated tree <i>PDI Act 2016</i>	65	7.8	70	2.85	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
13	<i>Ulmus procera</i> English Elm	8-13m	8-13m	185	<i>Local Government Act 1999</i>	59	7.08	64	2.74	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
14	<i>Ulmus procera</i> English Elm	8-13m	8-13m	233	Regulated tree <i>PDI Act 2016</i>	75	9	78	2.98	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable. This tree displays a woody outgrowth at ground level extending towards the proposed car park. This may restrict access to the car park.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
15	<i>Ulmus procera</i> English Elm	8-13m	8-13m	204	Regulated tree <i>PDI Act 2016</i>	66	7.92	70	2.85	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low

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Tree Id	Botanic Name	Tree Height Range	Crown Spread Range	Circ.	Legislative Control	DBH [cm]	TPZ Radius [m]	DRF [cm]	SRZ Radius [m]	Health	Structure	Form	Age	ULE	Observation Comments	Detailed Management	Priority	Risk Rating
16	<i>Ulmus procera</i> English Elm	8-13m	14-20m	212	Regulated tree <i>PDI Act 2016</i>	68	8.16	72	2.88	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
17	<i>Ulmus procera</i> English Elm	8-13m	8-13m	194	<i>Local Government Act 1999</i>	62	7.44	66	2.78	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
18	<i>Ulmus procera</i> English Elm	8-13m	8-13m	230	Regulated tree <i>PDI Act 2016</i>	70	8.4	73	2.9	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
19	<i>Ulmus procera</i> English Elm	8-13m	8-13m	218	Regulated tree <i>PDI Act 2016</i>	68	8.16	72	2.88	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
20	<i>Ulmus procera</i> English Elm	8-13m	8-13m	225	Regulated tree <i>PDI Act 2016</i>	71	8.52	76	2.95	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
21	<i>Ulmus procera</i> English Elm	8-13m	8-13m	212	Regulated tree <i>PDI Act 2016</i>	68	8.16	73	2.9	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
22	<i>Ulmus procera</i> English Elm	8-13m	8-13m	214	Regulated tree <i>PDI Act 2016</i>	69	8.28	78	2.98	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
23	<i>Ulmus procera</i> English Elm	8-13m	8-13m	208	Regulated tree <i>PDI Act 2016</i>	66	7.92	71	2.87	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low

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Tree Id	Botanic Name	Tree Height Range	Crown Spread Range	Circ.	Legislative Control	DBH [cm]	TPZ Radius [m]	DRF [cm]	SRZ Radius [m]	Health	Structure	Form	Age	ULE	Observation Comments	Detailed Management	Priority	Risk Rating
24	<i>Ulmus procera</i> English Elm	8-13m	8-13m	232	Regulated tree <i>PDI Act 2016</i>	74	8.88	78	2.98	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Moderate
25	<i>Ulmus procera</i> English Elm	8-13m	14-20m	242	Regulated tree <i>PDI Act 2016</i>	77	9.24	82	3.04	Good	Poor	Poor	Mature	10-20 years	This tree displays an irregular upright form due to historical lopping. It is expected that the tree will be pollarded within the near future however the presence of a beehive has restricted access to the tree to enable this pruning to be completed.	Undertake pollarding of the entire crown to remove branches of epicormic origin. Take care to remove branches at the branch collar without damaging the pollard knuckle.	High - Within 6 months	Low
26	<i>Ulmus procera</i> English Elm	8-13m	14-20m	251	Regulated tree <i>PDI Act 2016</i>	81	9.72	85	3.09	Good	Poor	Poor	Mature	10-20 years	This tree has been subjected to historical lopping and has poor form as a result. It has also recently been pollarded and the current structure is stable and sustainable.	Monitor crown redevelopment of epicormic growth.	Medium - Within 2 years	Low
27	<i>Ulmus procera</i> English Elm	4-7m	4-7m	80	<i>Local Government Act 1999</i>	24	2.88	30	2	Good	Good	Good	Semi Mature	>20 years	This tree displays a small however well formed structure and is currently sustainable and stable.	Prune to remove low epicormic branch originating from the stem at 1m above ground level.	Low - Within 4 years	Low
28	<i>Ulmus procera</i> English Elm	4-7m	4-7m	72	<i>Local Government Act 1999</i>	22	2.64	24	1.82	Good	Good	Good	Semi Mature	>20 years	This tree displays a small however well formed structure and is currently sustainable and stable.	No practical works are required to main tree structure.	Low - Within 4 years	Low

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Endnotes

¹ **ISA TRAQ – Levels of Assessment** - Tree and risk assessments can be conducted at different levels of detail, each employing varying methods and providing the client with varied options for reporting and recommendations. The level selected should be appropriate for the assignment.

Level 1 - Limited Visual Assessment

- Visual assessment of an individual tree or population of trees near specified targets
- Conducted from a specified perspective.
- To identify certain obvious defects or specified conditions.
- Typically focusses on identifying trees with imminent and/or probable likelihood of failure.
- Typically, one or two of the three factors is/are considered as a constant.
- This is the fastest, but least thorough, means of assessment and are intended primarily for managing large populations of trees when time and resources are limited.
- This can be carried out as a walkover, drive-by or fly-over inspection.

Level 2 – Basic Assessment

- A level 2 or basic assessment is a detailed visual inspection of a tree and its surrounding site.
- This is the level of assessment that is commonly performed by arborists in response to client's requests for individual tree risk assessments.
- It is ground based and requires the arborist to inspect completely around the tree – looking at the site and visible buttress roots, trunk, and branches.
- The use of simple tools may be required (measuring tools, Binoculars, magnifying glass, mallet, probe, hand digging tools, compass, camera)
- Often a basic assessment is adequate for assessing risk and making recommendations, but it sometimes reveals the need for more advanced assessment measures.
- The primary limitation of a basic assessment is that it only includes conditions that can be detected from a ground based visual inspection. Internal, below-ground, and upper-crown factors may be impossible to see or difficult to assess.

Level 3 - Advanced Assessment

- Advanced assessments are performed to provide detailed information about specific tree parts, defects, targets or site conditions.
- An advanced assessment may be conducted in conjunction with or after a basic assessment if additional information is needed and the client approves the additional service.
- Specialised equipment, data collection and analysis and/or expertise are usually required for advanced assessments.
- The assessments are generally more time intensive and expensive.
- There are many types of advanced assessments that can be conducted (aerial inspection, detailed target analysis, detailed site evaluation, decay testing, health evaluation, root inspection, tree stability monitoring and load testing).

(Dunster, J et.al. (2017), *Tree Risk Assessment Manual – Second Edition* – International Society of Arboriculture, Champaign, Illinois, pp. 15-34.)

² **Lopping** or topping is the practice of cutting branches or stems between branch unions or internodes. This is an unacceptable practice for the following reasons.

- a) Lopping increases the rate of shoot production and elongation.
- b) The resulting regrowth is weakly attached and becomes prone to failure or collapse.
- c) The stubs that remain may decay
- d) The natural habit of the tree is destroyed.
- e) Lopping may reduce the lifespan of the tree
- f) This type of pruning predisposes trees to fungal infections and insect attack.

(Australian Standard AS 4373-2007 *Pruning of amenity trees* section 8.1.)

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³ **Vertical Mulching** A process to reduce soil compaction and improve movement of air, water, nutrients and roots in soil by drilling, or use of hydraulic or pneumatic probes to create holes of 50mm diameter to 450mm deep at one metre spacing replacing the soil removed with coarse material to prevent collapse.

(Draper, D., and Richards, P., (2009) *Dictionary for Managing Trees in Urban Environments* CSIRO Publishing and Institute of Australian Consulting Arborists.)

⁴ **Project arborist** - The person responsible for carrying out the tree assessment, report preparation, consultation with designers, specifying tree protection measures, monitoring and certification. The project arborist will be suitably experienced and competent in arboriculture, having acquired through training, qualification (minimum Australian Qualification Framework (AQF) Level 5, Diploma of Horticulture (Arboriculture)) and/or equivalent experience, the knowledge and skills enabling that person to perform the tasks required by this Standard.

(AS 4970 – 2009 *Protection of trees on development sites*)

⁵ British Standards – BS 5837 – 2005 *Trees in Relation to Construction – Recommendations*

11.2 Lander Road / Young Street Junction Upgrade

Report Reference	GC210914R11.2
Originating Officer	Manager Engineering, Assets and Environment – Mathew Allen
Corporate Manager	N/A
General Manager	General Manager City Services - Tony Lines

REPORT OBJECTIVE

The purpose of this report is to seek approval for up to **\$205,820** funding from Local Roads and Community Infrastructure Round 3 grant towards the Lander Road / Young Street junction upgrade.

EXECUTIVE SUMMARY

The Lander Road / Young Street junction upgrade forms part of the 2021/22 capital works program. The project will improve traffic flows by the introduction of a channelised left turn lane that in turn allows for a dedicated right turn lane. This will reduce vehicle delays and queuing.

The project was initially identified as part of the 2020/21 capital works program. The project was not completed as a result of the Consulting Engineer's resource availability and delays related to the investigation of underground service locations. This resulted in the final design being completed in August 2021.

The estimated cost to upgrade the junction of Lander Road and Young Street is \$467,000. The current funding allocation is \$261,180 (including carried over funds from the 2020/21 capital works program). The balance of required funds to carry out these works is \$205,820. A grant funding application has been applied for \$129,250 through the Special Local Roads Program Grant Fund.

The Attorney General's website suggests that the City of Marion was successful in receiving grant funding from the Special Local Roads Program Grant Fund. Official advice has not yet been received, and formal notification is expected in the week beginning 13 September 2021. This report seeks approval to source any remaining funding shortfall from the Local Roads and Community Infrastructure Round 3 grant.

RECOMMENDATION

That Council:

- 1. Allocates up to \$205,820 funding from the Local Roads and Community Infrastructure Round 3 grant for the Lander Road and Young Street intersection upgrade.**

GENERAL ANALYSIS

The junction of Lander Road and Young Street is situated in the suburb boundary between Sheidow Park and Trott Park. In its Road Hierarchy, the City of Marion has classified Lander Road and Young Street as Sub-Arterial and Distributor Roads respectively.

Over many years, Trott Park and Sheidow Park were subject to gradual increases in development, resulting in increased traffic generation along the established roads such as Lander Road and Young Street. Hence, the Lander Road/Young Street junction has become increasingly busy, particularly during peak period times.

Council has received numerous complaints from residents and Elected Members regarding the traffic issues associated with this junction. The complaints highlight limitations on traffic exiting Young Street into Lander Road. The increased traffic volumes, combined with the lack of separate left and right turn lanes in Young Street, create significant queueing lengths and slow vehicle movements. It should be noted that the existing site distance at the junction is restricted by a crest to the east of the junction.

Modifications to the junction were previously undertaken in an effort to improve the situation. However, road users are still finding the existing arrangement frustrating. A number of options were considered to resolve the queue length issues, including installation of:

- a left turn slip lane
- a roundabout
- traffic signals

The left turn slip lane was determined to be the preferred option providing the best outcome for road users and pedestrians (refer attachment 1). This option is estimated to reduce queue lengths from 32 vehicles to 4 vehicles during the AM peak period.

The project includes modifications to the pavement, kerb and water table, footpath, signage, and line marking. There are significant project costs associated with the relocation of underground services. In addition, approximately 51m² of private property has been identified for land acquisition. Negotiations are currently underway with the property owner to acquire the required land to undertake the junction upgrade.

The project is expected to be complete by 30 June 2022 subject to land acquisition and coordination of service relocations.

The estimated cost to upgrade the junction of Lander Road and Young Street is \$467,000. The current funding allocation is \$261,180 (including carried over funds from the 2020/21 capital works program). The balance of required funds to carry out these works is \$205,820. A grant funding application has been applied for \$129,250 through the Special Local Roads Program Grant Fund. The Attorney General's website suggests that the City of Marion was successful in receiving grant funding. Official advice has not yet been received, and formal notification is expected in the week beginning 13 September 2021.

Conclusion

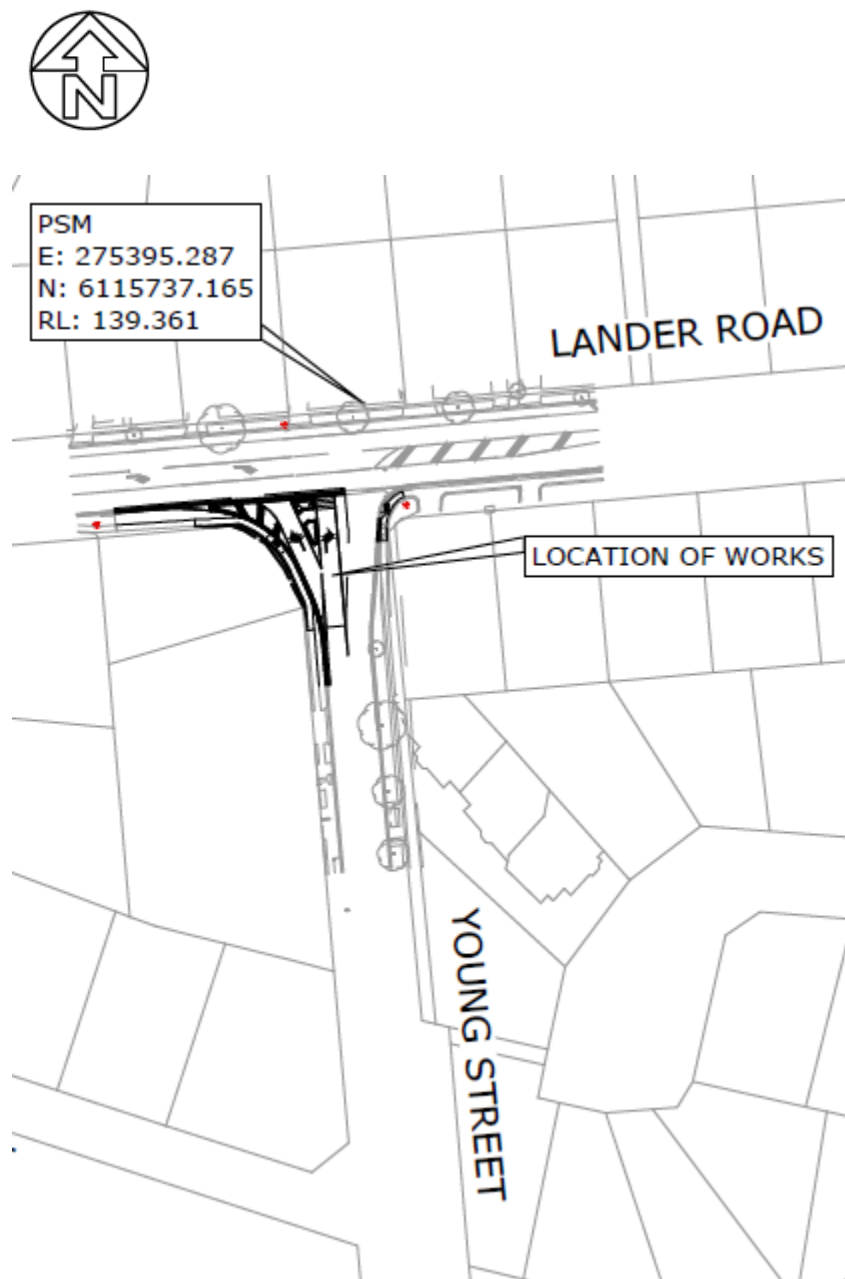
An additional budget of up to \$205,820 is required to upgrade the junction of Lander Road and Young Street to reduce queueing of vehicles and improve traffic movements.

ATTACHMENTS

1. Attachment 1 Layout Plan [11.2.1 - 1 page]

Attachment 1

**Lander Road and Young Street Junction Upgrade
Layout Plan**



11.3 Solar Panels for Council Owned and Leased Facilities - Expression of Interest Outcomes

Report Reference	GC210914R11.3
Originating Officer	Unit Manager Land & Property – Michael Collins
Corporate Manager	Manager City Property - Thuyen Vi-Alternetti
General Manager	General Manager City Development - Ilia Houridis

REPORT OBJECTIVE

The objective of the report is for Council to consider submissions received as part of an Expression of Interest (EOI) giving the opportunity to sports clubs and community groups leasing council owned facilities to apply for 50% funding contribution from Council for energy efficiency upgrade works and/or solar panels at their leased facility.

REPORT HISTORY

Report Reference	Report Title
GC130218R02	Energy Efficiency and Solar Energy on Council Owned Leased Facilities

EXECUTIVE SUMMARY

At its General Meeting held on 13 February 2018 Council resolved to undertake an EOI process for selected sports clubs and community groups leasing Council owned facilities to implement energy efficiency upgrade works and/or solar panels to reduce energy costs, greenhouse gas emissions, energy consumption and assist in ongoing financial sustainability.

Council undertook an EOI between 22 April 2021 and 16 July 2021 and received one submission from YMCA SA for solar panels at the Marion Leisure and Fitness Centre. The submission from YMCA SA has been evaluated and determined to meet the criteria of the EOI.

It is recommended that Council progress with YMCA SA's application to determine the most cost effective and appropriate solar solution for the Marion Leisure and Fitness Centre and fund 50% of the cost of the agreed solar solution, with Council undertaking the procurement and project management of the installation of the new solar system.

RECOMMENDATION

That Council:

- 1. Support YMCA SA's application for the installation of a new solar system at Marion Leisure and Fitness Centre and fund 50% of the cost of the new solar system from Council's Community Facilities Partnership Program, with a maximum Council contribution amount of up to \$48,000, 50% to be funded by YMCA SA.**
- 2. Note that the solar panel installation will be project managed by Council, including the tender process for purchase and installation.**

BACKGROUND

At its General Council Meeting held on 13 February 2018, Council 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*

An assessment of energy saving and solar infrastructure opportunities had previously been conducted on six high-energy usage Council owned and leased facilities across the City of Marion.

Energy saving actions have been implemented across the following Council operated sites:

- Administration Building,
- City Services,
- Marion Cultural Centre,
- Marion Outdoor Pool,
- Park Holme Library,
- Trott Park Neighbourhood Centre
- Cooina,
- Cove Civic Centre,
- Glandore Community Centre,
- Living Kaurna Cultural Centre
- Edwardstown Soldiers Memorial facility

An energy efficiency and renewable energy review was completed for the Marion Leisure and Fitness Centre and tabled for Council consideration in August 2017 (GC080817R04).

DISCUSSION

The EOI process was commenced by Administration in April 2021. Emails were sent to eligible Lease and License holders on 22 April 2021 with the EOI documentation attached. A follow up email was sent on 5 July 2021 prior to close of the EOI,

At the time of the EOI closing Council had received numerous enquiries, but only one submission received from YMCA SA (refer to **ATTACHMENT 1**).

It should be noted that following the close of the EOI process enquiries have been received from two other organisations, one querying whether it was too late for them to submit an application, and the other querying whether Council is likely to run another similar process in the future. Council may wish to consider running another EOI process next financial year.

The application from YMCA SA was assessed in accordance with the criteria set out in the EOI documentation. (Refer to **ATTACHMENT 2**)

The EOI from YMCA SA was for a 99.9KW solar system at a cost of \$94,626.48 and would involve the installation of 270 solar panels on the roof of the Marion Leisure and Fitness Centre.

YMCA SA have estimated that this will give them an annual saving of approximately \$27,000 on electricity bills, and a payback period to them of 2.26 years.

An internal review of the EOI was undertaken and identified that the financial benefit might not be as high as YMCA have estimated, and that the payback period would likely be longer (general industry standards are in the range of 5 years), however it would be well within the estimated life of the solar system.

It was also noted that the size of the system makes sense against the consumption currently at the venue, even though the YMCA believe it might be slightly oversized. If consumption is similar to the 2017 annual consumption and no significant efficiency measures have been undertaken, then a 99kW could probably be justified. Based on the energy review undertaken in 2017 a much smaller 60KW system for the building was recommended.

If the EOI submission is approved by Council, the actual size and number of panels would be dependent on a positive structural assessment. A structural suitability assessment of the building would be carried out as part of the project management and procurement process. Final installation and the number of panels will be subject to the structural integrity of the building.

In accordance with the methodology outlined in the 13 February 2018 resolution, Council will undertake the procurement and pay for the new solar system in accordance with its Procurement Policy, and will project manage the installation of the system, subject to an agreement with YMCA SA to re-imburse Council for 50% of the total costs of the project.

The next steps will be for Administration to determine the structural integrity of the roof and appropriate solar system size for the structure and site energy usage. Subject to agreement with YMCA SA, Administration will then undertake the procurement process and project manage the installation.

ATTACHMENTS

1. Energy Efficiency Solar EOI Submission Form YMCA Submission [**11.3.1** - 2 pages]
2. Attachment Evaluation Table Solar EOI [**11.3.2** - 1 page]

Solar Power and Energy Efficiency for Community Buildings

EOI Submission Form



Information you need to provide in EOI Submission

Please provide the below information in your EOI submission to assist Council with answering the following questions:

1.

Name of sports club or community group:

YMCA SA – Marion Leisure and Fitness Centre
2.

Provide details on the proposed solar system and attach quote/advice received, to support submission.

Cost of installing Solar - \$ 94,626.48

Size of proposed system – kW – 99.9KW
3.

Please provide details of your energy efficiency upgrade works including anticipated energy savings

Proposal to install 270 solar panels on the roof of the Marion Leisure and Fitness Centre. Payback period will be 2.26 years with approximately \$27k annual savings.....
4.

Provide details and supporting evidence how you intend to meet your contribution.

Latest YMCA SA Audited statement included with this submission
5.

Explain the expected benefits of undertaking the energy efficiency upgrade works and/or installing solar panels onto your buildings and how the savings would benefit your club/group.

(max 150 words)

 - Annual Savings of approximately \$27k per annum
 - Allow YMCA to redirect savings to other programs
 - Reduce operating costs and inject \$'ss into capital projects
 - Help protect the environment
 - Enhance energy productivity
 - Contribute towards City of Marion Strategic direction and 10 - year goal – Value Nature



6. Please complete the below table to provide Council an understanding of the clubs/group occupancy levels

Marion Leisure and Fitness Centre is open as follows:

Monday – Friday 7am – 9pm
Saturday – 8am – 3pm (or later if events are on)
Sunday – 8am – 9pm

Annual facility patron usage is highlighted on the enclosed Centre Attendance sheet July – May (June figures available from 1st July 21)

Regular Clubs/ Groups using the facility include:

- Sturt Basketball
- South Basketball
- Aelita RG Club
- Mitcham RG Club
- Aerokids
- Gymnastics SA
- Volleyball SA
- Football SA
- Ready Steady Go Kids
- Real Aikodo
- UTC Martial Arts
- SA Indoor Bowls Association
- Marion Netball
- SCOSA – Mitcham Hub
- Australian Grappling
- Relationships Australia SA
- Whitelion
- SA Papercraft Fair group

7. Please provide copies of at least 12 months (preferably last 24 months) of electricity bills for your building.

Enclosed with this submission

ATTACHMENT

Energy Efficiency and Solar Energy on Council Owned Leased Facilities - Evaluation Table

Solar Power and Energy Efficiency for Community Buildings - Expression of Interest	
Evaluation Criteria	Comments
Physically eligible - building must have sufficient roof space, roof pitch and structural integrity to support solar panels	Two previous reports undertaken in 2011 and 2017 indicated that the centre is an excellent target for solar power deployment. The roof is large and there is no shading. The 2011 report described the roof as being kliplock iron and in good condition. If successful Council would seek further quotations to include an up to date assessment of the roof condition. The actual size of the final solar system installed would depend on a positive structural assessment.
Asset Rationality - the building must be sufficiently away from the end of its estimated lifecycle.	The solar system would have an estimated pay back timeframe of approximately 6 years. It is unlikely that Council will determine that the building is at the end of its asset life within this time.
The solar panels would be effective within current building use	As previously noted the 2011 and 2017 reports indicate that the centre is an excellent target for solar deployment
The solar panels would be effective for use - building is used by a large number of participants and is used for a purpose that requires high electricity use and would significantly benefit from reduced energy costs.	The centre has a very high volume of participants being Leased by both the YMCA and Gymnastics SA
The project will be aesthetically sympathetic to the building	Due to the design of the building the panels are unlikely to be highly visible from street level and will not be unsympathetic to the overall design of the building.
A reduction of electricity costs would have significant financial benefit for the building users	YMCA have estimated that the system that they are proposing - a 99.9KW system - would produce savings of approximately \$27,000 per annum which would allow YMCA to direct savings to other programs. Councils Utilities Optimisation Lead has looked at the proposal and thinks that the estimated financial benefit may not be as high.
Applicant has had limited support from other energy initiatives	The 2017 Energy Review identified a summary of recommended energy measures including building lighting upgrades, carpark lighting upgrades, refrigeration opportunities, equipment opportunities, and solar power. Council has not contributed to any of these measures since the report was undertaken.

11.4 Southern Suburbs Residential Policy - Code Amendment

Report Reference	GC210914R11.4
Originating Officer	Senior Policy Planner – David Melhuish
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
General Manager	General Manager City Development - Ilia Houridis

REPORT OBJECTIVE

To seek Council's endorsement on a 'Proposal to Initiate' for the proposed 'Southern Suburbs Residential Policy - Code Amendment' and forward the document (Attachment 1) to the Minister for formal agreement.

REPORT HISTORY

Report Reference	Report Title
GC210511R11	Proposed Code Amendments: Morphettville/Glengowrie stables, Southern Residential Areas, Centre Zones, Marion Road Corridor.

EXECUTIVE SUMMARY

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

This report seeks Council's endorsement of the relevant 'Proposal to Initiate' a Code Amendment documentation and forwarding it to the Minister for Planning for consideration.

RECOMMENDATION

That Council:

1. **Endorses the 'Southern Suburbs Residential Policy - Code Amendment' - Proposal to Initiate' and forwards the document (*Attachment 1*) to the Minister for Planning for consideration.**

DISCUSSION

Background

The southern areas of Council include the suburbs of Darlington, Hallett Cove, Marino, O'Halloran Hill, Seaclyff Park, Seacombe Heights, Seaview Downs, Sheidow Park and Trott Park. The previous zones covering the southern areas included Cement Hill Policy Area 10, Hills Policy Area 11, Foothills and Seaside Policy Area 23, Southern Policy Area 18 and Worthing Mine Policy Area 20.

A map of affected areas can be found in (*Attachment 2*)

The previous Housing Diversity Development Plan Amendment (DPA) sought changes to the zoning and policy of the sloping residential areas in Council's southern suburbs.

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

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

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

Discussion

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

This appears to be a missed opportunity to provide consistent slope related policy over the southern suburbs of Marion. Retaining the varying allotment sizes associated with the different former policy areas (although a hybrid version that misses out on some criteria has been used by Planning and Land Use Services) on land that has similar topographical characteristics, whilst using the same slope gradients for all, and including them all in the same zone, does not provide consistency and is likely to lead to confusion. Also some of the changes brought in by the Code do not reflect what has actually been developed and greatly reduces development potential.

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

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

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

Many residents in the southern suburbs have been anticipating a change, initially as part of the Housing Diversity DPA and more recently via the new Code that would allow subdivision and greater redevelopment potential. Unfortunately, the Code resulted in no changes to site dimensions.

Code Amendment Process

The first step involved in initiating an amendment to the Code, involves the creation and lodgement of a 'Proposal to Initiate' with Planning and Land Use Services (PLUS) via the SA Planning Portal.

This is similar to the previous 'Statement of Intent' under the Development Act 1993.

The Proposal to Initiate must set out matters such as:

Code Policy

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

Affected Area

- A map or description of the Affected Area. The Code Amendment requires re-notification of the scope of properties to be included in the zone and those that will be affected by the proposal will need to be reconsidered by Council.

Consultation

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

Investigations

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

Timetable

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

Summary

At the General Council meeting on 11 May 2021 Council resolved to initiate a Code Amendment regarding the affected areas in Council's southern residential areas seeking that those areas recently rezoned to the Suburban Neighbourhood Zone (former Southern Policy Area 18 and Cement Hill Policy Area 10) be transitioned to the Hills Neighbourhood Zone, and that one set of consistent (and appropriate) slope related policy is used (gradient/site dimensions, setbacks etc.) that provides opportunity for subdivision/redevelopment to occur in appropriate locations.

Administration has drafted a Proposal to Initiate for Council's consideration. (**Attachment 1**)

If the Minister for Planning is supportive of the proposal, Administration will undertake the Code Amendment process and report back to Council at key milestones as well as providing regular updates through the Planning and Development Committee (next meetings 5 October 2021 and 7 December 2021).

ATTACHMENTS

1. Attachment 1 - Proposal to Initiate - Southern Suburbs [**11.4.1** - 74 pages]
2. Attachment 2 - Zone Mapping (existing/proposed) - Southern Suburbs [**11.4.2** - 3 pages]

**PROPOSAL TO INITIATE AN AMENDMENT TO THE
PLANNING & DESIGN CODE**

**Southern Suburbs Residential Policy - Code
Amendment**

By Marion Council

(Signature Required)

Marion Council *(the Proponent)*

Date: XX September 2021

This Proposal to Initiate document together with conditions specified by the Minister forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*.

MINISTER FOR PLANNING AND LOCAL GOVERNMENT

Date:

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1. INTRODUCTION

The Proponent (Marion Council) is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to land located in the suburbs of Darlington, Hallett Cove, Marino, O'Halloran Hill, Seacliff Park, Seacombe Heights, Seaview Downs, Sheidow Park and Trott Park (the Affected Area).

The purpose of this Proposal to Initiate is to seek approval of the Minister for Planning and Local Government (the Minister) to initiate the Code Amendment under section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The Proponent is the Council for the whole of the Affected Area.

This Proposal to Initiate details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information to be collected for the Code Amendment. It also details the timeframes to be followed in undertaking the Code Amendment, should this Proposal to Initiate be approved by the Minister.

The Proponent acknowledges that the Minister may specify conditions on approving this Proposal to Initiate, under section 73(5) of the Act. In the event of inconsistency between this Proposal to Initiate and any conditions specified by the Minister, the conditions will apply.

1.1. Designated Entity for Undertaking the Code Amendment

In accordance with section 73(4)(a) of the Act, the Proponent will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.1.1. The Proponent acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements Act.
- 1.1.2. The Proponent declares that it has not and does not intend to enter into an agreement with a third party for the recovery of costs incurred in relation to the Code Amendment under section 73(9) of the Act. If the Proponent does enter into such an agreement, the Proponent will notify the Department prior to finalising the Engagement Report under section 73(7).
- 1.1.3. The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:
 - a) David Melhuish, Senior Policy Planner
 - b) david.melhuish@marion.sa.gov.au
 - c) 08 83756721

and/or

- a) Warwick Deller-Coombs, Manager Development & Regulatory Services
- b) Warwick.deller-coombs@marion.sa.gov.au
- c) 08 8375 6665

1.1.4. The Proponent intends to undertake the Code Amendment by:

a) utilising professional expertise of employees of the Proponent including:

Planning Practitioners

- David Melhuish, Senior Policy Planner – MPIA
- Warwick Deller-Coombs, Manager Development and Regulatory Services – MPIA
- Alex Wright, Team Leader Planning – Planning Level 1

Community Engagement

- Communications Department
- Community Engagement Coordinator

1.2. Rationale for the Code Amendment

In transitioning to the Planning and Design Code, much of Marion Council's southern suburbs have been rezoned to Hills Neighbourhood Zone (HNZ) and some to the Suburban Neighbourhood Zone.

Although the Hills Neighbourhood Zone recognises the sloping nature of the land, the site dimensions and slope gradients require further consideration. At this stage the site dimensions reflect those of the 5 different Residential Zone Policy Areas under the former Development Plan.

Retaining the varying allotment sizes associated with the different former policy areas (although a hybrid version that misses out on some criteria has been used in the Code) on land that has similar topographical characteristics, whilst using the same slope gradient parameters for all, lacks consistency in opportunity for redevelopment.

Also some of the changes brought in by the Code do not reflect what has actually been developed and greatly reduces development potential.

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

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

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

Much of the housing stock in the older established suburbs in Marion's south (Darlington, Marino, Seacliff Park, Seacombe Heights, Seaview Downs) have reached

an age where the buildings are no longer of a condition, design and/or size that meets the needs of residents. Many comprise small houses on larger than average allotments. The current minimum site areas of 700m²/900m²/1100m² do not provide opportunity for subdivision/redevelopment to occur.

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

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The proposal seeks to amend the Code for the Affected Area, being the land in the suburbs of Darlington, Hallett Cove, Marino, O'Halloran Hill, Seacliff Park, Seacombe Heights, Seaview Downs, Sheidow Park and Trott Park within the City of Marion, as shown in the map in **Attachment A**.

2.2. Scope of Proposed Code Amendment

Area 1 – Darlington, Marino, Seacliff Park, Seacombe Heights, Seaview Downs (former Hills Policy Area 11 under Development Plan)

Current Policy	Hills Neighbourhood Zone <u>Overlays</u> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) (All structures over 45 metres) • Affordable Housing • Hazards (Flooding General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <u>TNVs</u> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 9m) • Maximum Building Height (Levels) (Maximum building height is 2 levels) • Gradient Minimum Frontage (Detached) (Minimum frontage for detached dwellings where the site gradient is less than 1-in-8 is 18m; 1-in-8 to 1-in-4 is 20m; greater than 1-in-4 is 20m) • Gradient Minimum Frontage (Group) (Minimum frontage for group dwellings where the site gradient
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	<p>is less than 1-in-8 is 24m; 1-in-8 to 1-in-4 is 26m; greater than 1-in-4 is 26m)</p> <ul style="list-style-type: none"> • Gradient Minimum Site Area (Detached) (Minimum site area for detached dwellings where the site gradient is less than 1-in-8 is 700sqm; 1-in-8 to 1-in-4 is 900sqm; greater than 1-in-4 is 1100sqm) • Gradient Minimum Site Area (Group) (Minimum site area for group dwellings where the site gradient is less than 1-in-8 is 700sqm; 1-in-8 to 1-in-4 is 900sqm; greater than 1-in-4 is 1100sqm)
Amendment Outline	<ul style="list-style-type: none"> • Review minimum allotment dimensions to allow opportunity for subdivision/redevelopment to occur on appropriate sites within appropriate locations. • One set of consistent (and appropriate) slope related policy is used (gradient/site dimensions, setbacks etc.) • Analyse Hills Neighbourhood Zone policy to ensure appropriateness for sloping land
Intended Policy	<ul style="list-style-type: none"> • TNVs in regard to Hills Neighbourhood Zone will be reviewed with the intention to produce appropriate minimum allotment dimensions with one set of consistent and appropriate slope related policy within the entire zone • Hills Neighbourhood Zone policy to be reviewed to ensure appropriateness for sloping land

Area 2 – Sheidow Park

(former Worthing Mine Policy Area 20 under Development Plan)

Current Policy	<p>Hills Neighbourhood Zone</p> <p><u>Overlays</u></p> <ul style="list-style-type: none"> • Affordable Housing • Hazards (Flooding General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p><u>TNVs</u></p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 9m) • Maximum Building Height (Levels) (Maximum building height is 2 levels) • Gradient Minimum Frontage (Detached) (Minimum frontage for detached dwellings where the site gradient is less than 1-in-8 is 15m; 1-in-8 to 1-in-4 is 18m; greater than 1-in-4 is 18m) • Gradient Minimum Frontage (Semi-detached) (Minimum frontage for semi-detached dwellings where the site gradient is less than 1-in-8 is 15m; 1-in-8 to 1-in-4 is 18m; greater than 1-in-4 is 18m)
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	<ul style="list-style-type: none"> • Gradient Minimum Frontage (Row) (Minimum frontage for row dwellings where the site gradient is less than 1-in-8 is 15m; 1-in-8 to 1-in-4 is 18m; greater than 1-in-4 is 18m) • Gradient Minimum Site Area (Detached) (Minimum site area for detached dwellings where the site gradient is less than 1-in-8 is 450sqm; 1-in-8 to 1-in-4 is 540sqm; greater than 1-in-4 is 540sqm) • Gradient Minimum Site Area (Semi-detached) (Minimum site area for semi-detached dwellings where the site gradient is less than 1-in-8 is 450sqm; 1-in-8 to 1-in-4 is 540sqm; greater than 1-in-4 is 540sqm) • Gradient Minimum Site Area (Row) (Minimum site area for row dwellings where the site gradient is less than 1-in-8 is 450sqm; 1-in-8 to 1-in-4 is 540sqm; greater than 1-in-4 is 540sqm)
Amendment Outline	<ul style="list-style-type: none"> • Review minimum allotment dimensions to allow opportunity for subdivision/redevelopment to occur on appropriate sites within appropriate locations. • One set of consistent (and appropriate) slope related policy is used (gradient/site dimensions, setbacks etc.) • Analyse Hills Neighbourhood Zone policy to ensure appropriateness for sloping land
Intended Policy	<ul style="list-style-type: none"> • TNVs in regard to Hills Neighbourhood Zone will be reviewed with the intention to produce appropriate minimum allotment dimensions with one set of consistent and appropriate slope related policy within the entire zone • Hills Neighbourhood Zone policy to be reviewed to ensure appropriateness for sloping land

Area 3 – Hallett Cove

(former Foothills and Seaside Policy Area 23 under Development Plan)

Current Policy	<p>Hills Neighbourhood Zone</p> <p><u>Overlays</u></p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) (All structures over 45 metres) • Affordable Housing • Hazards (Flooding Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy <p><u>TNVs</u></p>
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	<ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 9m) • Maximum Building Height (Levels) (Maximum building height is 2 levels) • Gradient Minimum Frontage (Detached) (Minimum frontage for detached dwellings where the site gradient is less than 1-in-8 is 10m; 1-in-8 to 1-in-4 is 12m; greater than 1-in-4 is 12m) • Gradient Minimum Frontage (Semi-detached) (Minimum frontage for semi-detached dwellings where the site gradient is less than 1-in-8 is 10m; 1-in-8 to 1-in-4 is 12m; greater than 1-in-4 is 12m) • Gradient Minimum Frontage (Row) (Minimum frontage for row dwellings where the site gradient is less than 1-in-8 is 9m; 1-in-8 to 1-in-4 is 10m; greater than 1-in-4 is 10m) • Gradient Minimum Frontage (Group) (Minimum frontage for group dwellings where the site gradient is less than 1-in-8 is 20m; 1-in-8 to 1-in-4 is 20m; greater than 1-in-4 is 20m) • Gradient Minimum Frontage (Residential Flat) (Minimum frontage for residential flat building where the site gradient is less than 1-in-8 is 20m; 1-in-8 to 1-in-4 is 20m; greater than 1-in-4 is 20m) • Gradient Minimum Site Area (Detached) (Minimum site area for detached dwellings where the site gradient is less than 1-in-8 is 350sqm; 1-in-8 to 1-in-4 is 400sqm; greater than 1-in-4 is 400sqm) • Gradient Minimum Site Area (Semi-detached) (Minimum site area for semi-detached dwellings where the site gradient is less than 1-in-8 is 350sqm; 1-in-8 to 1-in-4 is 400sqm; greater than 1-in-4 is 400sqm) • Gradient Minimum Site Area (Row) (Minimum site area for row dwellings where the site gradient is less than 1-in-8 is 300sqm; 1-in-8 to 1-in-4 is 350sqm; greater than 1-in-4 is 350sqm) • Gradient Minimum Site Area (Group) (Minimum site area for group dwellings where the site gradient is less than 1-in-8 is 300sqm; 1-in-8 to 1-in-4 is 400sqm; greater than 1-in-4 is 400sqm) • Gradient Minimum Site Area (Residential Flat) (Minimum site area for residential flat building where the site gradient is less than 1-in-8 is 300sqm; 1-in-8 to 1-in-4 is 400sqm; greater than 1-in-4 is 400sqm)
Amendment Outline	<ul style="list-style-type: none"> • Review minimum allotment dimensions to allow opportunity for subdivision/redevelopment to occur on appropriate sites within appropriate locations. • One set of consistent (and appropriate) slope related policy is used (gradient/site dimensions, setbacks etc.) • Analyse Hills Neighbourhood Zone policy to ensure appropriateness for sloping land
Intended Policy	<ul style="list-style-type: none"> • TNVs in regard to Hills Neighbourhood Zone will be reviewed with the intention to produce appropriate

	<p>minimum allotment dimensions with one set of consistent and appropriate slope related policy within the entire zone</p> <ul style="list-style-type: none"> Hills Neighbourhood Zone policy to be reviewed to ensure appropriateness for sloping land
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Area 4 – Sheidow Park, Trott Park

(former Southern Policy Area 18 under Development Plan)

Current Policy	<p>Suburban Neighbourhood Zone</p> <p><u>Overlays</u></p> <ul style="list-style-type: none"> Airport Building Heights (Regulated) (All structures over 30 metres) Affordable Housing Hazards (Flooding Evidence Required) Prescribed Wells Area Regulated and Significant Tree Stormwater Management Urban Tree Canopy <p><u>TNVs</u></p> <ul style="list-style-type: none"> Maximum Building Height (Metres) (Maximum building height is 9m) Minimum Frontage (Minimum frontage for a detached dwelling is 14m; semi-detached dwelling is 12m; row dwelling is 8m; group dwelling is 20m; residential flat building is 20m) Minimum Site Area (Minimum site area for a detached dwelling is 420 sqm; semi-detached dwelling is 350 sqm; row dwelling is 280 sqm; group dwelling is 300 sqm; residential flat building is 250 sqm) Maximum Building Height (Levels) (Maximum building height is 2 levels)
Amendment Outline	<ul style="list-style-type: none"> Rezone to Hills Neighbourhood Zone Review minimum allotment dimensions to allow opportunity for subdivision/redevelopment to occur on appropriate sites within appropriate locations. One set of consistent (and appropriate) slope related policy is used (gradient/site dimensions, setbacks etc.) Analyse Hills Neighbourhood Zone policy to ensure appropriateness for sloping land
Intended Policy	<ul style="list-style-type: none"> Rezone to Hills Neighbourhood Zone TNVs in regard to Hills Neighbourhood Zone will be reviewed with the intention to produce appropriate minimum allotment dimensions with one set of consistent and appropriate slope related policy within the entire zone Hills Neighbourhood Zone policy to be reviewed to ensure appropriateness for sloping land

Area 5 – Seacliff Park**(former Cement Hill Policy Area 10 under Development Plan)**

Current Policy	Suburban Neighbourhood Zone <u>Overlays</u> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) (All structures over 30 metres) • Affordable Housing • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <u>TNVs</u> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 9m) • Minimum Frontage (Minimum frontage is 15m) • Minimum Site Area (o_o_Minimum site area is 420 sqm) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
Amendment Outline	<ul style="list-style-type: none"> • Rezone to Hills Neighbourhood Zone • Review minimum allotment dimensions to allow opportunity for subdivision/redevelopment to occur on appropriate sites within appropriate locations. • One set of consistent (and appropriate) slope related policy is used (gradient/site dimensions, setbacks etc.) • Analyse Hills Neighbourhood Zone policy to ensure appropriateness for sloping land
Intended Policy	<ul style="list-style-type: none"> • Rezone to Hills Neighbourhood Zone • TNVs in regard to Hills Neighbourhood Zone will be reviewed with the intention to produce appropriate minimum allotment dimensions with one set of consistent and appropriate slope related policy within the entire zone • Hills Neighbourhood Zone policy to be reviewed to ensure appropriateness for sloping land

3. STRATEGIC PLANNING OUTCOMES

Proposed Code Amendments occur within a state, regional and local strategic setting, which includes:

- State Planning Policies (SPPs)
- Regional Plans

- Other relevant strategic documents.

3.1. Summary of Strategic Planning Outcomes

- Increase opportunity for Infill housing supply within areas with existing infrastructure and services
- Help reduce demand on greenfield land supply
- Opportunity to renew and provide increased housing choices to meet the needs of the community

3.2. Alignment with State Planning Policies

The State Planning Policies (SPPs) set out the State's overarching goals and requirements for the planning system. Under section 66(3)(f) of the Act, the Code must comply with any principle prescribed by a SPP.

The Code Amendment should be initiated because the strategic planning outcomes sought to be achieved through the Code Amendment align with or seeks to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p><i>Principles of Good Planning</i></p> <p><u><i>Urban renewal principles</i></u></p> <ul style="list-style-type: none"> • <i>Preference should be given to accommodating the expected growth of cities and towns through the logical consolidation and redevelopment of existing urban areas.</i> • <i>Urban renewal should seek to make the best use (as appropriate) of underlying or latent potential associated with land, buildings and infrastructure.</i> <p><u><i>High-quality design principles</i></u></p> <ul style="list-style-type: none"> • <i>Development should be designed to reflect the local setting and context, to have a distinctive identity that responds to the existing character of its locality, and strike a balance between built form, infrastructure and the public realm.</i> <p><u><i>Activation and liveability principles</i></u></p> <ul style="list-style-type: none"> • <i>Urban areas should include a range of high quality housing options with an emphasis on living affordability</i> 	<p>Much of the housing stock in the older established suburbs in Marion's south have reached an age where the buildings are no longer of a condition, design and/or size that meets the needs of residents.</p> <p>Many comprise small houses on larger than average allotments. The current minimum site areas of either 700m²/900m²/1100m² do not provide opportunity for subdivision/redevelopment to occur.</p> <p>The proposed Code Amendment seeks that one set of consistent (and appropriate) slope related policy (gradient/site dimensions, setbacks etc.) is applied to the southern suburbs that provides opportunity for subdivision / redevelopment to occur in appropriate locations.</p> <p>Many residents in Council's southern suburbs have been anticipating a change in zoning and associated policy that will allow subdivision and greater redevelopment potential for their large, aging and under-developed properties, firstly as part of Council's Housing Diversity DPA in 2019 and more recently via transition to the new Planning and Design Code.</p>

Integrated Planning <i>1.7 Regenerate neighbourhoods to improve the quality and diversity of housing in appropriate locations supported by infrastructure, services and facilities.</i>	The proposed Code Amendment would introduce policy that will provide an opportunity for replacement of aging housing stock in established residential areas with a greater diversity of dwelling types.
Design Quality <i>2.9 Respect the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers existing and desired future context of a place.</i>	Much of the southern area of council comprises undulating land of varying gradients. Allotment dimensions (area, frontages and setbacks etc.) will reflect the differences in steepness of individual properties/areas.
Housing Supply and Diversity <i>6.6 A diverse range of housing types within residential areas that provide choice for different household types, life stages and lifestyle choices.</i>	The proposed Code Amendment would introduce policy that will provide an opportunity for replacement of aging housing stock in established residential areas with a greater diversity of dwelling types that better cater for life stages and lifestyle choice.

3.3. Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long-term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm.

The 30-Year Plan for Greater Adelaide (2017 Update) volume of the Planning Strategy is relevant for this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
Principle 1: A compact and carbon-neutral city	The Code Amendment will seek to facilitate the provision of additional housing opportunities at increased densities which can be adequately serviced by infrastructure such as public transport within the footprint of the existing metropolitan area.
Principle 2: Housing diversity and choice	The proposed Code Amendment would introduce policy that will provide an opportunity for replacement of aging housing stock in established residential areas with a greater diversity of dwelling types and densities that better cater for life stages and lifestyle choice.
Transit corridors, growth areas and activity centres	

<p>Policy 1. <i>Deliver a more compact urban form by locating the majority of Greater Adelaide's urban growth within existing built-up areas by increasing density at strategic locations close to public transport.</i></p>	<p>The Code Amendment proposes to investigate an increase in residential density in established residential areas in close proximity to public transport (buses and trains).</p>
<p>Design Quality</p>	
<p>Policy 30: <i>Support the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers context, location and place.</i></p>	<p>The Code Amendment seeks to ensure that new development in the affected area, whilst of a higher density, has due consideration of the sloping nature and existing character of the land.</p>
<p>Housing mix, affordability and competitiveness</p>	
<p>Policy 37: <i>Facilitate a diverse range of housing types and tenures (including affordable housing) through increased policy flexibility in residential and mixed-use areas.....</i></p>	<p>The proposed Code Amendment would introduce policy that will provide an opportunity for replacement of aging housing stock in established residential areas with a greater diversity of dwelling types and densities that better cater for life stages and lifestyle choice.</p>
<p>Policy 46: <i>Ensure an adequate land supply is available to accommodate housing and employment growth over the longer term (at least a 15 year supply).</i></p>	<p>The proposed Code Amendment would introduce policy that will provide an opportunity for an increase in dwelling numbers in established residential areas thereby adding to potential land supply.</p>
<p>Infrastructure</p>	
<p>Policy 46: <i>Ensure that new urban infill and fringe and township development are aligned with the provision of appropriate community and green infrastructure, including:</i></p> <ul style="list-style-type: none"> • <i>walking and cycling paths and facilities</i> • <i>local stormwater and flood management including water sensitive urban design</i> • <i>public open space</i> 	<p>The proposed Code Amendment would introduce policy that will provide an opportunity for an increase in dwelling numbers in established residential areas where both community and green infrastructure already exists.</p>

<ul style="list-style-type: none"> • <i>sports facilities</i> • <i>street trees</i> • <i>community facilities, such as child care centres, schools, community hubs and libraries.</i> 	
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3.4. Alignment with Other Relevant Documents

Additional documents may relate to the broader land use intent within the scope of this proposed Code Amendment (or directly to the Affected Area) and therefore are identified for consideration in the preparation of the Code Amendment.

The following table identifies other documents relevant to the proposed Code Amendment:

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
Housing Diversity Development Plan Amendment	<p>The previous Housing Diversity DPA (HDDPA) sought changes to the zoning and policy of the residential areas in Council's southern suburbs to enable the redevelopment of appropriate properties with a greater diversity of housing.</p> <p>The proposed changes to the southern areas was not approved by the Minister as part of the HDDPA (Part 1). The reason given was that the properties affected by the proposed zoning and associated policy were substantially changed following consultation and would require another round of community consultation.</p> <p>In transitioning to the Planning and Design Code (the Code), Council sought that the southern areas of Council be given further consideration for rezoning and policy change, to allow the opportunities proposed by the HDDPA.</p> <p>Although the Hills Neighbourhood Zone within the Code recognises the sloping nature of the land, the site dimensions and slope gradients require further consideration. At this stage the site dimensions reflect those of the former policy areas.</p> <p>The proposed Code Amendment seeks to address these matters.</p>

4. INVESTIGATIONS AND ENGAGEMENT

4.1. Investigations Already Undertaken

The table below identifies what investigations have already been undertaken in support of the proposed Code Amendment.

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
Southern Suburbs Analysis (as part of former Housing Diversity DPA)	Analysis undertaken of all existing residential policy areas in that part of the council area south of Seacombe Road, including the general allotments sizes, and the topography of the land, in order to get a broader picture of the potential opportunities for greater housing diversity in the southern suburbs.	A large proportion of the older housing stock has potential for redevelopment, generally at a low to medium density scale, dividing allotments predominantly into two, and perhaps three, on larger less sloping sites.
Development Potential (yield tables/spatial mapping etc)	As above	As above
Comparison – Former Development Plan Site Dimension Policy vs CODE	Analysis/comparison between site dimensions of former policy areas with those transitioned into the Code, to determine any difference in likely impacts for future redevelopment.	Further consideration necessary.

4.2. Further Investigations Proposed

In addition to the investigations already undertaken and identified above, the table below outlines what additional investigations that will be undertaken to support the Code Amendment.

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Analysis/comparison of site dimensions between Councils	Whether the gradient bands within the Code (<1:8/1:8 – 1:4/>1:4) are appropriate when considered against the large discrepancy between associated allotment dimensions for the various councils; particularly as Marion comprises smaller dimensions compared to others.

	Do the differences in allotment areas/dimensions for each council reflect the original (and perhaps different) outcomes/character for the former zone/policy area within their council area? Is a single zone and associated policy appropriate for every council with sloping residential land?
Analysis of appropriate site dimensions for particular gradient bands	To ensure that appropriately sized allotments are created for a particular gradient of slope that will enable suitably designed/planning outcomes that complement and enhance the character of an area.
Analysis of current slope related policy within the Code / Hills Neighbourhood Zone	To identify whether the slope related policy in the Code can be enhanced to ensure appropriate planning/design outcomes are achieved in areas with sloping topography. (i.e. are walls on external boundaries acceptable on (steeply) sloping land?)

4.3. Engagement Already Undertaken

The following engagement has occurred on the proposed Code Amendment:

- As part of Council's Housing Diversity DPA in 2019, the community were advised of the proposed changes to the zoning and associated policy affecting Marion Council's southern suburbs. Public notification, pursuant to the requirements of the former Development Act was undertaken and the community was given an opportunity to provide response.
- Council received 38 responses regarding the proposed changes to the southern suburbs
- The spatial location of the proposed zone/s for the southern suburbs within the version of DPA sent to the Minister for consideration differed from that placed on public notification.
- The Minister advised that re-notification was required to allow all property owners affected by the change in circumstances the opportunity to respond to those changes.
- Re-notification did not occur prior to the implementation of the Code so a Code Amendment is now required.

A summary of outcomes or matters raised through engagement already undertaken is as follows:

- A copy of matters raised and Council's comments are attached in **Attachment C**

4.4. Further Engagement Proposed

In addition to the engagement already undertaken and identified above, the table below outlines what additional engagement will be undertaken to support the Code Amendment.

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
Notification of all residential property owners within the affected area in Council's southern suburbs	The proposed changes (Inclusion of other southern suburbs into the Hills Neighbourhood Zone and amendments to slope related policy) differ (both spatially and policy content) from that previously proposed in the Housing Diversity DPA and that currently within the Code, therefore further opportunity to provide comment on the Code Amendment is required.

5. CODE AMENDMENT PROCESS

5.1. Engagement Plan

The Code Amendment process will occur in accordance with the Community Engagement Charter and Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument.

The Designated Entity will prepare an Engagement Plan prior to the commencement of engagement on the proposed Code Amendment. The Engagement Plan will include the following mandatory consultation requirements (which may be in addition to the engagement outlined in this Proposal to Initiate):

- the Local Government Association must be notified in writing of the proposed Code Amendment;
- if the Code Amendment has a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:
 - the owners or occupiers of the land; and
 - owners or occupiers of each piece of adjacent land;
- consultation must also occur with any person or body specified by the State Planning Commission under section 73(6)(e) of the Act.

5.2. Engagement Report

Once engagement on the Code Amendment is complete, the Designated Entity will prepare an Engagement Report under section 73(7) of the Act.

The Designated Entity must ensure that a copy of the Engagement Report is furnished on the Minister and also published on the SA Planning Portal. This will occur in accordance with Practice Direction 2.

The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The Commission's report will provide information about the reason for the Code Amendment, the consultation undertaken on the Code Amendment and any other information considered relevant by the Commission.

5.3. Code Amendment Timetable

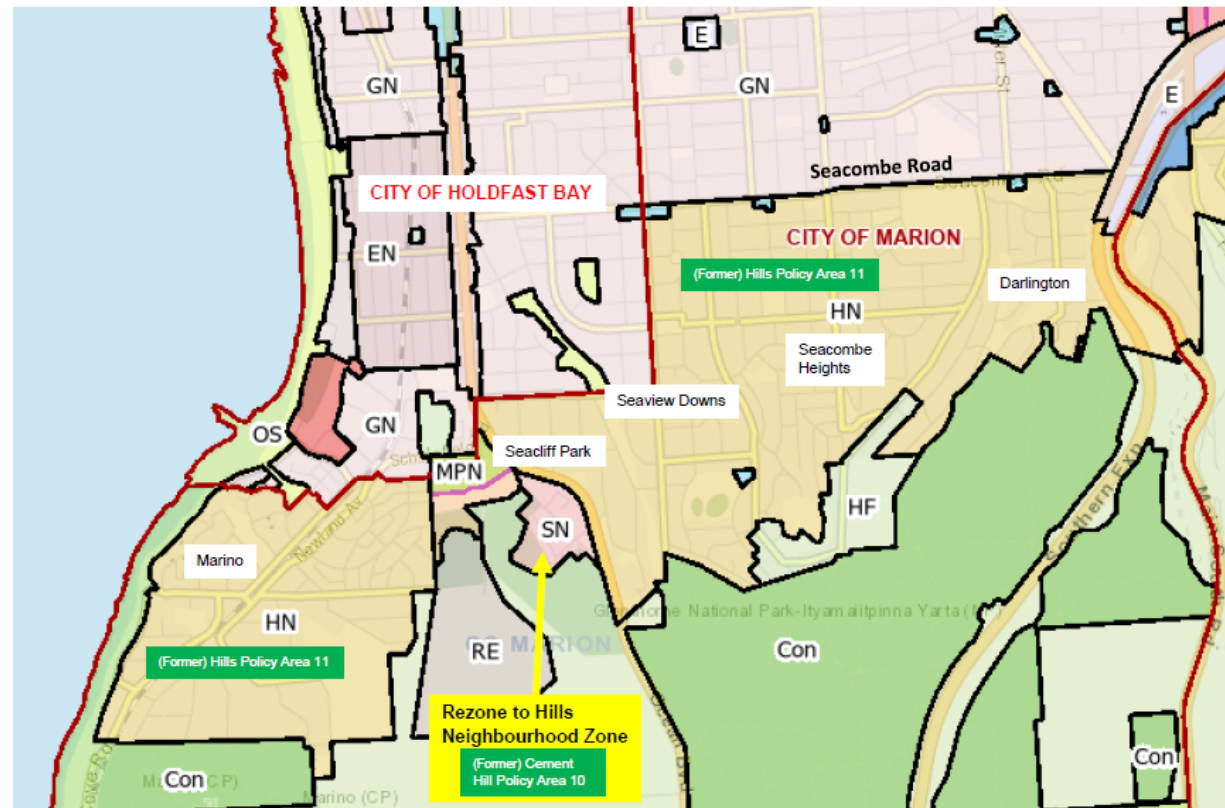
The Proponent (where it is also the Designated Entity) commits to undertaking the Code Amendment in line with the timeframe outlined **Attachment B**. If a timeframe is exceeded (or expected to be exceeded) the Proponent agrees to provide an amended timetable to the Department with an explanation of the delay, for approval by the Minister of an extension of time for the Code Amendment.

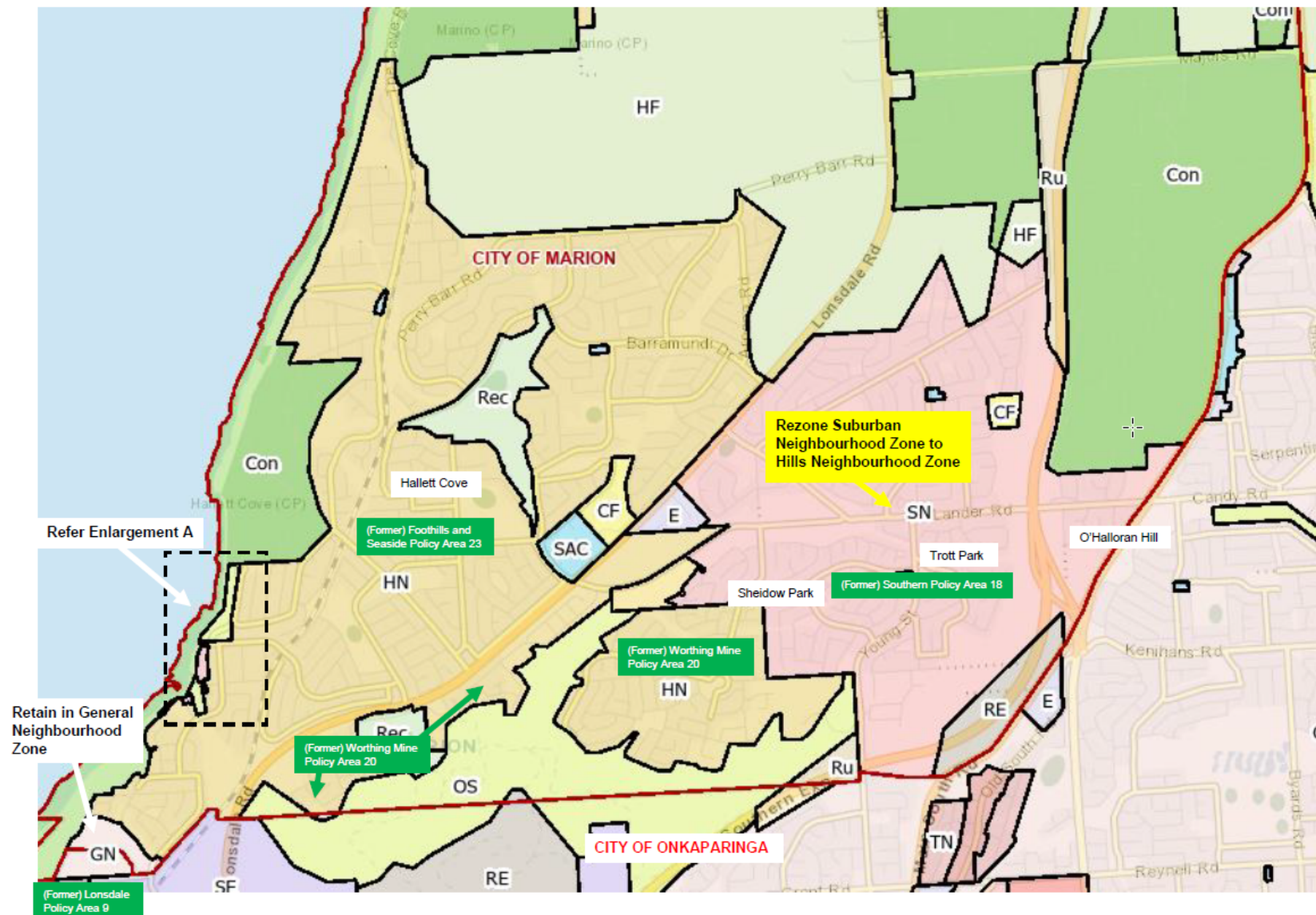
ATTACHMENT A
Map of Affected Area

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Current Zoning (Proposed spatial changes/inclusions to Hills Neighbourhood Zone)

HN - Hills Neighbourhood Zone
SN - Suburban Neighbourhood Zone
GN - General Neighbourhood Zone





Enlargement A – Hallett Cove



ATTACHMENT B
Timetable for Code Amendment by Proponent

Step	Responsibility	Timeframe
Approval of the Proposal to Initiate		
Review of Proposal to Initiate to confirm all mandatory requirements are met (timeframe will be put on hold if further information is required). Referral to the Minister to request advice from the Commission	AGD	2 weeks <i>(includes lodgement and allocation + referral to Government Agencies within the first week)</i>
Minister requests advice from the Commission.	Minister	2 weeks
Referral to Government Agencies for comment (where necessary)	AGD, Relevant Government Agencies	+ 2 weeks
Consideration of Proposal to Initiate and advice to the Minister	Commission (Delegate)	3 weeks
	Commission	+ 3 weeks
Proposal to Initiate agreed to by the Minister	Minister	2 weeks
Preparation of the Code Amendment		
Engagement Plan Prepared. Investigations conducted; Code Amendment Report prepared The Drafting instructions and draft mapping provided to AGD	Council	12 weeks
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes	AGD	1 week
Preparation of Materials for Consultation	Council	6 weeks
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan	Council	12 weeks

Step	Responsibility	Timeframe
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD	Council	8 weeks
Assess the amendment and engagement. Prepare report to the Commission or delegate <i>Timeframe will be put on hold if further information is required, or if there are unresolved issues</i>	AGD	4 weeks
Consideration of Advice	Commission (Delegate)	2 weeks <i>(includes 1 week to process through Minister's office)</i>
	Commission	+ 3 weeks
Decision Process		
Minister considers the Code Amendment Report and the Engagement Report and makes decision	Minister	3 weeks
Implementing the Amendment (operation of the Code Amendment)		
Go- Live- Publish on the PlanSA Portal	AGD	2-4 weeks
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC	AGD	8 weeks

ATTACHMENT C
Housing Diversity DPA – 2019
Community Consultation
Matters Raised and Council's Comments

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City of Marion
Housing Diversity Development Plan Amendment
Attachment A — Summary and Response to Public Submissions

Southern Hills Policy Area Submissions (changed to Foothills and Coastal Policy Area and/or Escarpment Policy Area)		
Would prefer to sub-divide property and redevelop.	Support for DPA noted.	No recommended change to DPA in response to submission
Reducing allotment sizes will go a long way to addressing the needs of the growing population and meet the lifestyle needs of the public.	Support for DPA noted.	No recommended change to DPA in response to submission
Many of the seafront blocks are very large and should be allowed to sub divide with a minimum size of 350m ² or similar to holdfast bay council zoning. It makes little sense to have these big blocks when there is so much coastal public land available.	<p>Concerns noted.</p> <p>The DPA proposes the rezoning of properties west of the rail corridor in Marino and parts of Hallett Cove to Foothills and Coastal Policy Area which provides opportunity to create allotments with minimum areas of 350m² or 400m² dependent on the gradient of the land.</p> <p>Increased densities within established suburban areas minimises the costs of infrastructure and provides more efficient use of public transport and existing services and facilities.</p>	No recommended change to DPA in response to submission

City of Marion
Housing Diversity Development Plan Amendment
Attachment A — Summary and Response to Public Submissions

<p>The proposed changes will greatly affect that character of the hills face zone (NB. actually Residential - Hills Policy Area 11) in my area and cheapen the look of the suburb. These type of developments remove all trace of greenery from the site, including any substantial trees, to make way for dwellings that fill most of the block & any remaining areas of earth covered with large areas of paving and token minimal planting.</p> <p>The increased density causes many additional cars to park on the street and clog up the roadways. Additionally the lack of large trees and open areas of greenery cause these suburbs to become barren concrete wastelands full of hard built surfaces, meaning that they are sweltering in summer and offer little to no habitat for wildlife. I believe that the proposed changes in the DPA would be extremely detrimental to the hills face zone 11 and urge the Marion Council to leave the guidelines unchanged.</p>	<p>Concerns noted.</p> <p>Following consultation, Council has reduced the spatial area of the proposed Southern Hills Policy Area (changed to Foothills and Coastal Policy Area) to the less steep sections of the southern suburbs (south of Seacombe Road) – the boundary being generally approximately 500m south of Seacombe Road. Beyond this distance the zoning criteria will remain the same as current policy albeit with a change of name to Escarpment Policy Area.</p> <p>It is noted that the yield analysis mapping for the approval version of the DPA indicates that there is likely to be minimal infill development potential within the suburbs of Seacombe Heights and Darlington, west of Braeside Avenue, as a result of the proposed rezoning.</p> <p>Increased densities within established suburban areas minimises the costs of infrastructure and provides more efficient use of public transport and existing services and facilities.</p> <p>The Development Plan incorporates a number of provisions relating to maximum site coverage, landscaping, separation to boundaries and impervious surfaces. It is acknowledged however, that increased densities will likely result in the removal of existing vegetation and reduce the separation of buildings; impacting upon residents' sense of space and privacy.</p>	<p>No recommended change to DPA in response to submission</p> <p>(Acknowledging Council's resolution of 27 November 2017, Land with a steeper gradient will return to the same parameters as the current Hills Policy Area. – this change addresses concerns that increased densities may lead to detrimental amenity impacts in the steeper areas).</p> <p>Reasons for this amendment are outlined in Attachment F of the SCPA, under the heading Southern Part of Council Area</p>
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City of Marion
Housing Diversity Development Plan Amendment
Attachment A — Summary and Response to Public Submissions

I support the council for reducing the block sizes in Seaview Downs.	Support for DPA noted.	No recommended change to DPA in response to submission
Concerned increased densities will compromise existing character. The roads, storm water drainage and current infrastructure cannot cope with double (or more) the density of houses in the area.	<p>Concerns noted.</p> <p>Increased densities within established suburban areas minimises the costs of infrastructure and provides more efficient use of public transport and existing services and facilities.</p> <p>The Development Plan incorporates a number of provisions relating to maximum site coverage, landscaping, separation to boundaries and impervious surfaces. It is acknowledged however, that it increased densities will likely result in the removal of existing vegetation and reduce the separation of buildings; impacting upon residents' sense of space and privacy.</p> <p>Development Plan incorporates a number of provisions relating to stormwater runoff, however, it is acknowledged that investigations are required regarding the collection and treatment of increased stormwater disposal.</p>	<p>Further investigations are required regarding the collection and treatment of increased stormwater disposal throughout the Council area.</p> <p>To be undertaken separately of the DPA process.</p>
Concerned increased densities will compromise existing character and privacy of property.	<p>Concerns noted.</p> <p>The Development Plan incorporates a number of provisions relating to privacy.</p>	No recommended change to DPA in response to submission

City of Marion
Housing Diversity Development Plan Amendment
Attachment A — Summary and Response to Public Submissions

I wish to be able to subdivide so that I can remain in the area. It is too expensive and difficult to maintain a large allotment and a large house. Concerned about commercial developments being allowed to have walls on the boundary.	Support for DPA noted. Small-scale non-residential development is anticipated in Residential Zone. Impact of built form to be assessed against Design and Appearance criteria.	No recommended change to DPA in response to submission
Concerns within increased densities and impacts upon on-street parking and traffic.	Concerns noted. Provision of on-site car parking will be assessed against Table Mar/2. On-street parking will be assessed against Transportation and Access Principle 28 and Land Division Principle 8.	No recommended change to DPA in response to submission
Concerns within increased densities and impacts upon on-street parking and traffic.	Concerns noted. Provision of on-site car parking will be assessed against Table Mar/2. On-street parking will be assessed against Transportation and Access Principle 28 and Land Division Principle 8.	No recommended change to DPA in response to submission

City of Marion
Housing Diversity Development Plan Amendment
Attachment A — Summary and Response to Public Submissions

<p>Concerns regarding increased traffic, noise and air pollution and crowding in public places and thoroughfares will all increase.</p> <p>Considers higher population density unpleasant: contributing to a more stressful life quality. Reduction in open space will be additionally physically and psychologically detrimental.</p>	<p>Concerns noted.</p> <p>Increased densities within established suburban areas minimises the costs of infrastructure and provides more efficient use of public transport and existing services and facilities.</p> <p>The Development Plan incorporates a number of provisions relating to maximum site coverage, landscaping, separation to boundaries and impervious surfaces. It is acknowledged however, that it increased densities will likely result in the removal of existing vegetation and reduce the separation of buildings; impacting upon residents' sense of space and privacy.</p>	<p>No recommended change to DPA in response to submission</p>
<p>Not supportive of changes.</p>	<p>Concerns noted. Marino incorporates areas of relatively flat land with convenient access to rail stations and public open space. Increased densities in such localities is in accordance with the 30 year plan for Greater Adelaide.</p>	<p>No recommended change to DPA in response to submission</p>
<p>The minimum frontage for a residential flat building and group dwellings should be 14 metres (ie total site frontage not per dwelling). · The minimum frontage for a semi detached dwelling should be 7 metres, ie 14 metres for 2. · The minimum frontage for a row dwelling should be 6 metres. · Similarly minimum lot sizes for properties within 200 metres of any train station should be 200m² to enable higher density development by these transit lines.</p>	<p>Reduction in frontage widths to that proposed will be less than that sought in the Marion Plains Policy Area which covers land of gentle-flat grade. Given the ability for the Marion Plains Policy Area to accommodate greater increase in housing density, reducing frontage widths to that proposed is not considered appropriate.</p>	<p>No recommended change to DPA in response to submission</p>

City of Marion
Housing Diversity Development Plan Amendment
Attachment A — Summary and Response to Public Submissions

It would be good to have some flexibility to subdivide blocks with a width of 18m in the Southern Hills policy area	Support for DPA noted.	No recommended change to DPA in response to submission
<p>For the purposes of the Housing Diversity DPA, it is recommended that consideration be given to:</p> <p>1. The incorporation of a buffer distance/interface area between the Linwood Quarry and neighbouring properties</p> <p>2 Inserting policy in the proposed Southern Areas Policy Area 16 which recognises the importance and ongoing operations of the Linwood Quarry, enabling its presence as a land use to be taken into account in decision making</p> <p>3. Inserting policy in the Mineral Extraction Zone and Hills Face Zone which recognises the importance and ongoing operations of the Linwood Quarry, enabling its presence as a land use to be taken into account in decision making.</p>	<p>Acknowledging Council's resolution of 27 November 2017, the south-eastern portion of Marino will retain the existing parameters of the Hills Policy Area, which significantly restricts opportunity for increased densities adjacent the Linwood Quarry.</p> <p>It is acknowledged changes to the suburbs of Hallett Cove and Seacliff Park will increase opportunities for housing density, however, the proposed minimum allotment areas and frontage widths are not dramatically different to that which currently applies to these areas (Cement Hill Policy Area 10 and Southern Policy Area 18).</p> <p>Expansion of the quarry in a southeastern and eastern direction is unlikely to decrease the separation distance to dwellings to a significant degree.</p>	(Acknowledging Council's resolution of 27 November 2017, no amendments to the DPA were made in relation to this matter).
<p>Concerns regarding loss of privacy.</p> <p>To potentially increase the number of people will only add to the already unmanageable noise. If further reducing block size then number of dogs needs to reduce. We cannot expect people to be able to sleep with up to 2 dogs, per 300m2 block, it's simply not a liveable situation.</p>	<p>Design and Appearance Principles 11 and 12 of Council's Development Plan seek to provide appropriate privacy to adjoining land resulting from new development.</p> <p>The nuisance from barking dogs is outside the scope of the DPA.</p>	No recommended change to DPA in response to submission

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Prefers low density housing.	Position noted.	No recommended change to DPA in response to submission
More low density housing without any consideration for the look of the suburb.	Position noted.	No recommended change to DPA in response to submission
Would prefer greater opportunities to sub-divide. Suggests a frontage of 18 metres would be more appropriate.	Frontage width requirements of 10 metres may inhibit a number of properties from being redeveloped, as a high number of allotments are 18.29m (60 feet) in width. The minimum block widths reflect the dimensions currently required in the flatter northern section of the Council area (current Northern Policy Area 13 and proposed Marion Plains Policy Area 10). To seek smaller allotment widths on steeper sloping land could result in less than desirable development.	(Acknowledging Council's resolution of 27 November 2017, Council has resolved to maintain frontage widths for semidetached dwellings at 10 metres)
Good idea, don't have an issue with this.	Support for DPA noted.	No recommended change to DPA in response to submission
Agree, especially in relation to the variety of architectural types. Much more pleasant.	Support for DPA noted.	No recommended change to DPA in response to submission
Any positive progress is good.	Support for DPA noted.	No recommended change to DPA in response to submission

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Strongly support this new proposed southern hills policy area 16 because not all residents need large houses and be nice to live in the same suburb but downsize to lower maintenance sized block.	Support for DPA noted.	No recommended change to DPA in response to submission
The present policy should allow for greater diversity of housing types including small footprint courtyard homes. In our situation it seems it seems incongruous that two doors north which is Holdfast Bay council this is possible and happening at present.	Support for DPA noted.	No recommended change to DPA in response to submission
<p>Land in this area of Hallett Cove is very hilly with many steep slopes. Thus the privacy of residents both within their homes and in their back yards is easily violated by properties nearby building additions or additional stories. In addition the loss of sea views all over the Marion Council area will significantly reduce the value of many properties and thus the major asset of your ratepayers.</p> <p>I submit to you that most blocks of land in Hallett Cove are too small and not suitable for infill or subdivision. I ask Marion Council not to infill in Hallett Cove.</p>	<p>Design and Appearance Principles 11 and 12 of Council's Development Plan seek to provide appropriate privacy to adjoining land resulting from new development.</p> <p>The Desired Character statement of the Southern Hills Policy Area (proposed to change to Foothills and Coastal Policy Area) and associated Objectives and Principles incorporate a number of criteria seeking the minimisation earthworks.</p>	No recommended change to DPA in response to submission

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<p>I do not want my local parklands and green space areas sold off for higher-density housing that will reduce the quality of life in my neighbourhood.</p> <p>Against population increase and closer community living into smaller areas, resulting in more pollution, traffic congestion, and heavier traffic usage of roads that are already inadequately maintained for the existing residents.</p> <p>Additional populations need to move further out and services for their welfare need to be supplied to them out there.</p>	<p>The sale/development of public land is outside the scope of the DPA.</p> <p>Increased densities within established suburban areas minimises the costs of infrastructure and provides more efficient use of public transport and existing services and facilities.</p>	<p>No recommended change to DPA in response to submission</p>
<p>Holdfast bay area is much higher density than the proposed areas in Southern Policy 16. I believe the proposed areas in Southern area 16 (new replacement policy for Hills area 11 and others) should be higher density than proposed to lower allotments to 320sq meters and road frontage reduced to 9 meters as first proposed (not 10m).</p>	<p>Amendments to the Development Plan proposed as part of the DPA provides greater synergy between the minimum allotment areas of City of Holdfast Bay and City of Marion in the suburbs of Kingston Park/Marino.</p> <p>Frontage width requirements of 10 metres may inhibit a number of properties from being redeveloped, as a high number of allotments are 18.29m (60 feet) in width.</p> <p>The minimum block widths reflect the dimensions currently required in the flatter northern section of the Council area (current Northern Policy Area 13 and proposed Marion Plains Policy Area 10). To seek smaller allotment widths on steeper sloping land could result in less than desirable development.</p>	<p>(Acknowledging Council's resolution of 27 November 2017, Council has resolved to maintain frontage widths for semidetached dwellings at 10 metres)</p>

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We don't want any more traffic/congestion in Marino. We came here for a reason, low density and large blocks.	Concerns noted. Marino incorporates areas of relatively flat land with convenient access to rail stations and public open space. Increased densities in such localities is in accordance with the 30 year plan for Greater Adelaide.	No recommended change to DPA in response to submission
A way of providing more housing opportunities would be to allow single storey granny flats to be built in back yards but under the title of the current house. Setbacks should be maintained at current levels. Higher density is resulting streets full of parked cars, becoming dangerous in many areas of the council.	Allowing the tenanting of granny flats may result in increased parking pressures on local roads, as provision of on-site car parking for such buildings, in accordance with Council's Development Plan, will be difficult to achieve in many instances.	No recommended change to DPA in response to submission
We appreciate that there is some pressure to allow for denser housing but consider that it should be more carefully thought out in terms of where this may be most appropriate rather than the indiscriminate blanket approach proposed for our suburb. Concern with impacts upon views and loss of vegetation.	<p>Concerns noted. The DPA seeks for minimum allotment sizes of 400 square metres for sites steeper than 1:8, which may lead to excessive earthworks and amenity impacts upon neighbours.</p> <p>Minimum allotment areas for steeper sites, such as those in the order of 1:6, may warrant further investigation.</p> <p>(Acknowledging Council's resolution of 27 November 2017, land in the southeast portion of Marino will return to the same parameters as the current Hills Policy Area. Much of this land incorporates a reasonable to steep grade – this change addresses concerns that increased densities may lead to detrimental amenity impacts in this locality).</p>	<p>Acknowledging Council's resolution of 27 November 2017, land in the south-east portion of Marino will return to the same parameters as the current Hills Policy Area.</p> <p>Reasons for this amendment are outlined in Attachment F of the SCPA, under the heading Southern Part of Council Area</p>
Yes, as it appears that the environmental impact is being considered while introducing opportunities to increase density where possible without the loss of green spaces currently provided which will be essential as housing density increases.	Support for DPA noted.	No recommended change to DPA in response to submission

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I am opposed to changing the rules to allow smaller blocks to be subdivided. We do not have the infrastructure to accommodate this. Roads leading into Marino are busy with more demand on the way from development of the old Monier factory.	Opposition to DPA noted.	No recommended change to DPA in response to submission
Where sloping blocks have a more than 1 in 8 average sloping gradient the new minimum site area of 400m ² is too small. 500m ² should be the minimum. This is because most of the sloping blocks in Marino are not rectangular or square, but still have over 800m ² & if the frontage is correct the landowners will be encouraged by developers to split the land and build 2 houses. The houses may fit on the land OK on paper but the garden areas will be unusable either because of the slope or the shape of the boundary.	<p>Concerns noted. The DPA seeks for minimum allotment sizes of 400 square metres for sites steeper than 1:8, which may lead to excessive earthworks and amenity impacts upon neighbours.</p> <p>Minimum allotment areas for steeper sites, such as those in the order of 1:6, may warrant further investigation.</p> <p>(Acknowledging Council's resolution of 27 November 2017, land in the southeast portion of Marino will return to the same parameters as the current Hills Policy Area. Much of this land incorporates a reasonable to steep grade – this change addresses concerns that increased densities may lead to detrimental amenity impacts in this locality).</p>	<p>Acknowledging Council's resolution of 27 November 2017, the generally steeper land in the south-east portion of Marino will return to the same parameters as the current Hills Policy Area under a new zone heading of Escarpment.</p> <p>Reasons for this amendment are outlined in Attachment F of the SCPA, under the heading Southern Part of Council Area</p>
Allowing multiple houses on blocks will impact upon amenity of area and make it an unattractive area filled with small homes that look terrible.	Concerns noted.	No recommended change to DPA in response to submission
The southern areas of Marion have been retained as a family friendly area with the traditional quarter acre block. To lose this would reduce the options for families looking for spacious dwellings to allow children to play in the safe home environment. It would be useful for Marion to retain a variety of options within the Council rather than becoming a homogeneous high density urban infill suburb.	<p>Concerns noted.</p> <p>It is noted that on average approximately 35% of properties will be redeveloped, thereby retaining a considerable amount of the current housing stock and associated character.</p>	No recommended change to DPA in response to submission

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<p>The area should allow much higher densities within 800 metres of the train stations.</p>	<p>The DPA seeks to enable an increase in housing diversity and density adjacent the Marino and Hallett Cove train stations.</p>	<p>No recommended change to DPA in response to submission</p> <p>(Acknowledging Council's resolution of 27 November 2017, land adjacent the Marino train station on the eastern side of the train line (and south of Jervois Terrace) will return to the parameters of the Hills Policy Area)</p> <p>Reasons for this amendment are outlined in Attachment F of the SCPA, under the heading Southern Part of Council Area</p>
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Higher density and heights near the train stations.	The DPA seeks to enable an increase in housing diversity and density adjacent the Marino and Hallett Cove train stations.	<p>No recommended change to DPA in response to submission</p> <p>(Acknowledging Council's resolution of 27 November 2017, land adjacent the Marino train station on the eastern side of the train line (and south of Jervois Terrace) will return to the parameters of the Hills Policy Area)</p> <p>Reasons for this amendment are outlined in Attachment F of the SCPA, under the heading Southern Part of Council Area</p>
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<p>Greater densities and heights should be allowed near train stations.</p>	<p>The DPA seeks to enable an increase in housing diversity and density adjacent the Marino and Hallett Cove train stations.</p>	<p>No recommended change to DPA in response to submission</p> <p>(Acknowledging Council's resolution of 27 November 2017, land adjacent the Marino train station on the eastern side of the train line (and south of Jervois Terrace) will return to the parameters of the Hills Policy Area)</p> <p>Reasons for this amendment are outlined in Attachment F of the SCPA, under the heading Southern Part of Council Area</p>
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<p>Sites near the train stations should be allowed greater heights and density.</p>	<p>The DPA seeks to enable an increase in housing diversity and density adjacent the Marino and Hallett Cove train stations.</p>	<p>No recommended change to DPA in response to submission</p> <p>(Acknowledging Council's resolution of 27 November 2017, land adjacent the Marino train station on the eastern side of the train line (and south of Jervois Terrace) will return to the parameters of the Hills Policy Area)</p> <p>Reasons for this amendment are outlined in Attachment F of the SCPA, under the heading Southern Part of Council Area</p>
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There should be greater densities and heights than those being proposed near the train stations.	The DPA seeks to enable an increase in housing diversity and density adjacent the Marino and Hallett Cove train stations.	<p>No recommended change to DPA in response to submission</p> <p>(Acknowledging Council's resolution of 27 November 2017, land adjacent the Marino train station on the eastern side of the train line (and south of Jervois Terrace) will return to the parameters of the Hills Policy Area)</p> <p>Reasons for this amendment are outlined in Attachment F of the SCPA, under the heading Southern Part of Council Area</p>
Yes however steeper gradients should be able to go to 350 m2	In order to minimise earthworks and amenity impacts upon neighbouring properties, larger allotments are generally more appropriate for steeper sites.	No recommended change to DPA in response to submission
Ensure that plenty of greenery occurs so that the hills face is attractive.	The Desired Character and associated Objectives and Principles seek for appropriate building separation from boundaries to ensure reasonable yard areas are available.	No recommended change to DPA in response to submission

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I would like to suggest that if Marion council is proposing that the min size of allotment sizes be reduced in Hallett cove that this not be allowed on allotments of significant age or interest to the area as it may degrade the character of said residences.	Properties of a significant age are provided additional measures via local or state heritage listing.	No recommended change to DPA in response to submission
I would dearly love to stay in Marino. I will be able to stay if I can sub-divide my property and downsize.	Support for DPA noted. The DPA proposes higher density development on the western side of the rail corridor.	No recommended change to DPA in response to submission
<p>Without upgrading The Cove Road or building another bridge over the rail line, increasing the number of people using this road to access their house will create a major safety hazard.</p> <p>There are no major employers nearby. The train to Adelaide is filled to capacity during peak times. There is 1 cafe on the beachfront at Hallett Cove. The only shopping centre is not within easy walking distance for most residents, so you have to drive even to get minor things. Before increasing density we need suitable upgrades to make the area able to cope with more people.</p> <p>Does not want Hallett Cove being subject to substantial sub-division.</p>	<p>Concerns noted. Parts of the suburb of Hallett Cove have limited access to convenient public transport links and centre zones.</p> <p>An analysis/review of the road capacity in local streets within Hallett Cove and in particular Cove Road and other collector roads would provide useful information in regards to future redevelopment potential.</p>	No recommended change to DPA in response to submission

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<p>My block is 18.3m wide. I would also like to be able to subdivide the block</p>	<p>Frontage width requirements of 10 metres may inhibit a number of properties from being redeveloped, as a high number of allotments are 18.29m (60 feet) in width.</p> <p>The minimum block widths reflect the dimensions currently required in the flatter northern section of the Council area (current Northern Policy Area 13 and proposed Marion Plains Policy Area 10). To seek smaller allotment widths on steeper sloping land could result in less than desirable development.</p> <p>However, may still be possible when assessed on merit.</p>	<p>(Acknowledging Council's resolution of 27 November 2017, Council has resolved to maintain frontage widths for semidetached dwellings at 10 metres)</p>
<p>Generally I'm supportive of the reduction in Block size, but I have major concerns about the protection of the character of suburbs such as Marino and Seacliff Park. There needs to be strict conditions on the appearance of buildings in order to avoid the square box look that is spoiling other suburbs. This should include the use of different materials to create aesthetic appeal such as glass, wood and different textures. Also the use of trees and gardens to offset the starkness of 2 storey walls.</p>	<p>Support for increased densities noted.</p> <p>The Desired Character statement of the Southern Hills Policy Area (Foothills and Coastal) seeks for buildings to be "of a high architectural standard and incorporate....variations in height, roof form, colour and materials..." which will assist in reducing the bulk of buildings.</p> <p>Acknowledging Council's resolution of 27 November 2017, the generally steeper land in the south-east portion of Marino will return to the same parameters as the current Hills Policy Area under a new zone heading of Escarpment.</p>	<p>No recommended change to DPA in response to submission</p> <p>Reasons for this amendment are outlined in Attachment F of the SCPA, under the heading Southern Part of Council Area</p>

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<p>I am happy to note that the new DPA keeps Hallett Cove as a low density residences and now pays attention to gradient of the sites while limiting its size. However, I am a bit apprehensive about smaller frontages for the detached houses. With reduced frontages, the streets are now going to be filled with parked cars.</p> <p>It would be great to see more people out in the front, giving the neighbour's a chance to exchange friendly gestures. I would like to bring your attention to the Grattan report on 'social cities' which clearly states the issues with our suburbs and neighbourliness and how it can be overcome.</p>	<p>Provision of on-site car parking will be assessed against Table Mar/2.</p> <p>On-street parking will be assessed against Transportation and Access Principle 28 and Land Division Principle 8.</p> <p>The Development Plan (Residential Development Principles 6, 7, 8 and 9) encourages the provision of verandahs and habitable rooms presenting to the street to provide surveillance of the public realm.</p>	<p>No recommended change to DPA in response to submission</p>
<p>Only if they are required to have off street parking for 2 cars per residence</p>	<p>Provision of on-site car parking will be assessed against Table Mar/2.</p> <p>On-street parking will be assessed against Transportation and Access Principle 28 and Land Division Principle 8.</p>	<p>No recommended change to DPA in response to submission</p>

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<p>We have no wish to see our quality of life eroded with multiple dwellings per site, site areas as small as 300 sq metres and two storey buildings overlooking our private space.</p> <p>3) Smaller block sizes will negatively affect natural environments as follows;</p> <ul style="list-style-type: none"> • less vegetation and soft surface treatment; • loss of habitat for Fauna; • drainage issues with higher run off due to gradient, more; • impervious surfaces and less vegetation; • noise issues due to gradient providing an amphitheatre like environment; • no buffering of noise from vegetation (no room for sufficient density of vegetation) as is currently the case; • overlooking due to the sloping topography and lack of vegetation; • higher heat on hard surfaces (roofs, paving and the like) due to lack of shade and vegetation; <p>the result will be more reliance on air-conditioning which itself will generate more heat and noise</p> <p>Surely the ability for the elderly to sell off or build a single storey dwelling in their back garden would satisfy those wishing to remain in their homes or communities without the need to move.</p> <p>Council lacks local knowledge by proposing Seacombe Road and areas to the south (uphill) for a distance of 500 metres be higher density so public transport can be utilised. Cars are required to ferry residents relatively short distances due to the above stated public transport inadequacies combined with</p>	<p>Concerns noted.</p> <p>Increased densities within established suburban areas minimises the costs of infrastructure and provides more efficient use of public transport and existing services and facilities.</p> <p>The Development Plan incorporates a number of provisions relating to energy efficiency and overlooking. It is acknowledged however, that it increased densities will likely result in the removal of existing vegetation and reduce the separation of buildings; impacting upon residents' sense of space and privacy.</p> <p>Development Plan incorporates a number of provisions relating to stormwater runoff, however, it is acknowledged that investigations may be required regarding the collection and treatment of increased stormwater disposal.</p>	<p>(Acknowledging Council's resolution of 27 November 2017, Land with a steeper gradient will return to the same parameters as the current Hills Policy Area. – this change addresses concerns that increased densities may lead to detrimental amenity impacts in the steeper areas).</p> <p>Reasons for this amendment are outlined in Attachment F of the SCPA, under the heading Southern Part of Council Area</p>
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<p>the hilly terrain which makes foot travel unsuitable. More residents will equate to more cars.</p> <p>7) Marion Council has stated their decisions are in keeping with adjoining Council policies and name Mitcham as one such Council. This is inaccurate as Mitcham Councils 'Residential Foothills Zone' - Consolidated 21 April 2016 - which encompasses Hills Face suburbs states;</p> <ul style="list-style-type: none"> a minimum site width of 12 metres a minimum area of 700 sq metres for detached dwellings and a per dwelling minimum area of 500 sq metres for group dwellings <p>If rezoning must be considered then allowing for current 1000 sq metre blocks to be divided in two will give a 100% increase in population. To allow blocks of Flats, Row and Group dwellings on areas as small as 300 sq metres will be to seriously diminish the amenity of our Hills Face areas that warrant protection for lifestyle, visual and environmental reasons.</p>		
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<p>We do not support the current proposed changes to our area. The proposed changes put at risk all the things that make Marino a great and unique suburb.</p> <p>Generally, the buildings in the area generally are of good quality and a built to suit the characteristics of the neighbourhood. If the zoning changes go ahead as proposed all of these important and valued aspects of our suburb will be lost.</p> <p>There is limited infrastructure in the suburb already, which is already under strain with the current population. There is no supermarket or shops in Marino.</p> <p>Development should enhance and improve a suburb not ruin the current and loved characteristics of the suburb. The southern aspects of Marino and blocks with a gradient should remain within hill zone policy rules.</p> <p>If in future if blocks in some parts of Marino where able to be sub divided, careful consideration should be made to place limit of the number of blocks that can be sub-divided.</p>	<p>Concerns noted.</p> <p>Increased densities within established suburban areas minimises the costs of infrastructure and provides more efficient use of public transport and existing services and facilities.</p> <p>Development Plan incorporates a number of provisions relating to stormwater runoff, energy efficiency and overlooking. It is acknowledged however, that it increased densities will likely result in the removal of existing vegetation and reduce the separation of buildings; impacting upon residents' sense of space and privacy.</p> <p>(Acknowledging Council's resolution of 27 November 2017, land in the southeast portion of Marino will return to the same parameters as the current Hills Policy Area. Much of this land incorporates a reasonable to steep grade – this change addresses concerns that increased densities may lead to detrimental amenity impacts in this locality).</p>	<p>(Acknowledging Council's resolution of 27 November 2017, Land with a steeper gradient will return to the same parameters as the current Hills Policy Area. – this change addresses concerns that increased densities may lead to detrimental amenity impacts in the steeper areas).</p> <p>Reasons for this amendment are outlined in Attachment F of the SCPA, under the heading Southern Part of Council Area</p>
<p>All houses on the hill above the level of the pump on the corner of Trumara and Paringa experience inconsistent water supply. Increased number of residents will increase the erratic nature of the supply. Infrastructure will need to be improved before an increased load on the pump.</p>	<p>Provision of infrastructure is an Adelaide-metropolitan wide matter that, will, over time, require significant investment and upgrades. The DPA recognises that infill development will occur incrementally, allowing authorities time to monitor impacts and required upgrades.</p> <p>No major concerns raised by state agencies regarding provision of infrastructure through DPA consultation process.</p>	<p>No recommended change to DPA in response to submission</p>

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<p>Concerned re the small sizes of the blocks and the number of householder cars that will be left on the roads as they only have allowance for one car and most households have at least 2 cars, making it very hard to pass through some streets. Infrastructure is old and will it support all these new buildings?</p>	<p>Provision of on-site car parking will be assessed against Table Mar/2.</p> <p>On-street parking will be assessed against Transportation and Access Principle 28 and Land Division Principle 8.</p> <p>Provision of infrastructure is an Adelaide-metropolitan wide matter that, will, over time, require significant investment and upgrades. The DPA recognises that infill development will occur incrementally, allowing authorities time to monitor impacts and required upgrades.</p> <p>No major concerns raised by state agencies regarding provision of infrastructure through DPA consultation process.</p>	<p>No recommended change to DPA in response to submission</p>
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<p>In principle 5 should all other things conform (e.g. height and setbacks) amenity is no longer considered particularly important and seems to come down to the argument of reasonable.</p> <p>Concerned by the need to meet only 2 hours of sunlight on a winter's day and how little sunlight this is. I'm concerned this plan does nothing to assist those of us who may wish to age in place as our single stories will be ravished by the developers.</p> <p>The frontage width (20m) is unlikely to allow subdivision on most blocks in Marino. There is no vision for Marino - no real character bringing us forward. We have "variety of architectural styles" and "high architectural standards" - which feels to me it can mean pretty much anything.</p> <p>Supports setback criteria for two storey walls.</p>	<p>Concerns noted.</p> <p>Policy Area Principle 5 is intended to provide greater clarity regarding the impact of development upon one's view, as development that is reasonable and anticipated should not be prevented due to one gaining view/vista over private land.</p> <p>Frontage width for row dwellings is consistent with the Marion Plains Policy Area and is intended to address streetscape and on-street parking concerns.</p>	<p>No recommended change to DPA in response to submission</p>
<p>Generally, I agree with the plan</p>	<p>Support for DPA noted.</p>	<p>No recommended change to DPA in response to submission</p>

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<p>To have proposed blocks this small on hilly terrain, will increase storm water runoff tremendously. These hills face zones should be preserved at 700m2 minimum.</p>	<p>Concerns noted.</p> <p>Increased densities within established suburban areas minimises the costs of infrastructure and provides more efficient use of public transport and existing services and facilities.</p> <p>The Development Plan incorporates a number of provisions relating to stormwater runoff, however, it is acknowledged that investigations are required regarding the collection and treatment of increased stormwater disposal.</p>	<p>(Acknowledging Council's resolution of 27 November 2017, Land with a steeper gradient will return to the same parameters as the current Hills Policy Area. – this change addresses concerns that increased densities may lead to detrimental amenity impacts in the steeper areas).</p> <p>Reasons for this amendment are outlined in Attachment F of the SCPA, under the heading Southern Part of Council Area</p>
<p>A 9 metre building would greatly impact the amenity of the area and reduce value of homes. People move to these areas due to space and amenity, on the flat areas this is not an issue as largely there is no extended vista. Moreover, trees can be planted that grow to unlimited height and we know that Council will not take responsibility for this. A 9m mature height for trees would severely impact our space.</p>	<p>Current policy for the Hills Policy Area anticipates dwellings up to 9.0 metres above natural ground level. There is no change to maximum dwelling heights in areas where the (now proposed) Foothills and Coastal and Escarpment Policy Areas are proposed to apply.</p>	<p>No recommended change to DPA in response to submission</p>
<p>This is what a residential suburb should be. A mix of housing styles with green spaces.</p>	<p>Support for DPA noted.</p>	<p>No recommended change to DPA in response to submission</p>

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Dependant on the detail involved in areas as privacy, visual impact and overshadowing.	The Development Plan (Design and Appearance Principles 9-12 (inclusive) seek to guide overshadowing and visual privacy. A number of Design and Appearance and Residential Development Principles seek for new development to have an acceptable impact upon adjoining land by way of visual impact, acknowledging two storey dwellings are anticipated in the Policy Area.	No recommended change to DPA in response to submission
Need the "Green Belt" left around the city for future generations.	The DPA does not seek to increase the residential zone.	No recommended change to DPA in response to submission

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<p>Strongly oppose the changes outlined in the Housing Diversity Development Plan (DPA).</p> <p>There is now plenty of suitable housing in neighbouring suburbs catering for the elderly in Dover and Seacombe Gardens. Some housing suitable for family's needs to be retained.</p> <p>A large increase in dwelling numbers will result in significant traffic hazards to those relatively few streets providing an exit.</p> <p>Smaller block sizes will negatively affect natural environment as follows:</p> <ul style="list-style-type: none"> -less vegetation and soft surface treatment -loss of habitat for Fauna -drainage issues with higher run off due to gradient, more impervious surfaces and less vegetation -noise issues due to gradient providing an amphitheater like environment -no buffering of noise from vegetation as is currently the case (as no room for sufficient vegetation) -overlooking and overshadowing due to the sloping topography and lack of vegetation -higher heat on hard surfaces (roof, paving and the like) due to lack of shade and vegetation <p>We need vegetation to buffer this and also to reduce the cycle of climate change increasing. To live in a suburb that is predominately buildings and concrete will result in overreliance on airconditioning, people remaining indoors therefore an increase in social isolation, obesity and mental health issues.</p> <p>Overdevelopment in this area will further perpetuate these issues. In addition, the very nature of the soil</p>	<p>Concerns noted.</p> <p>Increased densities within established suburban areas minimises the costs of infrastructure and provides more efficient use of public transport and existing services and facilities.</p> <p>The Development Plan incorporates a number of provisions relating to energy efficiency and overlooking. It is acknowledged however, that it increased densities will likely result in the removal of existing vegetation and reduce the separation of buildings; impacting upon residents' sense of space and privacy.</p> <p>The Development Plan incorporates a number of provisions relating to stormwater runoff, however, it is acknowledged that investigations are required regarding the collection and treatment of increased stormwater disposal.</p> <p>(Acknowledging Council's resolution of 27 November 2017, Land with a steeper gradient will return to the same parameters as the current Hills Policy Area. – this change addresses concerns that increased densities may lead to detrimental amenity impacts in the steeper areas).</p>	<p>(Acknowledging Council's resolution of 27 November 2017, Land with a steeper gradient will return to the same parameters as the current Hills Policy Area. – this change addresses concerns that increased densities may lead to detrimental amenity impacts in the steeper areas).</p> <p>Reasons for this amendment are outlined in Attachment F of the SCPA, under the heading Southern Part of Council Area</p>
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and incline of this area makes it unsuitable for the type of dwellings proposed in the new zoning regulations.		
<p>Marino needs to be removed from the Southern Hills Policy Area and treated as a separate zone. Marino is unique. If the DPA proceeds under the current format, the spacious blocks will be 'chopped up' and filled with generic medium to high density housing. Problems will include overcrowding, overlooking, lost views, increased on street parking and increased traffic at the Scholefield / Brighton Roads intersection.</p>	<p>Concerns noted.</p> <p>Increased densities within established suburban areas minimises the costs of infrastructure and provides more efficient use of public transport and existing services and facilities.</p> <p>The Development Plan incorporates a number of provisions relating to energy efficiency and overlooking. It is acknowledged however, that it increased densities will likely result in the removal of existing vegetation and reduce the separation of buildings; impacting upon residents' sense of space and privacy.</p> <p>Provision of on-site car parking will be assessed against Table Mar/2.</p> <p>On-street parking will be assessed against Transportation and Access Principle 28 and Land Division Principle 8.</p>	<p>No recommended change to DPA in response to submission</p>

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<p>Minutes from Marino Residents Association meeting</p> <p>Block sizes could be reviewed and fine-tuned to better reflect the Marino context and pattern of current subdivision, particularly the block widths.</p> <p>Changing the proposed minimum block width from 20m to 17m would result in more blocks being eligible than currently proposed and maintain some consistency of streetscaping as a result.</p> <p>The current DPA did not reflect or respond to the true characteristics of Marino, in terms of amenity including views and nature. Advocate for higher quality design with materials and construction that better reflects the beachside character of Marino.</p> <p>Sustainability and the environmental impacts; with increased diversity and density it was important to develop better community connections via establishing more shared spaces and facilities for people to interact in support of the increased density, such as parks, community gardens and public buildings.</p> <p>Concerns that the changes would be detrimental overall to residents' amenity.</p> <p>The current DPA should undergo substantial change to better reflect the local context and include a more performance-based framework to enable development to be modulated to balance the need for diversity with the need to reduce impact on amenity.</p> <p>There needed to be more modelling of the impact beyond "statistical yield". The DPA has little emphasis on "amenity" and "essential character" of</p>	<p>Further analysis of block sizes and gradient could be undertaken to provide better context to current patterns of development. The current gradient parameters could be refined to provide a better transition between the varying slopes throughout the suburb.</p> <p>The minimum block widths reflect the dimensions currently required in the flatter northern section of the Council area (current Northern Policy Area 13 and proposed Marion Plains Policy Area 10). To seek smaller allotment widths on steeper sloping land could result in less than desirable development.</p> <p>Objectives, Principles and Desired Character Statement of the (now proposed) Foothills and Coastal Policy Area and Escarpment Policy Area considered to appropriately guide development to have minimal impacts upon natural landform and visual impact upon adjoining land.</p> <p>Policy Area Principle 5 is intended to provide greater clarity regarding the impact of development upon one's view, as development that is reasonable and anticipated should not be prevented due to one gaining view/vista over private land. Principle 5 is to be read in conjunction with other applicable policies relating to bulk/scale, setbacks, building height and other factors that relate to the visual impact of buildings.</p> <p>It is anticipated that these issues would be given due regard as and when the needs require.</p> <p>Objectives, Principles and Desired Character statement of the (now proposed) Foothills and Coastal Policy Area and Escarpment Policy Area considered to appropriately guide development to have minimal impacts upon natural landform and visual impact upon adjoining land.</p> <p>Further analysis of the character and current patterns of development could be undertaken to provide better context to future development.</p>	<p>(Acknowledging Council's resolution of 27 November 2017, land in the south-east portion of Marino will return to the same parameters as the current Hills Policy Area. Much of this land incorporates a reasonable to steep grade – this change addresses concerns that increased densities may lead to detrimental amenity impacts in this locality).</p> <p>Reasons for this amendment are outlined in Attachment F of the SCPA, under the heading Southern Part of Council Area</p>
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Marino, which should be treated as a “Special Area” and its essence protected and enhanced through the DPA; it needs more guidelines not only for individual development but zones to ensure the character of streets and neighbourhoods are consistent rather than haphazard development with little regard to neighbourhood.		
Welcomes opportunity to sub-divide.	Support for DPA noted.	No recommended change to DPA in response to submission
Block sizes should not be reduced from current levels. Granny flats should be allowed in backyards within the current title of the property. No hammerhead development. Minimum 4m setbacks. Green space ie gardens need to be preserved. Animal habitats are gone when all the gardens are gone. Subdivision of a block should only be allowed when there is a minimum 12m frontage to the road. No more than 2 storeys along Seacombe Road.	<p>Concerns noted.</p> <p>Increased densities within established suburban areas minimises the costs of infrastructure and provides more efficient use of public transport and existing services and facilities.</p> <p>The Development Plan incorporates a number of provisions relating to energy efficiency and overlooking. It is acknowledged however, that increased densities will likely result in the removal of existing vegetation and reduce the separation of buildings; impacting upon residents' sense of space and privacy.</p> <p>Allowing the tenanting of granny flats may result in increased parking pressures on local roads, as provision of on-site car parking for such buildings, in accordance with Council's Development Plan, will be difficult to achieve in many instances.</p>	No recommended change to DPA in response to submission

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<p>To allow subdivision to such small allotments would potentially result in the destruction of existing garden/green space and trees and impact on birdlife. This would take away an existing amenity available to residents i.e. the fundamental character of this suburb.</p> <p>The roads in parts of Marino are narrow and anything that increases the traffic will be problematic as there is no capacity to widen the roads.</p> <p>Sewer infrastructure does not exist in parts of Marino due to the steep terrain.</p>	<p>Concerns noted.</p> <p>Increased densities within established suburban areas minimises the costs of infrastructure and provides more efficient use of public transport and existing services and facilities.</p> <p>The Development Plan incorporates a number of provisions relating to energy efficiency and overlooking. It is acknowledged however, that it increased densities will likely result in the removal of existing vegetation and reduce the separation of buildings; impacting upon residents' sense of space and privacy.</p> <p>Provision of infrastructure is an Adelaide-metropolitan wide matter that, will, over time, require significant investment and upgrades. The DPA recognises that infill development will occur incrementally, allowing authorities time to monitor impacts and required upgrades.</p> <p>No major concerns raised by state agencies regarding provision of infrastructure through DPA consultation process.</p>	<p>No recommended change to DPA in response to submission</p>
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<p>I see difficulties by amalgamating Policy Area 11 into the new Area 16 because of the demographic, topographic and allotment size differences across the new proposed Area.</p> <p>In Marino most allotments are not more than 18m frontage width, limiting options for semi-detached houses built as proposed.</p> <p>In addition, the proposed wider driveway requirement will make subdivision into "hammer head" allotments more difficult. Marino consists of pre 1980's/90's houses on narrow but very deep allotments occupied by an aging population.</p> <p>This means that the area lacks diversity and vitality and results in allotments difficult to maintain because of their large area.</p>	<p>Concerns noted.</p> <p>Frontage width requirements of 10 metres may inhibit a number of properties from being redeveloped, as a high number of allotments are 18.29m (60 feet) in width.</p> <p>The minimum block widths reflect the dimensions currently required in the flatter northern section of the Council area (current Northern Policy Area 13 and proposed Marion Plains Policy Area 10). To seek smaller allotment widths on steeper sloping land could result in less than desirable development.</p> <p>Hammerhead dimension requirements are intended to improve streetscape outcomes associated with long, narrow driveways.</p>	<p>(Acknowledging Council's resolution of 27 November 2017, Council has resolved to maintain frontage widths for semidetached dwellings at 10 metres)</p>
<p>Why should residents in the hills not be subjected to the same levels of desecration as those on the plains is a question.</p>	<p>Position noted</p>	<p>No recommended change to DPA in response to submission</p>
<p>This needs reconsideration in view of traffic density increase in the inner urban areas which would become a major problem as inadequacies are already apparent.</p>	<p>Provision of on-site car parking will be assessed against Table Mar/2.</p> <p>On-street parking will be assessed against Transportation and Access Principle 28 and Land Division Principle 8.</p>	<p>No recommended change to DPA in response to submission</p>
<p>It is fine the way it is.</p>	<p>Position noted</p>	<p>No recommended change to DPA in response to submission</p>

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<p>New housing types in any of these new developments need to consider aspect for passive solar and for solar panels.</p> <p>I would encourage houses to have a green star rating at a higher level than they currently get away with.</p> <p>Public transport and cycling routes should be considered, as well as green space, trees and frontage.</p> <p>I'd like to see single width garages and gravel or similar driveways in new houses, to reduce concrete and improve both radiant heat and water quality/penetration.</p>	<p>Concerns noted.</p> <p>The Development Plan incorporates a number of provisions relating to energy efficiency and stormwater collection, however, greater emphasis is placed upon compliance of such principles in the Building Code of Australia/National Construction Code.</p> <p>Provision of public transport and cycling infrastructure is outside the scope of the DPA.</p>	<p>No recommended change to DPA in response to submission</p>
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<p>It is considered that the minimum frontage could be further reduced to;</p> <p>Detached/Semi-detached (Grade less than 1:8): 9.0m</p> <p>Detached/Semi-detached (Grade more than 1:8): 11.0m</p> <p>Row (Grade less than 1:8): 8.5m</p> <p>Row (Grade more than 1:8): 9.5m</p> <p>Group/Residential flat (Grade less than 1:8): 17m</p> <p>Group/Residential flat (Grade more than 1:8): 17m</p> <p>This would better reflect the existing allotment pattern through the bulk of Marino and would enable the achievement of greater densities and a better pattern of land division over time.</p> <p>It is suggested that the desired character statement be bolstered to identify the valued aspects of the existing built and natural character – particularly in terms of detailing and the use building materials including timber, rocks and stones – coastal gardens and native vegetation.</p>	<p>Reduction in frontage widths to that proposed will be less than that sought in the Marion Plains Policy Area which covers land of gentle-flat grade. Given the ability for the Marion Plains Policy Area to accommodate greater increase in housing density, reducing frontage widths to that proposed is not considered appropriate.</p> <p>The minimum block widths reflect the dimensions currently required in the flatter northern section of the Council area (current Northern Policy Area 13 and proposed Marion Plains Policy Area 10). To seek smaller allotment widths on steeper sloping land could result in less than desirable development.</p> <p>Objectives, Principles and Desired Character Statement of the (now proposed) Foothills and Coastal Policy Area and Escarpment Policy Area are considered to appropriately guide development to have minimal impacts upon natural landform and visual impact upon adjoining land.</p>	<p>No recommended change to DPA in response to submission</p>
<p>In an area where ocean views are involved this loss of this can impact on the value of property that is compromised. Also allowing anyone to go from single storey to double storey impacts on privacy.</p>	<p>Objectives, Principles and Desired Character statement of the (now proposed) Foothills and Coastal Policy Area and Escarpment Policy Area considered to appropriately guide development to have minimal impacts upon natural landform and visual impact upon adjoining land.</p> <p>Maximum building height remains consistent with current policies.</p>	<p>No recommended change to DPA in response to submission</p>

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<p>Property is currently located within 'Coastal Policy Area 21'</p> <p>Development potential is currently limited due to requirement for a minimum site area of 700m² and frontage of 18 metres.</p> <p>A majority of allotments in River Parade have been subdivided in the past.</p> <p>Much of Hallett Cove is being rezoned from Hills Policy Area 11 to Southern Hills Policy Area 16, allowing site areas of 350m² to 400m² with frontages of 10 – 12 metres.</p> <p>Would like property included in Southern Hills Policy Area 16 to allow future redevelopment.</p>	<p>Coastal Policy Area 21 was created in 2014 to protect low lying properties from future sea level rise. These properties were previously located in Hills Policy Area 11. The allotment sizes/dimensions from that policy area were carried across to the new policy area.</p> <p>As many of the properties on River Parade have previously been subdivided up into smaller properties it may be appropriate for the site dimension criteria within PA 21 to reflect that of the new Southern Hills Policy Area 16 (now proposed as Foothills and Coastal Policy Area 16). Minimum site levels would still remain to provide protection from sea level rise.</p> <p>Another option, which is currently available is for any proposed redevelopment/sub-division of the site to be assessed on its merit, taking into consideration the presence of other similar developments within the locality.</p>	<p>No recommended change to DPA - allowing any proposed redevelopment/sub-division of the site to be assessed on its merit</p>
<p>No changes or increase in the number of water users should be permitted until a permanent solution to the erratic and unstable pumped supply is constructed. The current system cannot be relied upon at the times when it is most needed and must be continually reset. Also the continual pressure surges when the pump engages continual damage to water supply system.</p>	<p>Provision of infrastructure is an Adelaide-metropolitan wide matter that, will, over time, require significant investment and upgrades. The DPA recognises that infill development will occur incrementally, allowing authorities time to monitor impacts and required upgrades.</p> <p>No major concerns raised by state agencies regarding provision of infrastructure through DPA consultation process.</p>	<p>No recommended change to DPA in response to submission</p>

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<p>This change significantly undermines the character and amenity of the suburbs, making them less liveable and less desirable for those who currently live there.</p> <p>With regard to parking, it is stated in the document that there are at least two adults in over 70% of the homes in Marion, which means that each dwelling requires two car parks, as a minimum regardless of the number of bedrooms.</p> <p>The loss of green space has a number of other effects quite apart from the loss of play areas and recreational areas around the home. This will increase the amount of run-off, as water will not be absorbed by the soil, this will result in increased flooding and infrastructure requirements to mitigate this. As well as potential changes to water tables, and soil movement which may have detrimental effects which have not been determined.</p> <p>The loss of green space also contributes to the urban heat island effect, while lawns and trees provide cooling in hot weather, brick and concrete retain heat and radiate this into the environment. Making the spaces and dwellings hotter and requiring additional energy to maintain temperature internally, and reduces the comfort level externally.</p>	<p>Concerns noted.</p> <p>Increased densities within established suburban areas minimises the costs of infrastructure and provides more efficient use of public transport and existing services and facilities.</p> <p>Provision of on-site car parking will be assessed against Table Mar/2.</p> <p>The Development Plan incorporates a number of provisions relating to energy efficiency and overlooking. It is acknowledged however, that it increased densities will likely result in the removal of existing vegetation and reduce the separation of buildings; impacting upon residents' sense of space and privacy.</p> <p>The Development Plan incorporates a number of provisions relating to stormwater runoff, however, it is acknowledged that investigations are required regarding the collection and treatment of increased stormwater disposal.</p>	<p>No recommended change to DPA in response to submission</p> <p>Investigations regarding the collection and treatment of increased stormwater disposal throughout the Council area need to be given consideration, separate to the DPA process.</p>
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<ul style="list-style-type: none"> • Changes, particularly in Seacombe Heights and Seaview Downs will undermine the leafy, spacious dwellings conducive to family living • Reduce house greenery space conducive to families with children (planned environmental landscaping and area is a requirement under present policy) • Reference to older residents downsizing (p63) implies residents want to live in same area in smaller house without consideration that residents selected hills face because of size and restrictions for development • Lower density housing was and remains the attraction for the Southern Hills face residents as this is the diversity within Marion Council (P9) rather than smaller dwellings elsewhere • Traffic and parking congestion has increased and can be linked by the type of development that Marion Council acknowledges was wrong in planning and yet the Council still wants to increase density in areas and so make it more widespread • "Environmental de-greening" is rapidly increasing, thereby decreasing children's play areas and drastically increasing heat in these compacted dwelling further placing great pressures on the electricity grid 	<p>Concerns noted.</p> <p>Increased densities within established suburban areas minimises the costs of infrastructure and provides more efficient use of public transport and existing services and facilities.</p> <p>The Development Plan incorporates a number of provisions relating to energy efficiency and overlooking. It is acknowledged however, that it increased densities will likely result in the removal of existing vegetation and reduce the separation of buildings; impacting upon residents' sense of space and privacy.</p> <p>Provision of on-site car parking will be assessed against Table Mar/2.</p>	<p>No recommended change to DPA in response to submission</p>
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Concerned that increased density will lead to increased traffic and diminished safety for residents/motorists.	<p>Concerns noted.</p> <p>An analysis/review of the road capacity in local streets within Marino would provide useful information in regards to future redevelopment potential.</p>	<p>No recommended change to DPA in response to submission</p> <p>An analysis/review of the road capacity throughout the residential areas in Marion to provide information on future redevelopment potential requires consideration, separate to the DPA process.</p>
The planning of putting more houses closer together has many problems. Firstly overloading existing service, water, sewerage, car parking. Difficult for bins to be emptied as everyone now has at least two cars. New houses with parents with children will want schools (at present there is not enough schools).	<p>Provision of infrastructure is an Adelaide-metropolitan wide matter that, will, over time, require significant investment and upgrades. The DPA recognises that infill development will occur incrementally, allowing authorities time to monitor impacts and required upgrades.</p> <p>No major concerns raised by state agencies regarding provision of infrastructure through DPA consultation process.</p> <p>Provision of public services, such as schools is outside the scope of the DPA.</p>	No recommended change to DPA in response to submission

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<p>Considers the DPA should not include the Hills Policy area into the proposed Southern Hills Policy area, but instead should set the Hills Policy area apart as an area of significant beauty and specific character that should be protected and maintained.</p> <p>Considers the DPA does not adequately reflect the character and amenity and features that are important to residents of the Hills Policy Area.</p> <p>Concern the creation of smaller allotments will lead to larger multi storey dwellings of greater height and are not appropriate in an area that adjoins the Hills Face Zone, and is prominently visible from the plains and coast and other areas of scenic beauty.</p> <p>The proposed density and scale of buildings enabled in the current DPA is not consistent with that of the adjoining Council area and the current height limits in the Hills Policy Area should be amended to be 7m, instead of the proposed 9m, and potentially a trigger of 9m making a development noncomplying would be appropriate.</p> <p>There are already options available for residents to remain in the area and 'downsize' as there are already a number of housing options in the locality.</p> <p>Does not consider that an intensification of the number and scale of buildings in the Hills Policy area is warranted other than the conversion of an existing large dwelling to two dwelling units within the same existing built form may be appropriate.</p> <p>Allowing allotment sizes based on land slope is considered reasonable. Land division on sites greater</p>	<p>Concerns noted.</p> <p>Increased densities within established suburban areas minimises the costs of infrastructure and provides more efficient use of public transport and existing services and facilities.</p> <p>The Development Plan incorporates a number of provisions relating to energy efficiency and overlooking. It is acknowledged however, that it increased densities will likely result in the removal of existing vegetation and reduce the separation of buildings; impacting upon residents' sense of space and privacy.</p> <p>Objectives, Principles and Desired Character statement of the (now proposed) Foothills and Coastal Policy Area and Escarpment Policy Area considered to appropriately guide development to have minimal impacts upon natural landform and visual impact upon adjoining land.</p> <p>Maximum building height remains consistent with current policies. Many dwellings in locality incorporate heights between 7-9 metres. Two storey dwellings, which are envisaged in the area, typically incorporate a height in the order of 7.5 – 8.5 metres. Limiting heights to 7 metres is inconsistent with the form of development sought.</p> <p>The DPA seeks for minimum allotment sizes of 400 square metres for sites steeper than 1:8, which may lead to excessive earthworks and amenity impacts upon neighbours.</p> <p>Minimum allotment areas for steeper sites, such as those in the order of 1:6, may warrant further investigation. Provision of infrastructure is an Adelaide-metropolitan wide matter that, will, over time, require significant investment and upgrades. The DPA recognises that infill development will occur incrementally, allowing authorities time to monitor impacts and required upgrades.</p>	<p>Acknowledging Council's resolution of 27 November 2017, the generally steeper land in the south-east portion of Marino will return to the same parameters as the current Hills Policy Area under a new zone heading of Escarpment.</p> <p>Reasons for this amendment are outlined in Attachment F of the SCPA, under the heading Southern Part of Council Area</p>
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<p>than 1:8 in grade should be discouraged and on sites greater than 1:5 should be considered noncomplying.</p> <p>The DPA does not identify how a development will be designed to reuse water onsite. A simple suggestion of 5000 Gallons (22500Litres) for a house containing up to 3 bedrooms or rooms that could be used as bedrooms, and an additional 1000Gallons for every bedroom thereafter may be an appropriate starting point.</p> <p>Concerns regarding impact on aging infrastructure for water, or for that matter, telecommunications or gas or power.</p> <p>Policy Area Principle 5 means that an adjoining property owner may suffer significant financial loss due to a proposed development diminishing the views and amenity. The Principle enables dominant built forms to prevail which will dominate the skyline and remove the vistas and views of the natural environment, as well as the built environment over the plains.</p> <p>Principle 2 offends the objectives 1, 2 and 3 of interfaces between land uses. Whilst the use of the adjoining land may also be a residential dwelling, it is still a separate land use to that of a proposed development. This proposed principle does not protect the existing development from the effects of a potentially large incompatible development.</p> <p>This proposed principle also offends the established case law, which shows that a view is an amenity and should be provided with the same protection as other amenities within the Development Plan.</p>	<p>No major concerns raised by state agencies regarding provision of infrastructure through DPA consultation process.</p> <p>Policy Area Principle 5 is intended to provide greater clarity regarding the impact of development upon one's view, as development that is reasonable and anticipated should not be prevented due to one gaining view/vista over private land. Principle 5 is to be read in conjunction with other applicable policies relating to bulk/scale, setbacks, building height and other factors that relate to the visual impact of buildings.</p> <p>The Interface Between Land Uses chapter of the Development Plan relates to adjacent/adjoining land uses different to one another.</p> <p>Development suggested as noncomplying is considered inappropriate given it relates to elements of division/development that should be considered on-merit.</p> <p>Development suggested as Category 2 is inconsistent with the intent of the Policy Area to accommodate two storey dwellings. Land division (consistent with intent of Zone) is expressly listed as Category 1 in the Development Regulations. Final point relating to "may reasonably be considered..."; this test does not provide adequate certainty/clarity for the relevant authority or applicant.</p>	
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<p>Things to consider for procedural matters:</p> <p>Non-complying development</p> <ul style="list-style-type: none">• Land division on land with a slope greater than or equal to 1:5;• Any building with a building height from its lowest footing to highest point greater than or equal to 9m <p>Category 2 Development</p> <ul style="list-style-type: none">• Any building greater than 6m overall height from its lowest footing to highest point, or greater than 1 storey;• Land division creating between 4 and 10 allotments;• Land division on land with greater than 1:8 slope;• Any building that may reasonably be considered to negatively affect the amenity of an adjoining property in terms of overlooking, bulk and scale or diminishing of views		
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<p>I consider this Coastal Conservation Zone should extend along the clifftop to the Council's northern boundary to Seacliff.</p> <p>The cliff section should not be abused, and profited from, by greedy developers and to preserve the coastal walking trail. No doubt you are aware that this coastal strip is very susceptible to any damage by storms and human interference of any kind in view of its shattered shale/rock nature and subsequent slippage.</p> <p>I recommend Council classify the cliff top and any vacant land along this strip as coastal conservation zone to stop further plunder of our wonderful coast line and adjoining cliff top walking trail.</p>	<p>The Coastal Conservation Zone does follow the cliff top between the Hallett Cove Conservation Park and Seacliff.</p>	<p>No recommended change to DPA in response to submission</p>
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<p>I would like to see the DPA continue, with some regard to density and valued aspects of the character identified – requiring alterations to the wording of the DPA in a quantitative and qualitative sense.</p> <p>The matters that I'd like to see addressed are principally:</p> <p>1. A further reduction in minimum frontage widths for new development so that the pattern of development over time is reflective of the idiom increased residential density.</p> <p>a. For example I consider that on land with a slope of less than 1 in 8:</p> <p>i. minimum frontage for a detached or semi detached dwelling site could be in the order of 8.5 metres whereas the Development Plan Amendment has arrived at a 10 metre frontage minimum.</p> <p>ii. Minimum frontage for row dwellings could be 8 metres rather than the proposed 9 metres.</p> <p>iii. Other dwelling types (group, residential flat) could be 17 to 18 metres.</p> <p>iv. Possibly more for steeper blocks but not substantially.</p> <p>b. I consider the 8.5 metre frontage minimum to be more in keeping with the existing pattern of subdivisions which is approximately 17 metres to 18 metres as an average. Some are wider at 20 metres but this is not the norm. I have attached two graphic representations to show you what I mean – you'll see a few streets for starters where the existing housing lots are around 17 metres wide – and if they were to</p>	<p>The minimum block widths reflect the dimensions currently required in the flatter northern section of the Council area (current Northern Policy Area 13 and proposed Marion Plains Policy Area 10). To seek smaller allotment widths on steeper sloping land could result in less than desirable development.</p> <p>Acknowledging Council's resolution of 27 November 2017, land in the southeast portion of Marino will return to the same parameters as the current Hills Policy Area requiring allotment sizes of 700m² and frontages of 18 metres</p> <p>The valued aspects of the existing character mentioned only relate to a small number of properties; there is a wide variation in the styles, materials and landscaping of the housing stock within the suburb. The Desired Character statement seeks building design of a high architectural standard which would make a positive contribution to the streetscape and character of the locality. This is seen as appropriate.</p> <p>The DPA seeks to enable an increase in housing diversity and density adjacent the Marino and Hallett Cove train stations.</p> <p>Even on flatter land, site areas of 175m² to 200m² may result in inappropriate development for the area. These site areas are less than those allowed in the higher density residential areas in the north of the Council area. An assessment on merit for higher density development would ensure a more appropriate development.</p> <p>Further consideration of the differences/particular characteristics of the various suburbs/areas in the southern part of the Council area may be beneficial in ensuring the most appropriate types and density of development is chosen.</p> <p>Noted</p>	<p>No recommended change to DPA in response to submission</p> <p>(Acknowledging Council's resolution of 27 November 2017, land adjacent the Marino train station on the eastern side of the train line (and south of Jervois Terrace) will return to the parameters of the Hills Policy Area)</p> <p>Reasons for this amendment are outlined in Attachment F of the SCPA, under the heading Southern Part of Council Area</p>
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City of Marion
Housing Diversity Development Plan Amendment
Attachment A — Summary and Response to Public Submissions

<p>be divided 'down the guts' the width of resultant allotment would be 8.5 metres.</p> <p>c. This is appropriate in my view and not reliant on unnecessary amalgamation of neighbouring allotments.</p> <p>2. The desired character statement keeping with the valued aspects of the existing character – particularly in terms of building materials including timber, rocks and stones – coastal gardens and native vegetation. The wording needs time and good consideration.</p> <p>3. Further reduction in the minimum lot size for properties adjacent train stations within the policy area to 175m² to 200m² per allotment with a 3 storey height limit.</p> <p>4. The manner in which Marino can be represented in the DPA – maybe it is a discrete Marino Policy Area or Marino Precinct within the Residential Zone however I wouldn't like to see the word 'character' or 'heritage' included in that name.</p> <p>5. Some modelling provided for discussion.</p> <p>6. Possibility that Seacliff Park shares many of the attributes of Marino and that opportunities in that suburb could be similar to those developed for Marino.</p>		
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City of Marion
Housing Diversity Development Plan Amendment
Attachment A — Summary and Response to Public Submissions

<p>Sub-dividing existing housing blocks so that a house may be built on an area as small as 350 square metres would change the existing environment dramatically, increasing traffic, noise, street parking and pollution.</p> <p>The larger blocks give children space to play outside in these properties, which is good for their health, and promotes community involvement.</p> <p>We strongly oppose any changes to the zoning regulations for this area to prevent developers moving in and changing the unique environment that already exists.</p>	<p>Concerns noted.</p> <p>Increased densities within established suburban areas minimises the costs of infrastructure and provides more efficient use of public transport and existing services and facilities.</p> <p>The Development Plan incorporates a number of provisions relating to energy efficiency and overlooking. It is acknowledged however, that it increased densities will likely result in the removal of existing vegetation and reduce the separation of buildings; impacting upon residents' sense of space and privacy.</p> <p>Objectives, Principles and Desired Character statement of the (now proposed) Foothills and Coastal Policy Area and Escarpment Policy Area considered to appropriately guide development to have minimal impacts upon natural landform and visual impact upon adjoining land.</p>	<p>No recommended change to DPA in response to submission</p>
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City of Marion
Housing Diversity Development Plan Amendment
Attachment A — Summary and Response to Public Submissions

<p>Concerned about minimum allotment sizes of 350 square metres. This would change the existing environment dramatically, increasing traffic, noise, street parking and pollution.</p> <p>There is considerable traffic both morning and afternoon, because of drop-off and pick-up of children attending the nearby Seaview Downs Primary School. There is also a danger to children walking to and from school.</p> <p>The larger blocks give children space to play outside in these properties, which is good for their health, and promotes community involvement.</p>	<p>Concerns noted.</p> <p>Increased densities within established suburban areas minimises the costs of infrastructure and provides more efficient use of public transport and existing services and facilities.</p> <p>The Development Plan incorporates a number of provisions relating to energy efficiency and overlooking. It is acknowledged however, that it increased densities will likely result in the removal of existing vegetation and reduce the separation of buildings; impacting upon residents' sense of space and privacy.</p> <p>Objectives, Principles and Desired Character statement of the (now proposed) Foothills and Coastal Policy Area and Escarpment Policy Area considered to appropriately guide development to have minimal impacts upon natural landform and visual impact upon adjoining land.</p>	<p>No recommended change to DPA in response to submission</p>
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City of Marion
Housing Diversity Development Plan Amendment
Attachment A — Summary and Response to Public Submissions

<p>ADC supports the proposals in the DPA to -</p> <ol style="list-style-type: none"> 1 Create the new "Southern Hills Policy Area 16"; 2 Expressly allow for semi-detached, group, residential flat building and row dwellings in the new PA 16; 3 Modify the minimum allotment sizes and minimum frontage requirements (depending on the topography) site coverage limit and the floor area ratio in the new PA 16. 4 Modify the Residential Zone default setbacks 5 Modify the Residential Zone noncomplying triggers to remove some forms of group, multiple, residential flat, row dwelling and semi-detached dwellings from the noncomplying <p>The only matter that we suggest might benefit from further variation is the measures specified for row dwellings in Southern Hills Policy Area PDC 10. The minimum site area in the DPA (depending on the gradient being above or below 1:8) is 300 or 350 m² The minimum frontage is proposed in the DPA at 9 or 10 metres (depending on the gradient being above or below 1:8) and 12 metres if fronting an arterial road.</p> <p>The overall design is important in achieving the amenity needs for occupants and the local area and ensuring safe and convenient access for vehicles. However, those dimensions are sufficient to allow the designer to achieve those requirements.</p> <p>The benefits of enabling such smaller dimensions for row dwellings include the potential diversity of</p>	<p>The minimum allotment dimensions for row dwellings are similar to the dimensions currently required in the flatter northern section of the Council area (current Northern Policy Area 13 and proposed Marion Plains Policy Area 10), which are also better located to public transport and activity centres.</p> <p>An assessment on merit for higher density development would ensure a more appropriate development.</p>	<p>No recommended change to DPA in response to submission</p> <p>An assessment on merit for higher density development would ensure a more appropriate development.</p>
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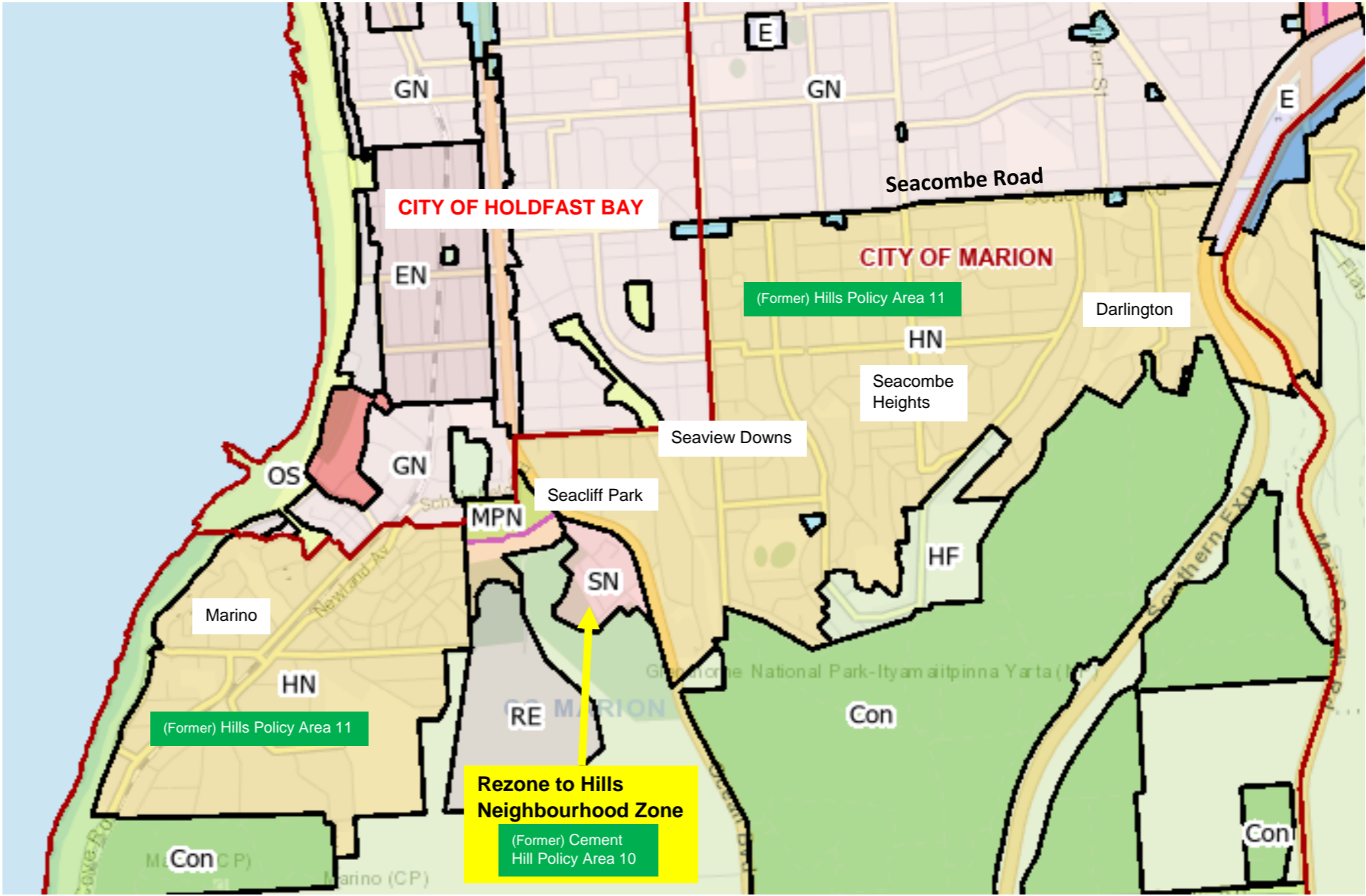
City of Marion
Housing Diversity Development Plan Amendment
Attachment A — Summary and Response to Public Submissions

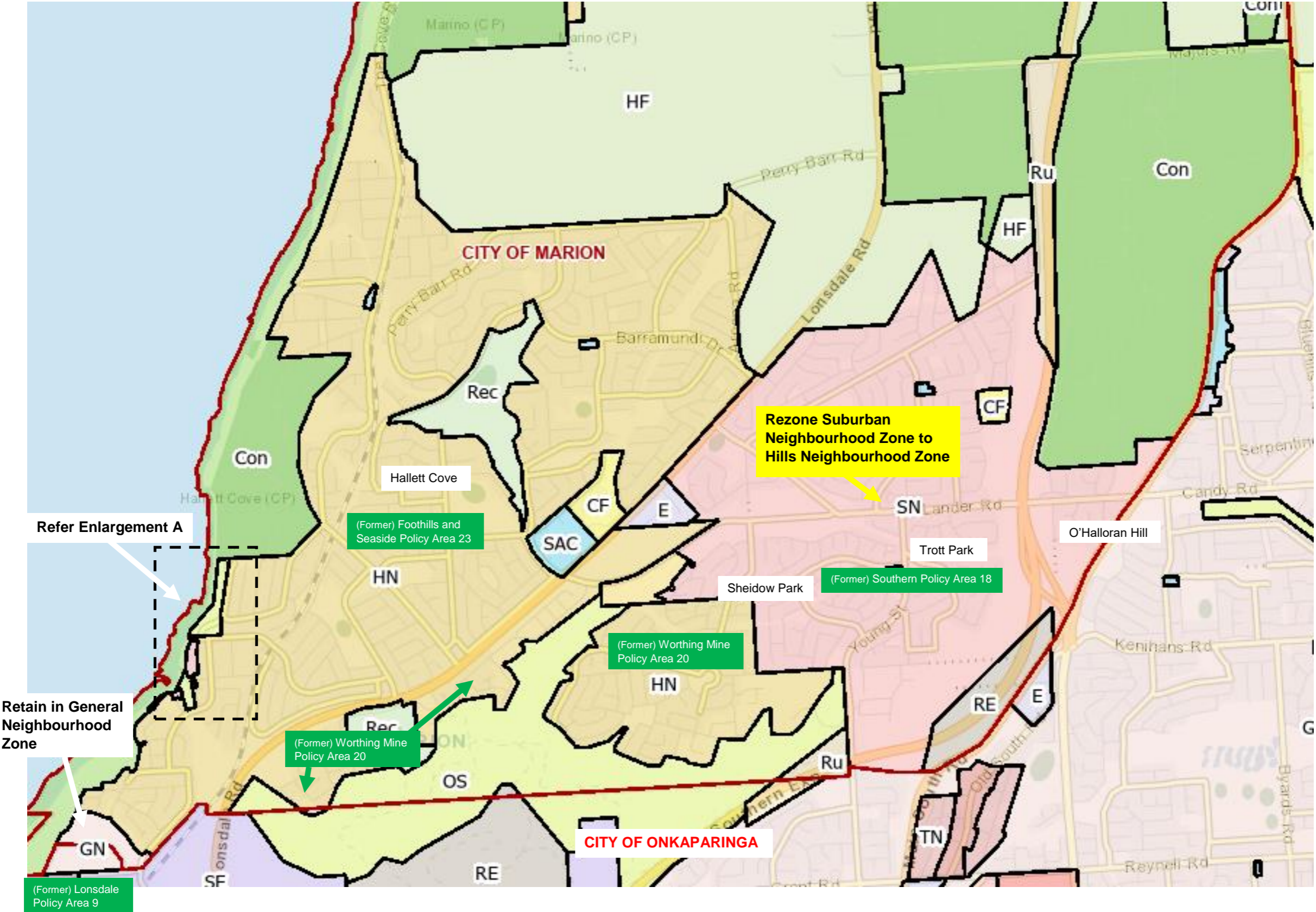
<p>dwelling size, increased density and affordable housing products.</p> <p>There is a need to provide for a range in row dwelling site sizes to properly provide a range to meet the needs of the community. Because of these matters, we suggest that instead of having a set of absolute minimum areas and dimensions, such minima might be a useful default. The opportunity to develop on smaller sites should be enabled by the policy in appropriate circumstances. The policy could therefore be expressed as having the smaller dimensions in PDC 10, but with a further policy which provides that larger dimensions may be required in certain situations.</p>		
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City of Marion
Housing Diversity Development Plan Amendment
Attachment A — Summary and Response to Public Submissions

Current Zoning (Proposed spatial changes/inclusions to Hills Neighbourhood Zone)

- HN - Hills Neighbourhood Zone
- SN – Suburban Neighbourhood Zone
- GN – General Neighbourhood Zone





Enlargement A – Hallett Cove



11.5 Urban Corridor – Marion Road Code Amendment

Report Reference	GC210914R11.5
Originating Officer	Senior Policy Planner – David Melhuish
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
General Manager	General Manager City Development - Ilia Houridis

REPORT OBJECTIVE

To seek Council's endorsement on a 'Proposal to Initiate' for the proposed 'Urban Corridor – Marion Road – Code Amendment' and forward the document (Attachment 1) to the Minister for formal agreement.

REPORT HISTORY

Report Reference	Report Title
GC210511R11	Proposed Code Amendments: Morphettville/Glengowrie stables, Southern Residential Areas, Centre Zones, Marion Road Corridor.

EXECUTIVE SUMMARY

Council has proposed a Code Amendment to investigate an appropriate zone and policy changes that enable the creation of an Urban Corridor type zone along relevant sections of Marion Road.

This report seeks Council's endorsement of the relevant 'Proposal to Initiate' a Code Amendment documentation and forwarding it to the Minister for Planning for consideration.

RECOMMENDATION

That Council:

- Endorses the 'Urban Corridor Marion Road - Code Amendment' - Proposal to Initiate' and forwards the document (Attachment 1) to the Minister for Planning for consideration.**

DISCUSSION

Background

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

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

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

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

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

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

Discussion

Following discussion at the Planning and Development Committee, at the General Council meeting of 11 May 2021, Council resolved to initiate a Code Amendment process for the creation of an Urban Corridor type zone along relevant sections of Marion Road.

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

Code Amendment Process

The first step involved in initiating an amendment to the Code, involves the creation and lodgement of a 'Proposal to Initiate' with Planning and Land Use Services (PLUS) via the SA Planning Portal.

This is similar to the previous 'Statement of Intent' under the Development Act 1993.

The Proposal to Initiate must set out matters such as:

Code Policy

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

Affected Area

- A map or description of the Affected Area. The Code Amendment requires re-notification of the scope of properties to be included in the zone and those that will be affected by the proposal will need to be reconsidered by Council.

Consultation

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

Investigations

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

Timetable

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

Summary

Administration has drafted a Proposal to Initiate for Council's consideration. (***Attachment 2***)

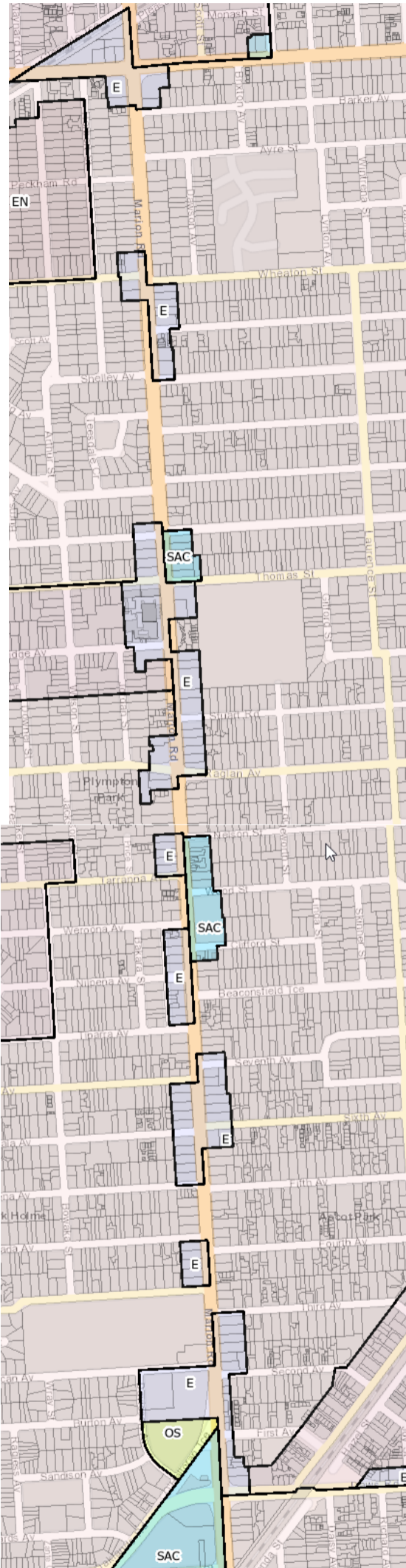
If the Minister for Planning is supportive of the proposal, Administration will undertake the Code Amendment process and report back to Council at key milestones as well as providing regular updates through the Planning and Development Committee (next meetings 5 October 2021 and 7 December 2021).

ATTACHMENTS

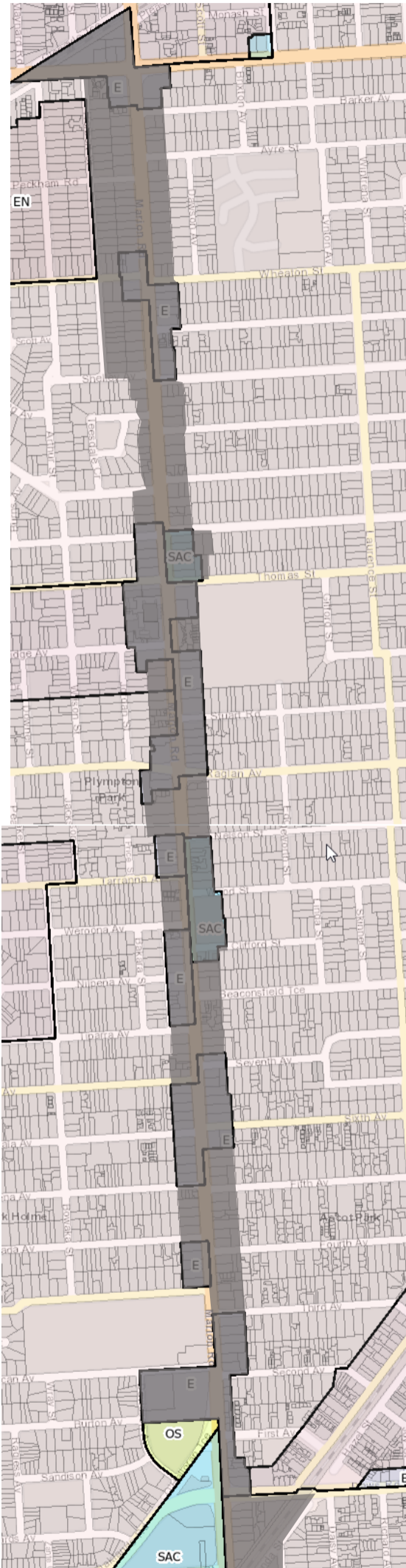
1. Attachment 1 - Marion Road Corridor - Mapping [**11.5.1** - 2 pages]
2. Attachment 2 - Proposal to initiate [**11.5.2** - 21 pages]

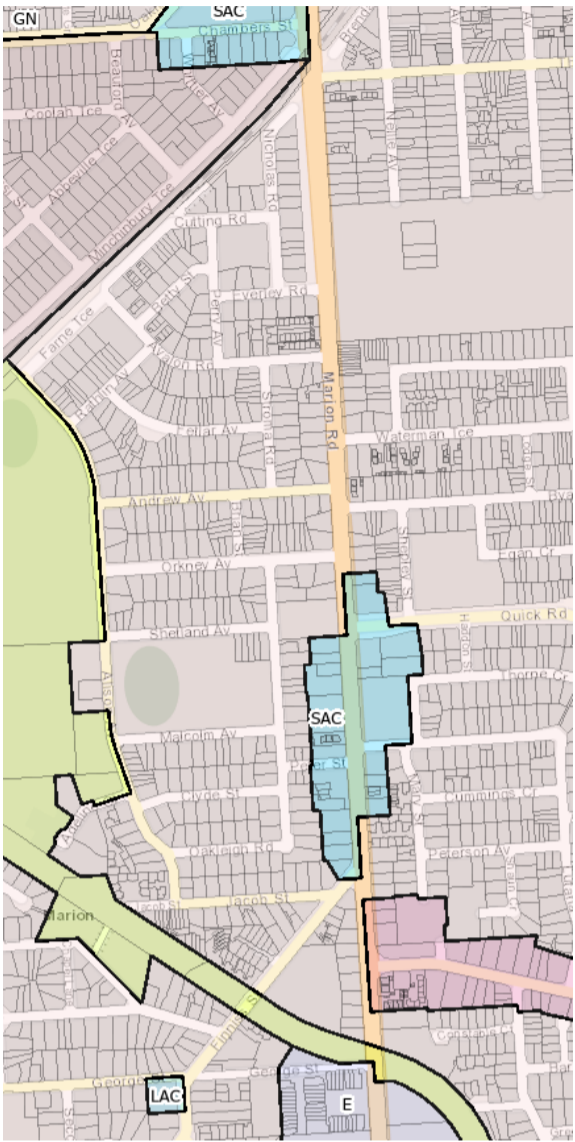
Marion Road Corridor

Current Zoning

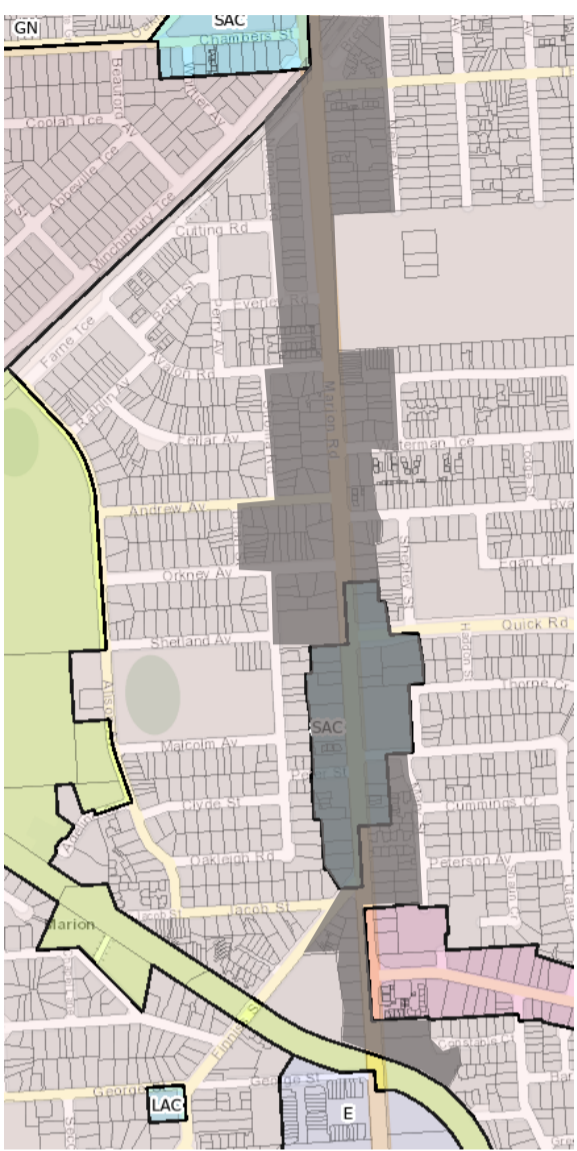


Indicative extent of corridor to be considered for rezoning to Urban Corridor or similar





Marion Road Corridor
Current Zoning



Indicative extent of corridor to be
considered for rezoning to Urban
Corridor or similar

**Subject to change following
further analysis/consideration*

**PROPOSAL TO INITIATE AN AMENDMENT TO THE
PLANNING & DESIGN CODE**

Urban Corridor – Marion Road Code Amendment

By Marion Council

_____ (Signature Required)

Marion Council *(the Proponent)*

Date: August 2021

This Proposal to Initiate document together with conditions specified by the Minister forms the basis for the preparation of a proposed amendment to the Planning and Design Code for the purpose of section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016*.

MINISTER FOR PLANNING AND LOCAL GOVERNMENT

Date:

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1. INTRODUCTION

The Proponent is proposing to initiate an amendment to the Planning and Design Code (the Code Amendment) as it relates to land located on or adjacent to Marion Road, (between the tram crossing in the north to the Sturt River channel in the south) in Ascot Park, Marion, Mitchell Park, Park Holme, Plympton Park and South Plympton (the Affected Area).

The purpose of this Proposal to Initiate is to seek approval of the Minister for Planning and Local Government (the Minister) to initiate the Code Amendment under section 73(2)(b) of the *Planning, Development and Infrastructure Act 2016* (the Act).

The Proponent is the council for the whole of the Affected Area.

This Proposal to Initiate details the scope, relevant strategic and policy considerations, nature of investigations to be carried out and information to be collected for the Code Amendment. It also details the timeframes to be followed in undertaking the Code Amendment, should this Proposal to Initiate be approved by the Minister.

The Proponent acknowledges that the Minister may specify conditions on approving this Proposal to Initiate, under section 73(5) of the Act. In the event of inconsistency between this Proposal to Initiate and any conditions specified by the Minister, the conditions will apply.

1.1. Designated Entity for Undertaking the Code Amendment

In accordance with section 73(4)(a) of the Act, the Proponent will be the Designated Entity responsible for undertaking the Code Amendment process. As a result:

- 1.1.1. The Proponent acknowledges that it will be responsible for undertaking the Code Amendment in accordance with the requirements Act.
- 1.1.2. The Proponent declares that it has not and does not intend to enter into an agreement with a third party for the recovery of costs incurred in relation to the Code Amendment under section 73(9) of the Act. If the Proponent does enter into such an agreement, the Proponent will notify the Department prior to finalising the Engagement Report under section 73(7).
- 1.1.3. The Proponent's contact person responsible for managing the Code Amendment and receiving all official documents relating to this Code Amendment is:
 - a) David Melhuish, Senior Policy Planner
 - b) david.melhuish@marion.sa.gov.au
 - c) 08 83756721and/or
 - a) Warwick Deller-Coombs, Manager Development & Regulatory Services
 - b) Warwick.deller-coombs@marion.sa.gov.au
 - c) 08 8375 6665

1.1.4. The Proponent intends to undertake the Code Amendment by:

a) utilising professional expertise of employees of the Proponent including:

Planning Practitioners

- David Melhuish, Senior Policy Planner – MPIA
- Warwick Deller-Coombs, Manager Development and Regulatory Services – MPIA
- Nicholas Timotheou, Senior Development Officer Planning

Community Engagement

- Communications Department
- Community Engagement Coordinator

1.2. Rationale for the Code Amendment

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

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

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

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

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

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

2. SCOPE OF THE CODE AMENDMENT

2.1. Affected Area

The proposal seeks to amend the Code for the Affected Area, being land located on or adjacent to Marion Road (between the tram crossing in the north to the Sturt River channel in the south) in Ascot Park, Marion, Mitchell Park, Park Holme, Plympton Park and South Plympton as shown in the map in **Attachment A**.

2.2. Scope of Proposed Code Amendment

Area 1 – Affected Area along Marion Road currently within the General Neighbourhood Zone

Current Policy	General Neighbourhood Zone <u>Overlays</u> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) (All structures over 15 metres) • Affordable Housing • Building Near Airfields • Hazards (Flooding - Evidence Required) • Major Urban Transport Routes • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Traffic Generating Development • Urban Tree Canopy <u>TNVs</u> <ul style="list-style-type: none"> • Nil
Amendment Outline	Investigate replacing existing pockets of commercial and residential type zones with a single zone (Urban Corridor Zone or similar) which provides opportunity for multi-storey mixed-use development (retail/commercial/residential) in appropriate locations along the Marion Road corridor, and help relieve the pressure for infill development in local streets in the inner suburbs.
Intended Policy	Rezone properties located within General Neighbourhood Zone to Urban Corridor Zone – potentially:- <ul style="list-style-type: none"> • Urban Corridor (Living Zone) The final proposed zone, overlays and local variation (TNV) will be identified following consideration of the findings of the investigations.

Area 2 – Affected Area along Marion Road currently within the Employment Zone

Current Policy	<p>Employment Zone</p> <p><u>Overlays</u></p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) (All structures over 15 metres) • Advertising Near Signalised Intersections • Building Near Airfields • Hazards (Flooding - Evidence Required) • Major Urban Transport Routes • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development <p><u>TNVs</u></p> <ul style="list-style-type: none"> • Maximum Building Height (Metres) (Maximum building height is 8m) • Maximum Building Height (Levels) (Maximum building height is 2 levels)
Amendment Outline	<p>Investigate replacing existing pockets of commercial and residential type zones with a single zone (Urban Corridor Zone or similar) which provides opportunity for multi-storey mixed-use development (retail/commercial/residential) in appropriate locations along the Marion Road corridor, and help relieve the pressure for infill development in local streets in the inner suburbs.</p>
Intended Policy	<p>Rezone properties located within the Employment Zone to Urban Corridor Zone – potentially:-</p> <ul style="list-style-type: none"> • Urban Corridor (Living Zone) <p>The final proposed zone, overlays and local variation (TNV) will be identified following consideration of the findings of the investigations.</p>

Area 3 – Affected Area along Marion Road currently within the Suburban Activity Centre Zone

Current Policy	<p>Suburban Activity Centre Zone</p> <p><u>Overlays</u></p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) (All structures over 15 metres) • Building Near Airfields • Hazards (Flooding - Evidence Required) • Major Urban Transport Routes • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development <p><u>TNVs</u></p>
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	<ul style="list-style-type: none"> • Minimum Building Height (Levels) (Minimum building height is 2 levels) • Maximum Building Height (Levels) (Maximum building height is 4 levels) • Interface Height (Development should be constructed within a building envelope provided by a 30 or 45 degree plane, depending on orientation, measured 3m above natural ground at the boundary of an allotment)
Amendment Outline	Investigate replacing existing pockets of commercial and residential type zones with a single zone (Urban Corridor Zone or similar) which provides opportunity for multi-storey mixed-use development (retail/commercial/residential) in appropriate locations along the Marion Road corridor, and help relieve the pressure for infill development in local streets in the inner suburbs.
Intended Policy	<p>Rezone properties located within Suburban Activity Centre Zone to Urban Corridor Zone – potentially:-</p> <ul style="list-style-type: none"> • Urban Corridor (Living Zone) <p>The final proposed zone, overlays and local variation (TNV) will be identified following consideration of the findings of the investigations.</p>

To note: This area will require further investigation and may not be appropriate as some floor area restrictions of 500 sqm apply and there are currently several larger scale supermarkets in the zone. The zoning in this area may need to stay as current, unless appropriate TNVs can be created.

3. STRATEGIC PLANNING OUTCOMES

Proposed Code Amendments occur within a state, regional and local strategic setting, which includes:

- State Planning Policies (SPPs)
- Regional Plans
- Other relevant strategic documents.

3.1. Summary of Strategic Planning Outcomes

The key strategic planning considerations are summarised as follows:

- Consolidate current commercial, centre and residential type zones along Marion Road to an integrated mixed-use zone.
- Facilitate the opportunity for an increased diversity in housing types and densities to meet the varying needs of the community.
- Encourage the development of retail and other services outside designated activity centres, along a major transit route, in a manner that integrates with higher density housing to promote urban activation and walkable neighbourhoods.

- A higher density of housing encouraged in locations with convenient access to shopping and community facilities and public transport.
- Adapt policy to encourage high quality residential developments that are designed to minimise adverse impacts from Marion Road.
- Relieve the pressure for infill development within local streets.
- Consideration of the need for suitable transitions between existing lower density residential areas and proposed higher density development.

3.2. Alignment with State Planning Policies

The State Planning Policies (SPPs) set out the State's overarching goals and requirements for the planning system. Under section 66(3)(f) of the Act, the Code must comply with any principle prescribed by a SPP.

The Code Amendment should be initiated because the strategic planning outcomes sought to be achieved through the Code Amendment align with or seeks to implement the following SPPs:

State Planning Policy (SPP)	Code Amendment Alignment with SPPs
<p><i>Principles of Good Planning</i></p> <p><u><i>Urban renewal principles</i></u></p> <ul style="list-style-type: none"> • <i>Preference should be given to accommodating the expected growth of cities and towns through the logical consolidation and redevelopment of existing urban areas.</i> • <i>Urban renewal should seek to make the best use (as appropriate) of underlying or latent potential associated with land, buildings and infrastructure.</i> <p><u><i>Activation and liveability principles</i></u></p> <ul style="list-style-type: none"> • <i>Planning and design should promote mixed use neighbourhoods and buildings that support diverse economic and social activities.</i> 	<p>The amendment seeks to provide opportunity for the replacement of existing lower density residential and commercial uses, located along a major transit route (Marion Road), with integrated mixed use/higher density residential development with convenient access to public transport and shopping/community facilities.</p>
<p><i>Integrated Planning</i></p> <p><i>1.7 Regenerate neighbourhoods to improve the quality and diversity of housing in appropriate locations supported by infrastructure, services and facilities.</i></p> <p><i>1.8 Mixed-use development around activity centres, public transport nodes and strategic transit corridors to encourage greater use of active</i></p>	<p>The amendment seeks to provide opportunity for the replacement of existing lower density residential and commercial uses, located along a major transit route (Marion Road), with integrated mixed use/higher density residential development with convenient access to public transport and shopping/community facilities.</p>

transport options such as walking, cycling and public transport.	
<p>Design Quality</p> <p>2.9 Respect the characteristics and identities of different neighbourhoods, suburbs and precincts by ensuring development considers existing and desired future context of a place.</p> <p>2.11 Manage the interface between modern built form of different scales with more traditional dwelling forms, including through the management of streetscape character, access to natural light, visual and acoustic privacy, massing and proportions.</p>	<p>The amendment will consider the need for suitable transitions, through various design elements, between existing lower density residential areas and proposed higher density and potentially taller development along the Marion Road corridor.</p>
<p>Housing Supply and Diversity</p> <p>6.5 Locate higher density residential and mixed-use development in strategic centres and transport corridor catchments to achieve the densities required to support the economic viability of these locations and the public transport services.</p> <p>6.6 A diverse range of housing types within residential areas that provide choice for different household types, life stages and lifestyle choices.</p>	<p>The amendment seeks to provide opportunity for the replacement of existing lower density residential and commercial uses, located along a major transit route (Marion Road), with integrated mixed use/higher density residential development with convenient access to public transport</p> <p>Higher density dwellings will provide a greater diversity and choice of dwelling types to better provide for the changing lifestyle needs of the community.</p>
<p>Employment Lands</p> <p>9.11 Encourage the development of integrated employment and residential mixed-use precincts where conflicts between uses can be managed.</p>	<p>The amendment seeks to provide opportunity for integrated mixed use/higher density residential development along a major transit route (Marion Road).</p> <p>The amendment will consider the need for suitable transitions, through various design elements, between existing lower density residential areas and proposed higher density and potentially taller development along the Marion Road corridor.</p>

3.3. Alignment with Regional Plans

As with the SPPs, the directions set out in Regional Plans provide the long term vision as well as setting the spatial patterns for future development in a region. This includes consideration of land use integration, transport infrastructure and the public realm.

The 30-Year Plan for Greater Adelaide (2017 Update) volume of the Planning Strategy is relevant for this Code Amendment.

Regional Plan Identified Priorities or Targets	Code Amendment Alignment with Regional Plan
<i>Principle 1: A compact and carbon-neutral city</i>	The Code Amendment will seek to facilitate the provision of additional housing opportunities at increased densities which can be adequately serviced by infrastructure such as public transport within the footprint of the existing metropolitan area.
<i>Principle 2: Housing diversity and choice</i>	
<i>Principle 4: A transit-focused and connected city</i>	Providing additional housing opportunities near public transport services.
<i>Principle 9: Affordable living</i>	The Code Amendment will investigate policy to enable the provision of affordable housing over the affected area which is well serviced by public transport and established services.
Transit corridors, growth areas and activity centres	
<i>Policy 1. Deliver a more compact urban form by locating the majority of Greater Adelaide's urban growth within existing built-up areas by increasing density at strategic locations close to public transport.</i>	The Code Amendment proposes to investigate an increase in residential density on a major road corridor, serviced by public transport.
<i>Policy 2. Increase residential and mixed-use development in the walking catchment of:</i> <ul style="list-style-type: none"> • <i>Strategic activity centres</i> • <i>Appropriate transit corridors</i> • <i>Strategic railway stations.</i> 	The Code Amendment proposes to investigate a mixed-use environment on a major road corridor, serviced by public transport.
<i>Policy 3. Increase average gross densities of development within activity centres and transit corridor catchments from 15 to 25 dwellings per hectare to 35 dwellings per hectare.</i>	The Code Amendment proposes to investigate an increase in residential density and associated building heights on a major road corridor, serviced by public transport.
<i>Policy 5. Encourage medium rise development along key transport corridors, within activity centres and in urban renewal areas that support public transport use.</i>	

Design quality	
Policy 27. <i>Provide for transitions between higher density and multi-storey, mixed-use developments in activity centres, corridors and existing detached housing precincts.</i>	The Code Amendment proposes to investigate the inclusion of policy relating to design issues, including setbacks and building heights, that can transition from and integrate with nearby adjacent low-density residential areas.
Housing mix, affordability and competitiveness	
Policy 37. <i>Facilitate a diverse range of housing types and tenures (including affordable housing) through increased policy flexibility in residential and mixed-use areas.....</i>	The Code Amendment proposes to investigate greater residential density and housing types on a major road corridor, serviced by public transport, as well as applying the Affordable Housing Overlay to the subject land.
Policy 45. <i>Promote affordable housing in well located areas close to public transport and which offers a housing mix (type and tenure) and quality-built form that is well integrated into the community.</i>	
The economy and jobs	
Policy 56. <i>Ensure there are suitable land supplies for the retail, commercial and industrial sectors.</i>	The Code Amendment proposes policy that envisages mix-use development including commercial land uses to service the proposed residential uses as well as retaining existing non-residential land uses.

3.4. Alignment with Other Relevant Documents

Additional documents may relate to the broader land use intent within the scope of this proposed Code Amendment (or directly to the Affected Area) and therefore are identified for consideration in the preparation of the Code Amendment.

The following table identifies other documents relevant to the proposed Code Amendment:

Other Relevant Document	Code Amendment Alignment with Other Relevant Document
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Housing Diversity Development Plan Amendment	The previous Housing Diversity DPA (HDDPA) sought the creation of an Urban Corridor Zone along much of Marion Road. This Zone was to provide opportunity for multistorey mixed use development (retail/commercial/residential) in appropriate locations and help relieve the pressure for infill development in local streets in the inner suburbs.
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4. INVESTIGATIONS AND ENGAGEMENT

4.1. Investigations Already Undertaken

The table below identifies what investigations have already been undertaken in support of the proposed Code Amendment.

Investigation Undertaken	Summary of Scope of Investigations	Summary of Outcome of Recommendations
Marion Road Urban Design Study -- 2009 Oxygen and Connor Holmes	To provide guidelines which aid future strategic and development decisions along and adjacent to Marion Road including informing Council's strategic planning process, particularly relating to future amendments to the Development Plan.	<ul style="list-style-type: none"> • Introduce more flexible policy to encourage redevelopment of sites in the corridor, including encouraging mixed use development outcomes along the whole corridor. • Encourage development of 3 to 5 storeys within the corridor, including non-residential uses at street level to activate the street, with residential development above • Consider opportunities to increase the depth of existing zones in certain areas to further encourage redevelopment and potentially enhance interface issues.
Marion Road – Feasibility Study: Urban Corridor Zone (as part of former Housing Diversity DPA)	Analysis identifying the key development opportunities along Marion Road and consideration of policy mechanisms to achieve the desired outcomes	Identified 6 key sites with highest potential for redevelopment.

4.2. Further Investigations Proposed

In addition to the investigations already undertaken and identified above, the table below outlines what additional investigations that will be undertaken to support the Code Amendment.

Further Investigations Proposed	Explanation of how the further investigations propose to address an identified issue or question
Traffic Impact Study	Further investigations into the impacts of increased density and traffic generation on future infrastructure requirements and network upgrades to the arterial road network.
Demand for the nature and extent of development anticipated in the zone	<p>Identify the appropriateness of rezoning the extent of land proposed to ensure that it reflects the demand for the nature of development anticipated in the zone.</p> <p>To ensure that development opportunities are available when required and that ad hoc development does not occur due to oversupply of Corridor zoning.</p>

4.3. Engagement Already Undertaken

The following engagement has occurred on the proposed Code Amendment:

- As part of Council's Housing Diversity DPA in 2019, the community were advised of the proposed changes to the zoning and associated policy affecting those properties to be included in the proposed Urban Corridor Zone along Marion Road.
- Public notification (including: letter drop to all Council properties, notices in newspapers, Council's web site and Government Gazette) was undertaken and the community was given an opportunity to provide response.
- Council received 66 responses regarding the proposed changes to Marion Road.
- The spatial location of the proposed zone and the maximum height allowed, within the version of DPA sent to the Minister for consideration, differed from that placed on public notification.
- The Minister advised that re-notification was required to allow all property owners affected by the change in circumstances the opportunity to respond to those changes.
- Re-notification did not occur prior to the implementation of the Code so a Code Amendment is required

A summary of outcomes or matters raised through engagement already undertaken is as follows:

- Support proposed changes
- Mixed use will create better living environment
- Residential development should be required to include higher standards for sound insulation
- Urban Corridor Zone is well overdue

- Do not want to be overshadowed by 3 – 5 storey buildings
- High quality designs, set well back to allow large scale landscaping are important
- Increased density will create problems for vehicle access, congestion and parking
- Increased density within the urban corridor zone will help maintain the character within suburbs.
- Supports key sites and opportunity for greater mixed uses
- Ensure there is sufficient car parking off-street
- Concerned that Marion Road may not have the capacity for increased traffic volumes
- Not supportive of 5 storey buildings and minimal setback requirements adjacent the Residential Character Area
- Buildings should be a maximum of 3 storeys
- 3 – 5 storey buildings will produce a low quality streetscape and devalue adjacent residential properties
- Ease of access to public transport
- Encourage renewal of dilapidated buildings
- All sites should be developed to full potential (greater height and building envelopes)
- Concerns regarding infrastructure, parking, open space use
- Corridor should go back to at least the first side street

4.4. Further Engagement Proposed

In addition to the engagement already undertaken and identified above, the table below outlines what additional engagement will be undertaken to support the Code Amendment.

Further Engagement Proposed	Explanation of how the further engagement propose to address an identified issue or question
<ul style="list-style-type: none"> • 8-week consultation process on the Draft Code Amendment. • A copy of the Code Amendment in the Plan SA Portal. • A notice in the Advertiser Newspaper. • Information on Council's 'Making Marion' website, with information on the Code Amendment including, but not limited to a copy of the draft Code Amendment, FAQs and information on how to make comments. • A written notice to all property owners within the affected area and property owners immediately surrounding the affected area (as considered appropriate) inviting them to review and comment on the draft policy. 	<p>The broad intent of the engagement process will be to:</p> <ul style="list-style-type: none"> • Alert attention to the draft Code Amendment, its scope and intent. • Highlight any specific issues identified during the drafting process. • Provide details on the Code Amendment process and opportunities for input/comment. • Provide information on how to seek further information.

<ul style="list-style-type: none"> • Information brochure outlining what the Code Amendment is about, the proposed policy amendments, and how interested persons can comment. • Notification of the draft Code Amendment to relevant State Government departments/agencies, Members of Parliament, adjacent Councils, infrastructure providers and other interested parties. • Copies of draft Code Amendment and information brochure to be made available at Council offices and libraries. • The scheduling of a Public Meeting (if required) at the conclusion of the consultation process, at which any interested person may appear before Council's Planning and Development Committee to make representations on the proposed amendment. 	
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5. CODE AMENDMENT PROCESS

5.1. Engagement Plan

The Code Amendment process will occur in accordance with the Community Engagement Charter and Practice Direction 2 – Consultation on the Preparation or Amendment of a Designated Instrument.

The Designated Entity will prepare an Engagement Plan prior to the commencement of engagement on the proposed Code Amendment. The Engagement Plan will include the following mandatory consultation requirements (which may be in addition to the engagement outlined in this Proposal to Initiate):

- the Local Government Association must be notified in writing of the proposed Code Amendment;
- if the Code Amendment has a specific impact on 1 or more particular pieces of land in a particular zone or subzone (rather than more generally), the Designated Entity must take reasonable steps to give a notice in accordance with Regulation 20 of the *Planning, Development and Infrastructure (General) Regulations 2017*, to:
 - the owners or occupiers of the land; and
 - owners or occupiers of each piece of adjacent land;
- consultation must also occur with any person or body specified by the State Planning Commission under section 73(6)(e) of the Act.

5.2. Engagement Report

Once engagement on the Code Amendment is complete, the Designated Entity will prepare an Engagement Report under section 73(7) of the Act.

The Designated Entity must ensure that a copy of the Engagement Report is furnished on the Minister and also published on the SA Planning Portal. This will occur in accordance with Practice Direction 2.

The Engagement Plan and the Engagement Report will also be considered by the State Planning Commission during the final stages of the Code Amendment process. The Commission will provide a report to the Environment, Resources and Development Committee of Parliament under section 74(3) of the Act. The Commission's report will provide information about the reason for the Code Amendment, the consultation undertaken on the Code Amendment and any other information considered relevant by the Commission.

5.3. Code Amendment Timetable

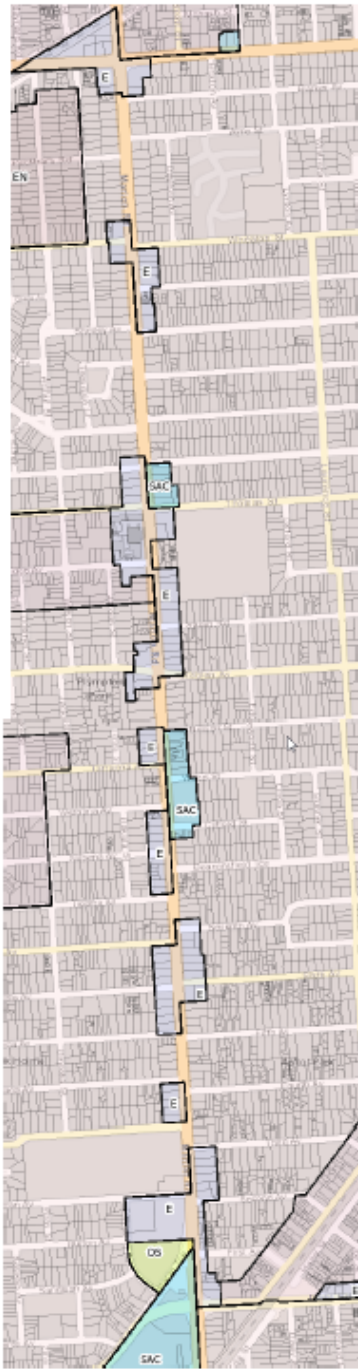
The Proponent (where it is also the Designated Entity) commits to undertaking the Code Amendment in line with the timeframe outlined in **Attachment B**. If a timeframe is exceeded (or expected to be exceeded) the Proponent agrees to provide an amended timetable to the Department with an explanation of the delay, for approval by the Minister of an extension of time for the Code Amendment.

ATTACHMENT A
Map of Affected Area

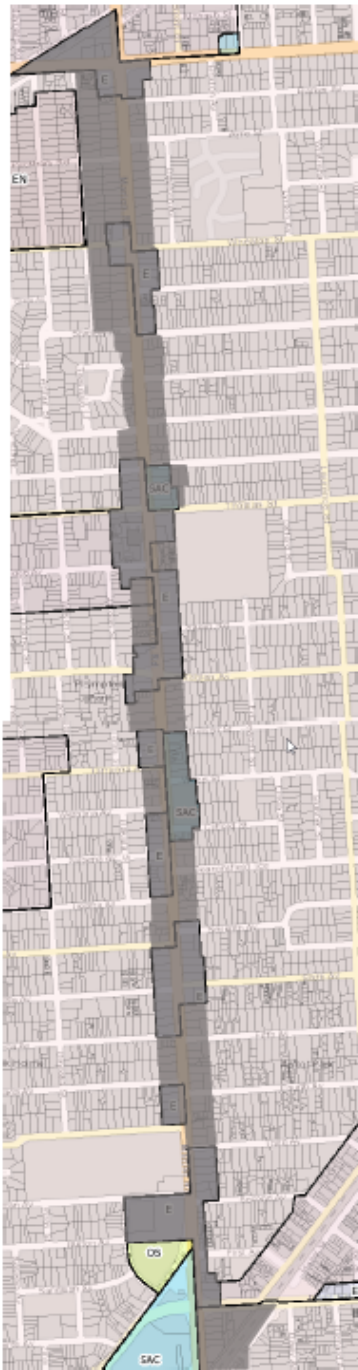
DRAFT

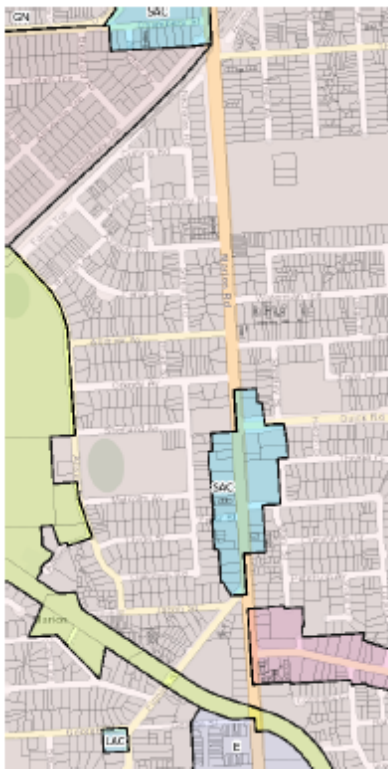
Marion Road Corridor

Current Zoning



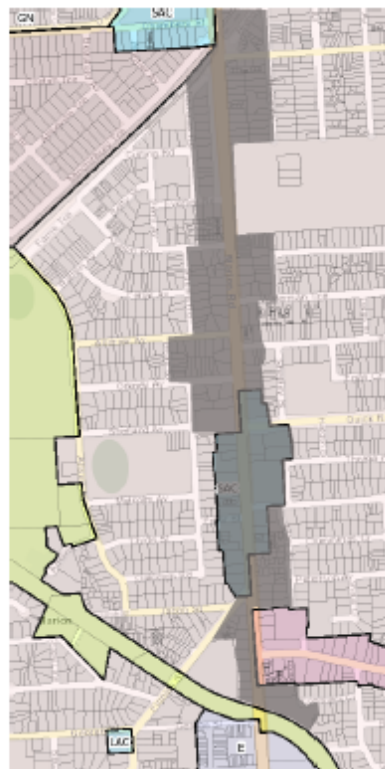
Indicative extent of corridor to be considered for rezoning to Urban Corridor or similar





Marion Road Corridor

Current Zoning



Indicative extent of corridor to be considered for rezoning to Urban Corridor or similar

*Subject to change following further analysis/consideration

ATTACHMENT B

Timetable for Code Amendment by Proponent

Step	Responsibility	Timeframe
Approval of the Proposal to Initiate		
Review of Proposal to Initiate to confirm all mandatory requirements are met (timeframe will be put on hold if further information is required). Referral to the Minister to request advice from the Commission	AGD	2 weeks (<i>includes lodgement and allocation + referral to Government Agencies within the first week</i>)
Minister requests advice from the Commission.	Minister	2 weeks
Referral to Government Agencies for comment (where necessary)	AGD, Relevant Government Agencies	+ 2 weeks
Consideration of Proposal to Initiate and advice to the Minister	Commission (Delegate)	3 weeks
	Commission	+ 3 weeks
Proposal to Initiate agreed to by the Minister	Minister	2 weeks
Preparation of the Code Amendment		
Engagement Plan Prepared. Investigations conducted; Code Amendment Report prepared The Drafting instructions and draft mapping provided to AGD	Council	12 weeks
AGD prepares Amendment Instructions and Mapping and provides to Council for consultation purposes	AGD	1 week
Preparation of Materials for Consultation	Council	6 weeks
Engagement on the Code Amendment		
Code Amendment Report released for public consultation in accordance with the Community Engagement Charter and the prepared Community Engagement Plan	Council	12 weeks
Consideration of Engagement and Finalisation of Amendments		
Submissions summarised; Amended drafting instructions provided, Engagement Report prepared and lodged with AGD	Council	8 weeks
Assess the amendment and engagement. Prepare report to the Commission or delegate <i>Timeframe will be put on hold if further information is required, or if there are unresolved issues</i>	AGD	4 weeks
Consideration of Advice	Commission (Delegate)	2 weeks (<i>includes 1 week to process through Minister's office</i>)
	Commission	+ 3 weeks

Step	Responsibility	Timeframe
Decision Process		
Minister considers the Code Amendment Report and the Engagement Report and makes decision	Minister	3 weeks
Implementing the Amendment (operation of the Code Amendment)		
Go- Live- Publish on the PlanSA Portal	AGD	2-4 weeks
Parliamentary Scrutiny		
Referral of approved Code Amendment to ERDC	AGD	8 weeks

DRAFT

11.6 SRWRA Audit Committee Member - City of Marion Representative

Report Reference	GC210914R11.6
Originating Officer	Executive Officer to the General Manager Corporate Services – Kathryn Mullen
Corporate Manager	N/A
General Manager	General Manager Corporate Services - Sorana Dinmore

REPORT OBJECTIVE

The purpose of this report is to appoint a City of Marion representative (Mr. Greg Connor) to the Southern Region Waste Resource Authority's (SRWRA) Audit Committee.

EXECUTIVE SUMMARY

SRWRA is established jointly by the Cities of Onkaparinga, Holdfast Bay and Marion Council as a regional subsidiary pursuant to Section 43 of the *Local Government Act 1999*. It has significant operations that provide and operate services for the management of waste on behalf of the constituent Councils. The Authority is governed by a seven-member Board comprising two appointees from each of the constituent Councils together with an independent Chair. The Board also has an Audit subcommittee with representation from the three Councils.

Mr. Greg Connor is currently the presiding member of the SRWRA Audit Committee and has expressed that he would be prepared to continue as a member on behalf of the City of Marion, if Council so determined.

Mr Connor has overseen, from an Audit committee perspective, the joint venture for the construction of the Materials Recycling Facility and, in the opinion of the members, has added value through his constructive opinions and enquiries. He is well supported on the Audit Committee by Ms Emma Hinchey, who is the City of Onkaparinga representative and Mr Sam Spadavecchia, for the city of Holdfast Bay.

Both the CEO and the Chair of SRWRA are supportive of the extension of Mr Connor's appointment.

If Council wishes to discuss this report, it is recommended that it move into confidence in accordance with the following resolution:

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Services, General Manager Corporate Services, General Manager City Development, Manager Office of the CEO, Manage People and Culture, Governance Officer, Unit Manager Governance and Council Support, be excluded from the meeting as the Council receives and considers information relating to SRWRA Audit Committee Member - City of Marion Representative, 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 concerns the personal affairs of any person.

RECOMMENDATION

It is recommended that Council:

1. **Appoint Mr. Greg Connor to the Southern Region Waste Resource Authority Audit Committee as the City of Marion representative for the period of two years from the next SRWRA Annual General Meeting on 20th September 2021.**

ATTACHMENTS

Nil

11.7 Funding Support for District Council of Loxton Waikerie litigation

Report Reference	GC210914R11.7
Originating Officer	Executive Officer to the Chief Executive Officer – Dana Bartlett
Corporate Manager	N/A
General Manager	Chief Executive Officer - Tony Harrison

REPORT OBJECTIVE

The purpose of this report is to provide Council with the opportunity to respond to a request from the Local Government Associations (LGA) request to provide support for the District Council of Loxton Waikerie litigation.

EXECUTIVE SUMMARY

On 18 August 2021 the LGA wrote to the City of Marion Chief Executive Officer, Mr Tony Harrison seeking a voluntary contribution, under the LGA's Legal Assist Policy, of \$1,188.28 to support legal action between the District Council of Loxton Waikerie and Australian Workers' Union (AWU). (Attachment 11.7.1).

At the LGA board meeting of 10 June 2021, the LGA Board considered an application from the Loxton Waikerie District Council (LWDC) for funding support from councils for litigation and agreed to seek contributions in accordance with the Policy (Attachment 11.7.2). It is noted that the Board's decision is limited to whether the matter is covered by the LGA policy and has not included an assessment of the legal merits of the case nor formed a view as to whether councils should contribute. Importantly, a decision to make a voluntary funding contribution does not make council a party to the matter.

The following provides a brief summary of the matter involving LWDC.

The Australian Workers' Union (AWU) has commenced legal proceedings against the LWDC concerning the interpretation of the Local Government Employees Award (LGE Award) in respect of the payment for Rostered Days Off (RDOs) and public holidays.

The LGE Award contains a clause that states:

- When a rostered day off falls on a Public Holiday the employee will be paid for the public holiday and the rostered day off will move to the next working day, or a day mutually agreed between the employer and employee.

Payment for public holidays is based on the number of ordinary hours that an employee would normally work on the day, at their appropriate total daily rate. In the case of the LWDC, employees under the LGE Award work 9.5 hour days, 8 days per fortnight. Employees are entitled to an RDO each Monday.

LWDC has 46 employees who work a four (4) day week (eight (8) day fortnight). Based on the AWU interpretation of the LGE Award, those employees would be paid 9.5 hours for each of the nine (9) public holidays each year, rather than the 7.6 hours currently paid. This equates to an increase in the number of hours paid for public holidays each year of 17.1 hours per employee (9 public holidays x 1.9 hours) at a cost of approximately \$25,000 per annum.

If applied, the approach would also result in differing payment for public holidays across employees, with some classes of employee being paid 7.6 hours per public holiday.

LWDC has attended a conciliation meeting that failed to reach agreement with the AWU. As a consequence, legal proceedings have been commenced.

Due to the potential impacts for all councils, the LGA Board agreed to seek voluntary funding contributions on behalf of LWDC toward the litigation costs of proceedings commenced by the AWU.

Council is required to confirm its formal support so that financial settlement can be made. This will be covered within existing budgets.

RECOMMENDATION

That Council:

- 1. Approves the request to support \$1,188.28 to the LGA for the District Council of Loxton Waikerie litigation and authorises that a letter be sent by the Chief Executive Officer advising them of the decision.**

ATTACHMENTS

1. Funding Support for District Council of Loxton Waikerie litigation - City of Marion [**11.7.1** - 2 pages]
2. GP 09 Legal Assist Policy - LGA Board Policy [**11.7.2** - 3 pages]



The voice of local government.

In reply please quote our reference: ECM 765050 TN/MD

18 August 2021

Mr Tony Harrison
Chief Executive Officer
City of Marion
PO Box 21
Oaklands Park SA 5046
Emailed: Tony.Harrison@marion.sa.gov.au

Dear Mr Harrison

Funding Support for District Council of Loxton Waikerie litigation

The LGA *Legal Assist Policy* (Policy) enables a member council to apply to the LGA to seek voluntary contributions from all councils to assist with its legal costs where the council is involved in litigation that relates to a matter or principle of importance to local government.

At its meeting of 10 June 2021, the LGA Board considered an application from the Loxton Waikerie District Council (LWDC) for funding support from councils for litigation and agreed to seek contributions in accordance with the Policy. It is noted that the Board's decision is limited to whether the matter is covered by the LGA policy and has not included an assessment of the legal merits of the case nor formed a view as to whether councils *should* contribute. Importantly, a decision to make a voluntary funding contribution does not make council a party to the matter.

The following provides a brief summary of the matter involving LWDC.

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The voice of local government.

If applied, the approach would also result in differing payment for public holidays across employees, with some classes of employee being paid 7.6 hours per public holiday.

LWDC has attended a conciliation meeting that failed to reach agreement with the AWU. As a consequence, legal proceedings have been commenced.

LWDC contends that the outcome of this matter has industry wide application for all councils that have RDO arrangements in place and has the potential to flow over into application of annual leave and sick leave entitlements.

Due to the potential impacts for all councils, the LGA Board agreed to seek voluntary funding contributions on behalf of LWDC toward the litigation costs of proceedings commenced by the AWU.

In accordance with the LGA's Policy, contributions are sought from councils based on the proportion of the LGA membership subscription assessed against each council. Contributions by councils is voluntary and the LGA will remit the total of contributions received to LWDC. Applying the formula for determining your LGA subscription fee, your council is asked to consider a contribution of \$1188.28.

Please advise Tami Norman, Program Leader Governance and Reform at tami.norman@lga.sa.gov.au by 1 October 2021, if you wish to contribute the above amount. If you agree to contribute, the LGA will issue an invoice to facilitate the payment once the matter has been determined.

Please let me know if you have any questions or concerns.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Lisa Teburea', is positioned above the printed name.

Lisa Teburea

Acting Chief Executive Officer

Telephone: (08) 8224 2068

Email: lisa.teburea@lga.sa.gov.au

Attach: ECM 622826 - LGA GP09 Legal Assist Policy

GP09 Legal Assist Policy

First Issue/ Approved	July 2015
Last Reviewed	June 2019 - approved by LGA Board of Directors at the meeting held 20/06/2019
Next Review	February 2023
LGA File Reference	ECM 622826
Responsible Officer	Director Corporate Services
Related Documents	LGA Constitution

1. Purpose

From time to time a council may wish to pursue a legal matter through the courts. In certain circumstances it may be appropriate for such council to seek financial support for the court action from the local government sector. This policy sets out the criteria against which the LGA will assess the request for legal assistance.

2. Scope

This policy applies to all written requests received from members for assistance with legal costs associated with litigation and the principle in the matter involves an important local government principle which may be eroded if the matter is not pursued.

3. Principle

A council may apply to the Local Government Association (LGA) to seek contributions from all councils to assist with its legal costs, where that council is involved in litigation and the principle in the matter involves an important local government principle which may be eroded if the matter is not pursued.

4. Policy Statement

Applications will be considered and dealt with on the following basis:

1. The LGA Board will be the sole decision-maker on whether or not an application for legal assistance will be supported. The decision will be based on the general application of the principle involved in the case to all councils.
2. Assistance under these guidelines will be granted in respect of matters in the District Court or the Supreme Court of SA or the High Court of Australia.
3. Assistance will not be available to fund litigation in a tribunal of initial jurisdiction, such as the South Australian Civil and Administrative Tribunal (SACAT), unless the LGA is satisfied that special and exceptional reasons exist for doing so (this may include a 'test case' where the matter will affect all councils).
4. Assistance will not be available for matters which do not involve immediate court action (for example matters involving mediation or for seeking advice on available courses of action).
5. Assistance will not be available in relation to matters which arise as a consequence of any entrepreneurial activities which may have been initiated or undertaken by the council concerned in the matter.
6. Assistance will not normally be available in appeals against penalties imposed on a council in a prosecution action by another authority unless there are exceptional grounds for granting it,

such as the imposition of a penalty which is significantly inconsistent with penalties imposed in other matters having essentially similar facts and the matter has significance for the whole of local government.

7. Requests for assistance will be considered only if submitted to the LGA prior to the commencement of the proceedings in the appellate court, unless the council is involved as a respondent to an appeal. In that event, the request must be submitted as soon as possible after the council becomes aware that an appeal has been or is to be lodged.
8. Support will not be available where the estimated or final legal costs are less than \$10,000.
9. All applications should include the following details:
 - a brief statement of the facts of the matter;
 - a clear indication of the principle involved which makes the outcome of the case of relevance to all councils;
 - an estimate of the costs involved; and
 - advice from counsel or the representative solicitor as to the prospects of success.

When submitting a request for assistance, councils should ensure, as far as possible, that all necessary information is included in the initial application. A request cannot be considered until all information has been supplied. Failure to do so may lead to unnecessary correspondence and delays. If there is information which cannot be supplied when the request is submitted, that fact should be stated and an indication given as to when it will be available.

10. Where the LGA agrees to support a request for assistance, contributions will be sought from Councils calculated on a *pro rata* basis according to the proportion of the basic membership subscription assessed against each council and based upon the estimate of costs submitted with the initial request (unless an updated figure has been submitted in the meantime). Requests for commitments to make a contribution will be circulated as soon as possible after approval is given to seek contributions in the matter.
11. Contributions are entirely voluntary and no council is under any obligation to make a contribution in any instance.
12. The LGA may, if it considers it appropriate, seek contributions for an amount which is less than the estimated costs involved in the matter.
13. The LGA will pay to the council involved in the matter, the lower of:
 - the total amount collected by the LGA through the contribution process; or
 - the residual amount of costs remaining liable upon the council involved in the matter, after any costs are recovered from, or ordered by the court to be paid by, the other parties to the action.

These funds will be provided to the council only after the court has made final orders in the matter, including any orders for costs.

14. The LGA will provide the funds when it receives an invoice from the council involved in the litigation, which clearly accounts for the manner in which the funds will or have been spent.
15. Where the council to which support has been given recovers costs from another party after the LGA has paid contributions to it, the council must account for, and repay to the LGA, these amounts not previously taken into consideration. That is, no council is entitled to make a profit from receiving assistance.

16. Where a council has received support in respect of an appeal to one court suffers an adverse verdict in that court and wishes to appeal to a higher court, for example to have an adverse verdict of the District Court tested in the Supreme Court, a fresh application for assistance must be submitted. Each application will be considered on its merits. The fact that assistance was given in the lower court will not guarantee that assistance will be available for a further appeal.
17. The LGA will provide the names of any participating councils to the applicant council, which will be responsible for providing information and updates to all participating councils on the progress of the matter that has been approved under this policy.

5. Policy Review

This policy will be reviewed every four years or as required to improve its effectiveness.

11.8 Policy Review - Prudential Management Policy

Report Reference	GC210914R11.8
Originating Officer	Governance Administration Officer – Angela Porter
Corporate Manager	Manager Office of the Chief Executive - Kate McKenzie
General Manager	Chief Executive Officer - Tony Harrison

REPORT OBJECTIVE

The purpose of this report is to seek endorsement of the Prudential Management Policy following a review at the Elected Member Forum on 17 August 2021

REPORT HISTORY

Report Reference	Report Title
EMF210817R1.4	Policy Review

EXECUTIVE SUMMARY

The purpose of the Prudential Management Policy is to ensure the appropriate level of due care, diligence, risk management and foresight is applied before Council undertakes any project and to ensure Council is provided with appropriate information to make informed and accountable decisions with using Council and public resources.

Amendments to the policy include:

- Splitting the policy into a policy and a procedure
- Updates to formatting and language

RECOMMENDATION

That Council:

- 1. Endorse the Prudential Management Policy as attached to this report, subject to any amendments made by Council at the Council meeting on 14 September 2021.**

DISCUSSION

The previous Prudential Management Policy and a new draft Prudential Management Policy were presented to Elected Members at the Elected Member Forum on 17 August 2021 (EMF210817R1.4). Following this review, it is recommended the policy be endorsed to enable Council to continue to make informed and accountable decisions when undertaking projects using Council and public resources.

ATTACHMENTS

1. Prudential Management Policy - Draft [11.8.1 - 3 pages]

Prudential Management Policy



1. RATIONALE

The *Local Government Act 1999* (the Act) requires Councils to develop and maintain prudential management policies, practices and procedures for the assessment of Projects to ensure Councils: act with due care, diligence and foresight; identify and manage project risks; make informed decisions; and are accountable for the use of Council and other public resources.

2. POLICY STATEMENT

The City of Marion is committed to excellence in governance and a best practice approach to transparent and accountable decision making. Council ensures the prudent management of all Projects it undertakes on behalf of the City of Marion and ensures it meets its prudential requirement obligations under Section 48 of the Act when undertaking Major Projects.

3. OBJECTIVES

The primary objectives of this Policy are:

- To ensure the appropriate level of due care, diligence, risk management and foresight is applied before Council undertakes any Project.
- To ensure Council is provided with appropriate information to make informed and accountable decisions when using Council and public resources.

4. POLICY SCOPE AND IMPLEMENTATION

Scope

This Policy applies to all Projects and Major Projects undertaken by Council. The fact a Project will be undertaken in stages does not limit the operation of this Policy in relation to the Project as a whole.

In accordance with Section 48(3) of the Act, a Prudential Report is not required for road construction and maintenance and drainage works.

Implementation

4.1 Due diligence assessment

The appropriate level of due diligence is applied to each Project to ensure Council:

- acts with due care, diligence and foresight
- identifies and manages risks associated with the Project
- makes informed decisions about the Project
- is accountable for the use of Council and other public resources.

For Major Projects, the level of due diligence applied complies with the prudential requirements under the Act.

Policy Ref/Security Classification:
Category: Legislative / Public
Owner: Manager Corporate Governance
Authorisation Date: xx/xx/xx
Review Date: xx/xx/xx

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Prudential Management Policy



4.2 Prudential Report

A Prudential Report is prepared for all Major Projects (excluding road construction or maintenance projects or drainage works projects). The Report determines and assesses the appropriate level of due diligence applicable to the Project in accordance with prudential requirements under the Act and the steps outlined in the associated *Prudential Management Procedures*. The Report is prepared by a person whom Council reasonably believes is qualified to address the prudential issues. This person must not have an interest in the relevant Project as defined in Section 48(6a) – 6(c) of the Act.

Prudential Reports are presented to Council. Council gives reasonable consideration to a Prudential Report submitted under Section 28(1) of the Act and does not delegate its responsibility to do so.

Once Council has made a decision on the relevant Major Project, the Prudential Report is made available for public inspection at the principal office of the Council. Council may take steps to prevent the disclosure of specific information in the Report in order to protect its commercial value or to avoid disclosing the financial affairs of a person (other than Council).

5. DEFINITIONS

Term	Definition
Due Diligence	In the context relative to a project refers to a functional review process comparative to the entire project life cycle to protect against incurring liability that may influence the overall success of the project.
Major Project	A Major Project is a project which meets one or more of the following criteria: <ul style="list-style-type: none"> The expected capital cost of the project over the ensuring five years is likely to exceed \$4 million (indexed); or The expected expenditure of the project over the ensuring five years is likely to exceed 20 per cent of the council's average annual operating expenses over the previous five years (as shown in Council's financial statements); or The risk profile of the project is high or extreme, as determined by Council Staff under the Risk Management Framework.
Project	A project is defined under the Local Government Act 1999 as: <ul style="list-style-type: none"> any form of activity or enterprise; the provision of facilities or services; any form of scheme, work or undertaking.

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<i>Term</i>	<i>Definition</i>
Prudential Report	A Prudential Report is the formal report with specific due diligence and format requirements in accordance with Section 48(2) of the Act. This report must be obtained and considered by Council for Major Projects.

6. ROLES AND RESPONSIBILITIES

<i>Role</i>	<i>Responsibility</i>
<i>Chief Executive Officer</i>	<ul style="list-style-type: none"> Provide adequate resources for effective prudential management of projects
<i>Council Members</i>	<ul style="list-style-type: none"> Give reasonable consideration to reports addressing prudential issues under this policy
<i>Council Staff</i>	<ul style="list-style-type: none"> Prepare Prudential Reports for Major Projects that provide Council with all the information it requires to make informed decisions in the best interest of the community.

7. REFERENCES

City of Marion

- Prudential Management Procedures*
- Risk Management Policy and Framework*

Other

- Local Government Act 1999*

8. REVIEW AND EVALUATION

This Policy will be reviewed by Council every four years in accordance with the City of Marion Policy Framework or sooner if required.

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11.9 Policy Review - Policies for Rescission

Report Reference	GC210914R11.9
Originating Officer	Governance Administration Officer – Angela Porter
Corporate Manager	Manager Office of the Chief Executive - Kate McKenzie
General Manager	Chief Executive Officer - Tony Harrison

REPORT OBJECTIVE

The purpose of this report is to seek endorsement to rescind the following policies following a review at the Elected Member Forum on 17 August 2021:

- Playground Policy
- Marion Library Service Customer Conditions of Use Policy
- Roads Opening and Closing Policy
- How We Work Together Policy

REPORT HISTORY

Report Reference	Report Title
EMF210817R1.4	Policy Review

EXECUTIVE SUMMARY

Playground Policy

The purpose of this policy is to provide accessible, engaging and safe play environments across the City. Following discussion and feedback from Members at the Elected Member Forum on 17 August 2021, it was determined that the contents of this policy should be made into a procedure, incorporated into the Open Space Plan and that this policy be rescinded.

Marion Library Service Customer Conditions of Use Policy

The purpose of this policy is to ensure that customers have fair and equitable access to the library service, library premises are safe and comfortable spaces for customers and that customers comply with the conditions of use. Following discussion and feedback from Members at the Elected Member Forum on 17 August 2021, it was determined that the contents of this policy should be made into a procedure and that this policy be rescinded.

Roads Opening and Closing Policy

It should be noted that this is not a formal policy and the process is governed by the *Roads (Opening and Closing) Act 1991*. It is recommended that this policy be rescinded.

How We Work Together Policy

This policy will be superseded by the *Statutes Amendment (Local Government Review) Act 2021* and the establishment of the Behavioural Standards Panel. This policy is no longer required.

RECOMMENDATION

That Council:

- 1. Rescind the Playground Policy, noting that it will be made into a procedure and incorporated into the Open Space Plan.**

2. **Rescind the Marion Library Service Customer Conditions of Use Policy, noting that it will be made into a procedure.**
3. **Rescind the Roads Opening and Closing Policy, noting that it is not a formal policy and is governed by the *Roads (Opening and Closing) Act 1991*.**
4. **Rescind the How We Work Together Policy, noting that it is no longer valid due to the *Statutes Amendment (Local Government Review) Act 2021*.**

ATTACHMENTS

1. Playground Policy [**11.9.1** - 6 pages]
2. Marion Library Service Customer Conditions of Use Policy [**11.9.2** - 4 pages]
3. Roads Opening And Closing Policy [**11.9.3** - 4 pages]
4. How We Work Together Policy [**11.9.4** - 3 pages]

Playground Policy



1. RATIONALE

This policy sets out how the City of Marion provides for accessible and safe play environments that contribute to physical, mental, emotional and social development.

2. POLICY STATEMENT

Play is a fundamental and vital part of physical, mental, emotional and social development and a primary element through which life skills are learned. As a provider of public places dedicated to play, the City of Marion has an integral role in ensuring accessible and safe environments are provided to support developmental needs and community wellbeing.

In this context the City of Marion owns and maintains approximately 100 playgrounds that include elements for a range of play experiences (including play equipment, nature play, informal sporting facilities, fitness equipment) and associated amenities (including seating, shelters, barbecues, fencing, toilets, pathways).

The City of Marion considers that across the City one playground per 1,000 people is ample provision of playgrounds.

This policy will be supported by operational systems and processes to ensure efficient delivery and long term sustainability of playground provision and management across the City.

This Policy is a component of a Playground Framework comprising:

1. Policy (including hierarchy)
2. Service Levels
3. Prioritised Works List
4. Project Methodology

The Playground Framework program will be supported by operational systems and processes to ensure the efficient delivery for capital, renewal and maintenance works.

3. OBJECTIVES

The City of Marion will be recognised for its equitable and sustainable provision and management of accessible, diverse, creative, innovative, safe, high quality and fun playgrounds that contribute to developmental needs and are places that encourage community interaction, understanding and wellbeing.

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Playground Policy



4. PRINCIPLES

The following principles will guide the City of Marion's planning, development and management of playgrounds:

Accessible & Diverse

- Playgrounds and associated facilities and amenities will cater for a range of abilities and needs
- Playground designs will be stimulating and fun to enable play environments within each community
- Playgrounds will be provided within walking distance (approximately 500m or averaging provision of one playground per 1,000 residents), where possible, of every residence, taking pedestrian barriers into account.
- The location and design complexity of playgrounds that are located in the open space network will be guided by the Open Space Hierarchy for the City of Marion

Creative, Innovative & Fun

- Playgrounds will be designed to provide a high play value, incorporating:
 - Challenging and fun physical play
 - Stimulating cognitive play
 - Free and creative play
 - Opportunities for social and interactive play
 - Integrated associated facilities (such as seating, pathways, shelters)
- Playgrounds will be designed to encourage child development through the four types of play, which are:
 - Individual or quiet play
 - Social play
 - Active play
 - Cognitive and creative play

Safe & Sustainable

User safety will be a high priority in the location, design and management of playgrounds which is undertaken in line with the Australian Standards: but we accept that taking calculated and graduated risks at play is essential for good physical and mental development

Playground equipment will be renewed at the end of its useful life (approximately 20-25 years)

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Community Engagement

- The community will have opportunities to comment on proposed playgrounds and their views will be considered.

5. POLICY SCOPE

The scope of this policy pertains to all publicly accessible playgrounds on land owned and under the care, control and management of the City of Marion.

6. IMPLEMENTATION

A Standardised Palette approach will be utilised to guide the design of local and neighbourhood hierarchy playgrounds. Regional and City Wide Destination playgrounds will be designed as high quality destinations responsive to Council and resident needs and can utilise equipment outside of the palette as required.

7. SERVICE LEVELS

Council has set out appropriate service levels in the document Playground Framework: Service Levels which guide the implementation of this policy.

8. HIERARCHY

The Playground hierarchy describes the level of playgrounds and types of facilities that may exist within the playground and include definitions and user catchment distances for hierarchies. These are to be used as a **guide** in the provision of playground planning and may be subject to other considerations as they arise such as topography, major barriers including major roads, drains and rail lines.

As a guide, playgrounds will be provided within approximately 500m walking distance to dwellings and work places or will average provision of one playground per 1,000 residents.

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Playground Policy



Local Level

Categories	Description
Purpose	Local Level playgrounds primarily cater for people living and working within walking distance. These spaces are less developed with limited play equipment. They provide environmental value through urban heat mitigation, contributing to biodiversity, and improving air quality.
User Catchment	Distributed within approximately 500m walking distance to dwellings and work places.
Types of facilities	May include: Minimal park furniture and amenities, including at least one seat, Pathways for accessibility, Minimal formal play equipment and/or nature play design with limited irrigated grass, provision of adequate shade through plantings, water sensitive urban design landscaping.

Neighbourhood Level

Categories	Description
Purpose	Neighbourhood Level playgrounds will be of a higher quality with a diversity of character in good locations that cater for one or more suburbs. Due to the broader scale of facilities people can use these playgrounds for extended periods of time. They provide similar environmental value as Local Level playgrounds.
User Catchment	Distributed within approximately 750m distance to dwellings and work places. Serves surrounding suburbs and is generally within walking or cycling distance, but some may drive.
Types of facilities	Sporting and recreation facilities for unstructured sport, park furniture and amenities including at least one seat, pathways for accessibility, diverse opportunities for play for a range of ages, shelter and natural shade with consideration of shade over playground equipment, water sensitive urban design landscaping, limited irrigated grass.

Regional Level

Categories	Description
Purpose	Regional Level playgrounds are large, high quality destinations that have broad appeal and attract visitors and local community members alike. They offer unique play and recreation opportunities and offer environmental benefits through the enhancement of natural landscapes.
User catchment	Distributed within approximately 1.5km distance to dwellings and work places. Large catchment serving residents citywide and regionally. These open spaces can be used for long periods of time.
Types of facilities	Sporting and recreation facilities for unstructured sport, diverse opportunities for play for a range of ages, playgrounds that are unique and complex for a range of ages and abilities, park furniture and amenities including public toilets and seating, Shade and shelter with consideration of shade over playground equipment, pathways for accessibility, water sensitive urban design landscaping, irrigated grass, public art, off-road car parking

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Playground Policy



City Wide Attraction

Categories	Description
Purpose	A space that attracts city wide visitors and tourists. The space will offer a unique play and recreation opportunity that celebrates the City of Marion sense of place in addition to offering environmental benefits through the enhancement of natural landscapes. A City Wide Attraction will be aligned to a placemaking opportunity facilitating economic development, community capacity building and stewardship.
User catchment	Large catchment serving residents city wide and state wide tourists. A City Wide Attraction will cater for a diversity of users from passive recreation, family picnics, and community group gatherings to larger events.
Types of facilities	A City Wide Attraction is likely to include play equipment of various forms inclusive of custom iconic play pieces, nature play, experiential features, toilets, car parking, lighting and amenities such as picnic tables and shelters, shade structures with consideration of shade over playground equipment, BBQ's and public art. A City Wide Attraction would cater for all ages and abilities, providing amenities to enable long stays.

9. DEFINITIONS

Playground: 'Playground' refers to a space that can be utilised for the purposes of formal, informal, active and passive play as well as the provision of any associated facilities and amenities.

Play Value: 'Play Value' is the extent to which a child's physical, mental, emotional and social developmental needs are met through the provision of a 'playground'.

Nature Play: 'Nature Play' provides opportunities for unstructured, open ended and self-directed play, allowing for freedom to roam seeking adventure and exploration which inspires creativity and imagination inspired by nature.

Open Space Hierarchy: The hierarchy categorises open spaces from local to state levels to indicate user catchments, guide equitable distribution, and standards for the provision of facilities such as playgrounds, picnic amenities, pathways, public toilets.

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Playground Policy



10. REFERENCES

This policy links with the following current documents:

South Australian Government

- Local Government Act 1999
- Development Act 1993
- South Australian Planning Strategy
- Development Regulations (e.g. fencing)
- South Australian Public Health Act 2011
- Crime Prevention Through Environmental Design, Attorney-General's Department

City of Marion

- Playground Service Levels
- Community Vision – Towards 2040
- Strategic Plan 2017-2027
- Business Plan 2016-2019
- Open Space Policy
- Walking and Cycling Strategy
- Tree Management Policy & Framework
- Irrigation Management Plan
- Asset Management Policy & Plans
- Risk Framework
- Community Engagement Policy

Other

- Australian Standard for Playground Equipment 4685:2014 Parts 1 - 6
- Australian Standard for Playground Surfacing 4422:2016
- Play Australia's "Getting the Balance Right: Risk Management for Play" 2016

11. REVIEW AND EVALUATION

To be reviewed in 2020.

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Marion Library Service Customer Conditions of Use

Policy



POLICY STATEMENT

The Marion Library Service facilities are for everyone's use and enjoyment. The City of Marion provides a Library Service which aims to enrich communities through access to ideas and knowledge which broadens our imaginations and generates new ideas and cultures. They are community spaces where everyone is welcome and there is something for everyone.

The City of Marion Library Service supports Council's strategic directions - in particular Community Wellbeing and Cultural Vitality.

The Customer Conditions of Use outlines the responsibilities for everyone using the City of Marion Library Service and the behaviour required to ensure our Libraries are welcoming, inclusive and a safe environment for all community members.

The following conditions apply to any member of the public:

- Physically visiting any branch of the City of Marion Library Service
- Accessing services remotely online
- Via telephone service
- Library at Home service
- Corresponding via telephone, email or print

The City of Marion Library Service is part of the South Australian Public Library Network (One Card) and follows applicable statewide policies.

Behaviour in Library Premises

The Marion Library Service facilities are for everyone's use and enjoyment. Customers shall not engage in any behaviour that interferes with the public's right of access to library facilities, the safety and comfort of other users and staff or the protection of library resources and facilities. In order to ensure a safe environment for customers and staff, the following applies:

- customers should consider the comfort, safety and needs of others, and behave in a manner which will not disturb or offend;
- adults/parents are responsible for the behaviour of children in their care while in the library, and should consider the comfort, safety and needs of others;
- customers shall not view, send or receive inappropriate material via the library's electronic resources or within the Library;
- customers shall not behave in an aggressive, bullying or intimidatory manner towards others;
- customers are required to treat others in the library with respect and courtesy. This includes any communication, whether by phone, letter, email or in person; and
- customers must follow the directions given by library staff in relation to use of services and facilities.

Failure to observe these conditions may result in the customer being required to leave the premises and/or being banned from future use of the service, subject to the discretion of the Library.

City of Marion Library Service - Customer Conditions of Use

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In addition, monetary penalties or statutory orders may be imposed upon customers and other persons who engage in conduct within Library premises which constitutes a breach of council by-laws. Such behavior includes:

- unreasonably annoying or interfering with any other person's use of the premises;
- using property and/or equipment in a manner and for purposes other than that for which it was designed; and
- failure to comply with any reasonable direction or request from an authorised person of the Council.

Using the Library

Any resident of South Australia can join the One Card network by providing acceptable forms of identification which includes:

- 1 piece of identification that includes a photograph, name, current address and a signature
- If photographic identification cannot be produced, 2 pieces of identification are required which collectively shows name, current address and signature (e.g. utility bills, council rates, bank statement, health card)

Non-residents of South Australia with acceptable forms of identification can be issued with a temporary membership which is valid for up to 3 months.

There is no minimum age for joining but those under the age of 18 years require a signature from their parent or guardian, who will act as guarantor. The guarantor is responsible for any library material that is lost, damaged or stolen whilst on loan to the person under 18. The parent or guardian is also responsible for the choice of materials borrowed by persons under their guarantee, or material consulted in the library. People under 18 must also have a parent or guardian sign a consent form to have internet access, either on Library PCs or via Library wireless access.

People under the age of 18 who are able to verify with supporting documentation that they live independently of a parent or guardian may join.

The acceptance of an application to become a member shall be at the discretion of the Library.

Customer details are confidential. Details will not be disclosed to third parties except for the sole purpose of conducting Library business or if the Library is required to do so legally.

The "Library@Home" Service is available to City of Marion residents who are unable to visit a library branch due to circumstances associated with disability, ill health, mobility problems or caring commitments.

Library Card

Upon registration, a membership card will be issued

By signing the card you agree to abide by the Customer Conditions of Use and any other related One Card policies and guidelines. The card can be utilised at any One Card public library in South Australia.

Customers are encouraged to

- bring their membership card with them when visiting the library.
- to inform the Library of any changes to their personal details.
- notify the Library immediately if their card is stolen, lost or destroyed. The Library will issue a replacement card. In the case of lost or destroyed cards, a replacement fee may be charged.

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Responsibility for items borrowed

Items shall not be removed from the Library unless a loan has been recorded.

Whilst all care is taken to maintain the quality of audio visual items (audio books, CDs, DVDs etc.), they are used at the customer's risk.

Customers are responsible for the safe care of all items until returned. If Library material is lost, damaged or stolen while in the care of the customer, the customer will be liable to pay for the items at full replacement cost, or to replace it. If the item is owned by the City of Marion Library Service, we may negotiate different arrangements dependent on the age and value of the item, and the circumstances of its loss. A debt collection service may be used to recover items if deemed appropriate by the Library.

Internet and electronic resources

The City of Marion provides internet access and other electronic resources such as databases and e-books for customers free of charge, with small fees for printing and other consumables. Internet access is provided via the South Australian Public Library Network, and City of Marion Library Service adheres to a statewide policy governing the provision of electronic services in public libraries.

Customers may also request access to wireless via the South Australian Public Library Network for use with personal devices e.g. smart phones, tablets, laptops etc

Customers agree to abide by the Conditions of Use of Electronic Services each time they log into a Public PC or into the WiFi network using their personal devices. These conditions are available to view at the time of login or by request to a Library Customer Service Officer. Customers who breach these Conditions of use may be required to leave the premises and/or have their access to the Library's electronic services suspended.

Copyright Obligations

The Library is bound by the Copyright Act 1968. It is allowable to make a copy for the purpose of research or study of:

- one or more articles in a periodical publication (provided that all articles are for the same research or study);
- 10% of the total number of pages, or one chapter, of a published work that is of not less than 10 (ten) pages;
- 10% of the words, or the whole or part of one chapter in an electronic document (unless this would permit a greater proportion of the work to be copied than from an equivalent hard-copy publication); and
- Any drawing, engraving, photograph or other visual artistic work or any audio or audio-visual work if the copying would be a fair dealing with the work for the purposes of copyright law.

Successive copying from the same work is not permitted if it would exceed any of the above limitations.

Customers must observe library regulations on the use of multimedia materials, and ensure that information accessed complies with copyright laws and licensing.

The Library may cancel a customer's membership or privileges and/or require the customer to leave any library premises if any of the above obligations (including the requirement to observe library regulations) are breached.

Neither the Library nor the Council accepts any liability for any breach of copyright law committed by a customer or other person.

City of Marion Library Service - Customer Conditions of Use

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**PRINCIPLES**

Nil

REFERENCES**CORPORATE PLAN:**

Objective 3 - Delivery of quality customer service. 3.1 Commitments to deliver Corporate Customer Service Excellence particularly.

EXCELLENCE IN GOVERNANCE:

Nil

PROCEDURE REFERENCE:

Nil

COUNCIL AGENDA REFERENCE:


Approved by EMG

OTHER RELATED REFERENCES:

Nil

AUTHOR

City of Marion

<p style="text-align: center;">GOVERNANCE POLICIES</p>  <p style="text-align: center;">Roads Opening And Closing</p>	Policy Number:	GP-24
	Version Number:	1.0

POLICY STATEMENT:

The City of Marion will open or close roads to facilitate the achievement of Council's strategic outcomes. The procedures will be undertaken in a fair, equitable and transparent manner.

The Opening or Closure of Roads will be regulated and documented in accordance with the Roads (Opening and Closing) Act 1991.

Section 12 of the Roads (Opening and Closing) Act 1991 ("the Act") allows Council to make "in principle" agreements for the exchange and transfer of land subject to a proposed road closure with the owners of land adjoining that land.

Council may not make an "in principle" agreement for the exchange of land unless Council first invites offers from the owners of land adjoining the land subject to the proposed road closure.

DEFINITIONS:

Agreement for exchange - means an agreement between a council and another person for the exchange of land subject to a proposed road opening for land subject to a proposed road closure under which the land subject to the proposed road closure-

- (a) is to be transferred to that other person in fee simple; or
- (b) is to be added to land held by that other person under a Crown lease or agreement to purchase, whether or not an amount is agreed to be paid for equality of exchange;

Agreement for transfer - means an agreement (other than an agreement for exchange) between a council and another person under which land subject to a proposed road closure-

- (a) is to be transferred to that other person in fee simple; or
- (b) is to be added to land held by that other person under a Crown lease or agreement to purchase, whether or not an amount is agreed to be paid in consideration of such transfer or other dealing;

Certificate of Title - shall mean a Certificate of Title issued under any of the Real Property Acts, or any grant from the Crown issued after the passing of the [Real Property Act](#) No. 15 of 1857-58 and before the commencement of the *Real Property (Witnessing and Land Grants) Amendment Act 1995*, and shall extend to and include all plans and entries thereon;

Discontinuation of the Road Process - means that

- (1) The road process is discontinued in respect of land if-
 - (a) the relevant authority determines that no road process order is to be made; or
 - (b) a road process order is made by the relevant authority but does not deal with the land; or
 - (c) a road process order is made by the relevant authority dealing with the land but the road process lapses by virtue of section 20(2) of The Roads Act 1991 or the Minister declines to confirm the order.

Person affected - in relation to a road process or proposed road process, means-

- (a) a person who has an interest in land subject to the road process or proposed road process; and

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- (b) a person who has an interest-
 - (i) in land adjoining land subject to the road process or proposed road process; or
 - (ii) where the process relates to less than the full width of a road or proposed road-in land adjoining the opposite side of the road or proposed road; and
- (c) a prescribed public utility; and
- (d) in relation to land of a prescribed class-a public authority (other than a prescribed public utility) prescribed in relation to land of that class; and
- (e) any other person who would be substantially affected by the process;

Relevant Authority - in relation to a road process or proposed road process, means-

- (a) where the road process is part of or directly associated with a development or proposed development under the [Development Act 1993](#) that requires development approval from the Development Assessment Commission or the Governor-the Development Assessment Commission; or
- (b) where the road process is part of or directly associated with a development or proposed development under the [Development Act 1993](#) that requires development approval from the Minister for the time being administering the [Development Act 1993](#)-that Minister; or
- (c) in any other case-the council;

Road - means-

- (a) a public road within the meaning of section 4 of the *Local Government Act 1999*; or
- (ab) an alley, laneway, walkway or other similar thoroughfare vested in a council; or
- (b) in relation to a part of the State not within a council area-
 - (i) a road or street delineated and shown on a public map or plan of the State as laid out for public purposes by the Crown; or
 - (ii) a road or street opened under the Roads Act 1991 or any other Act relating to the opening of new roads and streets; or
 - (iii) a road or street transferred or surrendered to the Minister of Local Government or the Crown by the owner or lessee for use as a public road or street; or
 - (iv) a road or street declared or dedicated under any other Act to be a public road or street, and includes part of a road;

Road process - means-

- (a) a road opening; or
- (b) a road closure; or
- (c) a combination of a road opening and a road closure;

Road process order - means an order made by a relevant authority for a road process pursuant to this Act, including, in relation to a road closure, any further order made as part of the order.

PRINCIPLES:

- 1.1 The sale and disposal or purchase of land will be the subject of a separate resolution of Council in every instance.

2

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- 1.2 Each and every owner of land adjoining the land subject to a proposed road closure will be first invited to make an offer and the correspondence should also specify the amounts to be paid in advance to cover the cost of the process and advice that if the process is terminated at any stage the balance unspent will be returned.
- 1.3 Each and every owner of land adjoining the land will be encouraged to obtain independent advice for the purposes of making an offer.
- 1.4 Transparency and accountability in the sale and disposal and purchase procedures and practices will always be present to ensure that Council obtains the best outcome and that all potential purchasers are given an equal opportunity to purchase the land. The best price for the land will not be the only criteria on which Council will make its final decision.
- 1.5 Council will consider the available opportunities to enhance the local amenity, the environment, economic development and sustainable growth. In identifying the circumstances in which to apply these options the Council will consider a number of issues:
 - the number of likely purchasers of the land;
 - the original intention for the use of the land when purchased, where relevant;
 - the current and possible preferred future use of the land;
 - the opportunity to promote local economic growth and development;
 - the total estimated value of the land;
 - compliance with statutory and other obligations;
 - the existence of potential local purchasers with an interest in the land, nearby owners or others possibly with a pre-existing interest in the land where negotiations may be appropriate.
- 1.6 Any agreement Council reaches with the proposed purchaser at the end of the invitation to make an offer process is subject to all of the processes in part 3 of the Roads (Opening and Closing) Act 1991. This must be noted in dealings with the proposed purchaser and in correspondence.
- 1.7 If an "in principle" agreement is not achieved with any adjoining land owner Council can consider the following alternatives:
 - If no "in principle" agreement has been reached and Council considers the land can be sold separately from any other land, order that the land be sold by public auction or tender.
 - Order that the land be sold or transferred for use by a public charitable or beneficial community purpose.
 - If the land can be used by the Council for some other purpose, make an order that the land be retained by the Council and Certificate of Title be issued to the Council.
 - Order that the land, subject to the road closure be added to adjoining land that is dedicated under the Crown Lands Act 1929 or be transferred to properties adjoining, ie, alienated in fee simple in trust under the Crown Lands Act 1929 or be vested in the Crown.
 - If an order is made for road closure Council may as part of the order make an order for the granting of an easement over the land subject to a road closure and subject to the provisions of Section 18(2) of the Act.
- 1.8 Council must also consider those factors in reaching a determination of the road process order laid out in Section 16 of the Act, being:
 - Any objections made by any person pursuant to the Act; and
 - The plans, principles, regulations and other matters to which regard must be had by assessment authorities for determining applications for development authorisation under the Development Act 1993 in relation to developments in the area to which the proposed road process order relates; and
 - Whether the land subject to the road process is reasonably required as a road for public use in view of the present and likely future needs in the area; and

3

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- Alternative uses of the land subject to the road process that would benefit the public or a section of the public; and
- Any other matter that the Council considers relevant.

- 1.9 To assist in demonstrating that the sale and disposal processes are cost effective, fair, transparent and accountable and meet the community needs Council will document the reasons for entering into the agreement.

REFERENCES:**Corporate Plan:****Procedure References :****Other Related References :**

Lands (Opening and Closing) Act 1991
Crown Lands Act 1929
Development Act 1993
Real Property Act 1886

Previous Versions:

4

WARNING

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How We Work Together Policy



1. RATIONALE

The *How We Work Together Policy* has been developed to provide a framework to all people who operate in the City of Marion workplace to ensure all communications and interactions are constructive, in line with organisational values and our legislative obligations.

2. POLICY STATEMENT

The achievement of strategic outcomes for the City of Marion comes from all levels of the organisation. Positive interactions between employees, elected members, contractors and volunteers is required to deliver optimal outcomes for our community. To provide clarity for behavioural expectations that makes for a positive environment, the City of Marion has adopted a set of organisational values to position the Council to deliver now and into the future.

The City of Marion Values include:

- Respect (treating everyone as we want to be treated, where all contributions are valued)
- Achievement (enhancing our knowledge and performance to reach our shared goals, while being dedicated to supporting one another)
- Integrity (fostering trust and honesty in all of our interactions)
- Innovation (Encouraging new ideas, and learning from our experience to do things better).

The values are delivered with the community and safety at the forefront of everything we do. This Policy confirms Council intent that all people in the workplace work, interact and communicate collaboratively in undertaking their respective functions. This will occur in various ways such as face to face meetings, over the phone, email, reports, briefings, social media, extranet/intranet and the website.

3. OBJECTIVES

The objective of this Policy is to provide a framework for people operating in the City of Marion to ensure everyone acts in a manner that:

- Fosters the organisations values
- Recognises the importance of different roles and perspectives of all people in the workplace

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Review Date: November 2019

How We Work Together Policy



- Complies with the requirements of the Local Government Act 1999, the Codes of Conduct (for employees and Council Members) and the Work Health Safety Act 2012
- Ensures that all people in the workplace have access to advice, information and documentation to assist them perform their roles and responsibilities in an effective manner.
- Protects all persons against harm to their health, safety and welfare through the elimination or minimisation of risk arising from within the workplace.

4. POLICY SCOPE AND IMPLEMENTATION

This Policy applies to all people in the City of Marion workplace.

Elected Members:

The Act states that Elected Members are entitled at any reasonable time, in connection with the performance and discharge of the functions and duties of a member, to have access to any relevant council documents. This is necessary to ensure that Elected Members are appropriately informed and make optimal decisions that adds public value.

A request for information and any relevant documentation should be directed to the CEO or their delegate. For the purposes of this Policy, the CEO delegate's include the Executive Leadership Team, the Senior Leadership Team, the Unit Manager Governance and Records and the Unit Manager Communications. The request should provide enough detail so the context is understood by the person receiving it.

Elected Members acknowledge that these requests will be made in accordance with sections 2.11, 2.12, 2.13 and 2.14 of the Code of Conduct for Council Members.

Elected Members acknowledge that this information may be provided in various forms such as via email, the Elected Member Extranet, Elected Member Briefings or Council reports. The form in which it is delivered will depend on the urgency, priority and impact of decision making for the elected member.

This Policy does not prevent Elected Members for meeting with other staff within the organisation where necessary (such as Ward Briefings).

Employees

Employees acknowledge that Elected Members are required to make informed and responsible decisions in the interest of the community. To do this, they must effectively interact and communicate with staff. Staff will respond to all reasonable requests from Elected Members in a responsive, time and accurate manner that is in accordance with this Policy and the How We Work Together Procedure.

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How We Work Together Policy



Non-Compliance:

In the event that a person in the workplace believes that this Policy is not being complied with, they should refer to How We Work Together Procedure for guidance.

5. DEFINITIONS

The Act refers to the Local Government Act 1999

Elected Member refers to the principal member and councillors as defined by the Act

CEO refers to the Chief Executive Officer

Executive Leadership Team (ELT) includes the CEO and all General Managers

Senior Leader Team (SLT) refers to all third level managers

Workplace is defined by the section 8 of the Work Health Safety Act 2012 that states workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work.

6. REFERENCES

This Policy should be read in conjunction with the:

- Code of Conduct for Employees
- Code of Conduct for Council Members
- Local Government Act 1999
- Work Health Safety Act 2012
- Independent Commissioner Against Corruption Act 2012
- Informal Gatherings Policy
- How We Work Together Procedure

7. REVIEW AND EVALUATION

This Policy will be reviewed within 12 months of a City of Marion general election.

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11.10 Local Government Reform - September 2021 Proclamation and Repeal of S78A (Legal Advice)

Report Reference	GC210914R11.10
Originating Officer	Unit Manager Governance and Council Support – Victoria Moritz
Corporate Manager	Manager Office of the Chief Executive - Kate McKenzie
General Manager	Chief Executive Officer - Tony Harrison

REPORT OBJECTIVE

The purpose of this report is to provide an update on the implementation of the Local Government Reform and the first round of proclamations to occur in September 2021 with particular reference to the repeal of Section 78A relating to Legal Advice.

EXECUTIVE SUMMARY

The Office of Local Government (OLG) have indicated that the first-round proclamation will occur in **September 2021**, this proclamation will include a number of provisions that will commence on proclamation (meaning they have an immediate commencement). These provisions are largely matters where council will not need to take specific action to update documents, policies or provide training. However, this proclamation will include the repeal of Section 78A of the *Local Government Act*, which provided for the establishment of a scheme (via regulation) to enable a council member to obtain legal advice at the expense of council to assist them in performing or discharging official functions and duties.

It is proposed to rescind the current *Access to Legal Advice for Council members Policy (Attachment 1)* and incorporate the provision of access to legal advice for defined purposes into the *Council Members' Allowances and Benefits Policy* https://cdn.marion.sa.gov.au/sp/Council-Members-Allowances-and-Benefits-Policy_2021-05-27-044707_evrn.pdf

RECOMMENDATION

That Council:

1. **Notes the updates provided on the implementation of Local Government Reform and the First Round of proclamations.**
2. **Rescinds the Policy *Access to Legal Advice for Council Members***
3. **Updates the *Council Members' Allowances and Benefits Policy* to include the provision of access to legal advice for defined purposes.**

DISCUSSION

Commencement of section 41 of the Review Act, repeals section 78A of the Local Government Act. Section 78A previously provided for the establishment of a scheme (via regulation) to enable a council member to obtain legal advice at the expense of council to assist them in performing or discharging official functions and duties. No such scheme was ever established and the section has now been deleted from the Act.

Councils are required to review any existing policies or procedures to ensure any references to section 78A are removed. This change will commence on the day proclaimed. It is proposed to

rescind the *Access to Legal Advice for Council Members Policy* which relies on Section 78 and incorporate these provisions into a new section: –

2.9. Legal Advice

Council Members will be provided access to legal advice for the following matters:

- 2.9.1. Performance and or discharge of official functions and duties prescribed within the Act.*
- 2.9.2. Individual conflict of interest*
- 2.9.3. Legal Proceedings related to a civil liability where section 39 of the Act has been invoked.*

Council will not provide access to legal advice or reimburse the legal costs of individual Council Members in relation to:

- 2.9.4. Personal matters outside the scope of their role as a Council Member*
- 2.9.5. Criminal matters*
- 2.9.6. Alleged breaches of the Code of Conduct including behavioural matters, misconduct, maladministration and corruption (Council may consider reimbursement of costs via separate resolution if the allegations are determined to be unsubstantiated).*
- 2.9.7. The initiation of defamation proceedings by a Council Members*
- 2.9.8. Legal action where the Council Member has not been indemnified under section 39 of the Act by the Local Government Association Mutual Liability Scheme, as it has been determined that the member was not acting in good faith and in accordance with their duties.*

In accordance with this Policy a Council Member can seek legal advice to a maximum of \$2,000 plus GST per financial year. For amounts over this limit a Council Member may seek the support of Council through a Motion on Notice.

Where an individual Council Member believes legal advice is required to properly determine a legal position on a matter, a written request should be made to either the Mayor or the Chief Executive Officer.

If the request complies with the parameters of this Policy, written approval will be provided to the Council Member by the Mayor or Chief Executive Officer.

If the Mayor has provided the approval, they will notify the Chief Executive Officer (or their delegate) who will notify the agreed legal provider with the parameters of the approval.

If appropriate, the Council Member will provide a copy of the legal advice obtained to the Chief Executive Officer to be recorded in Councils record management system. The total cost of the advice will be recorded in the Council Member Expenses and Benefits Register.

Where the request for legal advice is not approved, a Council Member may seek the support of Council through a Motion on Notice for legal advice to be obtained.

ATTACHMENTS

1. Council Member Access to Legal Advice Policy [**11.10.1** - 4 pages]

Access to Legal Advice for Council Members Policy



1. RATIONALE

Section 78A of the Local Government Act 1999 (the Act), provides that Councils may *'establish a scheme under which a member of a council may directly obtain legal advice at the expense of the council to assist the member in performing or discharging official functions and duties.'*

2. POLICY STATEMENT

The role of an Council Member is defined by various legislation and regulations. The environment is largely regulated and from time to time, it can be complex. Council Members should not incur legal expenses as a result of performing and discharging their official functions and duties. Generally, seeking legal advice would be facilitated by the Chief Executive Officer or their delegate/s in the course of their administrative role. However, there may be occasion when individual Council Members required legal advice independent of the collective council body.

3. OBJECTIVES

The objectives of the policy are:

- 3.1 To ensure the availability of the appropriate legal advice to Council Members within the framework of the legislation
- 3.2 To identify the situations where Council, as a matter of policy, will and will not fund the costs of provided legal advice for individual Council Members.

4. POLICY SCOPE AND IMPLEMENTATION

This Policy applies to Council Members of the City of Marion and provides the parameters in which a Council Member can seek legal advice in accordance with section 78A of the Act.

Council Members will, in accordance with this Policy be provided access to legal advice for the following matters:

- 4.1 Performance and or discharge of official functions and duties prescribed within the Act.
- 4.2 Individual conflict of interest.
- 4.3 Legal proceedings related to a civil liability where section 39 of the Act has been invoked.

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Date: 2023

Access to Legal Advice for Council Members Policy



Council will not provide access to legal advice or reimburse the legal costs of individual Council Members in relation to:

- 4.4 Personal matters outside the scope of their role as a Council Member.
- 4.5 Criminal matters.
- 4.6 Alleged breaches of the Code of Conduct including behavioural matters, misconduct, maladministration and corruption (Council may consider reimbursement of costs via separate resolution if the allegations are determined to be unsubstantiated).
- 4.7 The initiation of defamation proceedings by a Council Member.
- 4.8 Legal action where the Council Member has not been indemnified under section 39 of the Act by the Local Government Association Mutual Liability Scheme, as it has been determined that the member was not acting in good faith and in accordance with their duties.

Limitations

In accordance with this Policy, a Council Member can seek legal advice to a maximum of \$2,000 plus GST per financial year. For amounts over this limit a Council Member may seek the support of Council through a Motion on Notice.

5. ROLES AND RESPONSIBILITIES

Where an individual Council Member believes legal advice is required to properly determine a legal position on a matter, a written request should be made to either the Mayor or the Chief Executive Officer.

If the request complies with the parameters of this Policy and section 137 of the Act, written approval will be provided to the Council Member by the Mayor or Chief Executive Officer.

If the Mayor has provided the approval, they will notify the Chief Executive Officer (or their delegate) who will notify the agreed legal provider with the parameters of the approval.

If appropriate, the Council Member will provide a copy of the legal advice obtained to the Chief Executive Officer to be recorded in Councils record management system.

The total cost of the advice will be recorded in the Council Member Expenses and Benefits Register.

Where the request for legal advice is not approved, a Council Member may seek the support of Council through a Motion on Notice for legal advice to be obtained.

6. REFERENCES

Local Government Act 1999

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Access to Legal Advice for Council Members Policy



39—Protection of members

- (1) No civil liability attaches to a member of a council for an honest act or omission in the exercise, performance or discharge, or purported exercise, performance or discharge, of the member's or council's powers, functions or duties under this or other Acts.
- (2) A liability that would, but for this section, attach to a member of a council attaches instead to the council.

78A—Obtaining of legal advice

- (1) The regulations may establish a scheme under which a member of a council may directly obtain legal advice at the expense of the council to assist the member in performing or discharging official functions and duties.
- (2) The scheme may require the preparation and adoption of a policy by a council and include provisions for the variation of the policy and its availability to the public.
- (3) The scheme or a policy adopted under the scheme may—
 - (a) impose limitations on the obtaining of legal advice; and
 - (b) provide for a process for approval of requests to obtain legal advice; and
 - (c) allow for conditions to be imposed on an approval, including a condition limiting the expenditure that may be incurred; and
 - (d) provide for a council to set an overall budget for the purpose; and
 - (e) include other relevant provisions.

137—Expenditure of funds

Subject to this or another Act, a council may expend its funds as the council thinks fit in the exercise, performance or discharge of its powers, functions or duties under this or other Acts.

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Access to Legal Advice for Council Members Policy



7. REVIEW AND EVALUATION

Adopted by Council 23 July 2019 Review Date 2023

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12 Corporate Reports for Information/Noting

12.1 Traffic and Parking implications of the Morphettville Racecourse DPA

Report Reference	GC210914R12.1
Originating Officer	Senior Policy Planner – David Melhuish
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
General Manager	General Manager City Development - Ilia Houridis

REPORT HISTORY

Report Reference	Report Title
UPC171003R7.3	Morphettville Racecourse Ministerial Development Plan Amendment (DPA)
GC171024R15	Morphettville Racecourse Ministerial Development Plan Amendment (DPA)
SGC210713R11.1	Morphettville Racecourse and Surrounds (Minutes)

REPORT OBJECTIVE

To inform Council of previous information provided to and comments made by Council, regarding potential implications on traffic and parking on the adjacent local street system brought about by the rezoning of the northern section of Morphettville Racecourse.

EXECUTIVE SUMMARY

During the Morphettville Racecourse DPA (Ministerial) process, Council sought that a detailed analysis of the anticipated traffic impacts to the local road system in Plympton Park be undertaken. This was supplementary to the broader traffic study that was undertaken as part of the DPA.

The supplementary traffic study found that the:

- proposed residential development could include, amongst other uses, residential dwellings in the northern portion, with access via Park Terrace.
- traffic would be dispersed between residential streets, with approximately half of the traffic forecast to be distributed to Bray Street, Park Terrace, both of which are collector roads.
- increase in traffic volumes will not vary the status of the existing road hierarchy and the anticipated volumes will still be consistent with the nature of the existing road network.
- additional traffic volumes generated by the development will be accommodated at existing intersections, without creating substantial changes to queues and delays for drivers.

Subsequent analysis by Administration showed that whilst the anticipated volumes will be within the generally acceptable upper limit for local street traffic volume the expected increase in traffic volumes is likely to lead to a noticeable reduction in residential amenity in certain streets.

A Local Area Traffic Management (LATM) review of the local residential area to the east, will require undertaking by Council in the future, following development of the site, and any required road improvements carried out.

RECOMMENDATION

That Council:

1. Notes the report.

DISCUSSION

At the 13 July 2021 General Council meeting, Council resolved that Council: *'Receive a report from staff on the traffic and parking implications of the Morphetville Racecourse DPA.'*

The following provides an overview of information provided to and comments made by Council and other parties during consideration of and processing of the Ministerial Development Plan Amendment (DPA).

In 2017 the Minister released the Morphetville Racecourse DPA (Ministerial) for public and agency consultation. The DPA sought to rezone the northern section of the racecourse to 'Urban Core' to facilitate mixed use development at medium to high-densities for residential living and commercial land uses.

The DPA anticipated key vehicle access points to/from the site at Morphet Road to the west and Park Terrace to the east.

Details provided with the DPA included a traffic assessment report. This report predominantly concentrated on the potential traffic impacts on the surrounding arterial road system (Morphett Road and Anzac Highway). It also provided an assessment of traffic flows along Bray Street (particularly the intersections with Park Terrace and Morphet Road). However, it did not provide any detail on the impacts that could be anticipated on the adjacent local road system to the east of the site, between Park Terrace and Marion Road, in Plympton Park.

At the Urban Planning Committee on 3 October 2017, the Committee identified a number of key issues that required further investigation and/or review by the state government. One of those issues was the requirement for a detailed analysis of the anticipated traffic impacts to the local road system in Plympton Park.

On 24 October 2017 Council concurred with the Committee's recommendations and comments were forwarded to the State Planning Commission through the then Department of Planning, Transport and Infrastructure (DPTI).

On 5 December 2017 Council received a supplementary traffic assessment that provided additional information on traffic movements through the local street network east of the racecourse. The report was considered by Council's Traffic staff. In short, they advised that the increase in traffic volumes is likely to result in a noticeable reduction in residential amenity, however the acceptable upper limit for local street traffic volumes will not be exceeded. A response on the traffic report was forwarded to DPTI.

Attachment 1: Supplementary Traffic Assessment Report

The DPA was approved by the Minister on 7 May 2020 and consolidated into Council's Development Plan.

As part of the DPA process, the DPA was then referred to the Environment Resource & Development Committee (ERDC) of Parliament for consideration. The ERDC provided Council the opportunity to make further comment on the DPA (if any).

Council staff provided the following comment to the ERDC:

'Council wishes to advise the ERDC that further traffic analysis on potential traffic flows through the local residential area to the east was undertaken as a result of Council's request for such in its submission on the DPA. This analysis was considered by Council staff and a response was provided to DPTI. Key issues raised in that response and still believed to be pertinent are discussed below.

Whilst Council believes that the increase in traffic volumes is likely to lead to a noticeable reduction in residential amenity in certain streets, Council understands that the anticipated volumes will be within the generally acceptable upper limit for local street traffic volume. The increase in traffic volumes on Park Terrace is likely to require some form of road improvement/traffic management works to be undertaken in the short term. It is anticipated that a Local Area Traffic Management (LATM) review of the local residential area to the east, will require undertaking in the future, following development of the site, and any required road improvements carried out.

Figure 3 in the MFY traffic report indicates that potentially there could be three access points off Park Terrace into the Morphetville site. It was Council's view that all access points be required to better cope with the vehicle movements that the development of the site is likely to generate. Concept Plan Map Mar/10 shows only one access point near the intersection of Park Terrace and Tennyson Avenue. Council suggests further consideration of this matter be undertaken, and if considered warranted, the Concept Plan be amended accordingly.

The Desired Character statement is generally considered appropriate. However, if the Statement included some commentary on vehicular access to the site, particularly through residential areas to the east of the site, it may help to ensure impacts from increased traffic volumes are minimized.'

In a letter to the Minister dated 3 June 2020 the ERDC reiterated Council's (above) comments. The ERDC also acknowledged that there are two phases of traffic management and analysis and that the concerns outlined by Council (traffic flows through Plympton Park) can be addressed at the land division stage.

Attachment 2: Letter from ERDC to the Minister

On 9 July 2020 Council's Development Plan was amended by the Minister to reflect the above matters regarding changes to Concept Plan Map Mar/10 and the Desired Character Statement.

On 19 February 2021 Council's Development Plan was transitioned to the Planning and Design Code (Code). The northern section of Morphetville Racecourse is now covered by the Urban Neighbourhood Zone and Main Street Subzone. Unfortunately, the Code does not contain 'Desired Character Statements' so previous comment on access points to the east of the site are no longer included in the zone. However, these access points are still retained in a Concept Plan for the site.

Council's traffic staff have recently reiterated their previous advice; that a Local Area Traffic Management (LATM) review of the local residential area to the east, will require undertaking by Council in the future, following development of the site, and any required road improvements carried out, and that additional access points and traffic controls can be progressed during the future Land Division Application.

This work cannot be undertaken yet, as the travel patterns of future residents have not yet been established and therefore other issues cannot yet be identified.

ATTACHMENTS

1. Attachment 1 - Supplementary Traffic Assessment Report [**12.1.1** - 34 pages]
2. Attachment 2 - Letter from ERDC to the Minister [**12.1.2** - 2 pages]



South Australian Jockey Club Incorporated

MORPHETTVILLE RACECOURSE DPA

SUPPLEMENTARY TRAFFIC ASSESSMENT CITY OF MARION ROAD NETWORK

November 2017

15-0440

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DOCUMENT ISSUE

Revision issue	Date	Description	Approved by
Draft 1	23 November 2017	Draft report for comment	MLM
Final	29 November 2017	Final report	MLM
Rev A	29 November 2017	Minor changes to summary	MLM

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1.0 INTRODUCTION

This report is supplementary to the traffic impact assessment associated with the Morphetville Racecourse Development Plan Amendment (DPA). It has been prepared to inform the City of Marion in relation to the potential additional traffic which may utilise the local road network when accessing the subject land. MFY has previously undertaken a detailed traffic study of the DPA and its impact on the arterial road network in accordance with the scope identified by the Department of Planning, Transport and Infrastructure (DPTI).

This assessment, concentrates on the residential street network bound by Marion Road, Morphet Road, Bray Street and Anzac Highway, plus reviews the potential impact on the Park Terrace/Bray Street intersection. This is consistent with the information requested by Council.

The residential component of the DPA land applicable to this assessment is that proposed to be zoned residential to the north and north-east corner of the DPA land. This report has reviewed the potential volume associated with the residential development and considers the distribution and access routes likely to be adopted in the adjacent road network traffic that has been forecast as part of the DPA.



2.0 EXISTING SITUATION

2.1 SUBJECT SITE

The subject site is considered to be the area of the land subject to the DPA which will be accessed via Park Terrace. This portion of the land to be rezoned is located north-east of the Morphettville Racecourse. The site is currently occupied by Magic Millions and the former TAFE SA site and an underutilised area of the racecourse. It is bound by the Glenelg Tram Line to the north, Park Terrace to the east and the Racecourse to the south and west, as illustrated in Figure 1.



Figure 1: Locality Plan

Access to the subject site is available via two crossovers on Park Terrace. The southern crossover is located adjacent Tennyson Avenue and the northern crossover is located adjacent Wattle Terrace. Both these accesses permit all movements.

2.2 ROAD NETWORK

Park Terrace is a collector road which extends along the eastern boundary of Morphettville Racecourse, between Wattle Terrace and Bray Street. It has residential properties along its eastern side.

Bray Street is a major collector road which provides a connection between Morphett Road and Marion Road. It is signalised at both ends and intersects with Park Terrace approximately mid-block along its length.



Wattle Terrace is a residential street located to the south of the tram line. It extends from Park Terrace to Cross Road but only entry movements are permitted at the Wattle Terrace/Cross Road intersection. Wattle Terrace has residential properties along its southern side.

Stradbroke Avenue and Milton Avenue provide a relatively direct connection between Park Terrace and Marion Road. Milton Avenue intersects Park Terrace at a roundabout which is located adjacent the subject land.

The residential area to the east of the subject site is predominantly grid like in nature with a number of linkages between Marion Road and Park Terrace. The majority of intersections with Marion Road allow all movements and are treated with channelised turn lanes. The Hawker Avenue/Marion Road intersection is signalised but only entry movements are permitted at this location.

Existing traffic volumes on the adjacent road network have been identified from traffic surveys undertaken by DPTI, MFY and the City of Marion. Figure 2 identifies the daily traffic volumes on the road network.

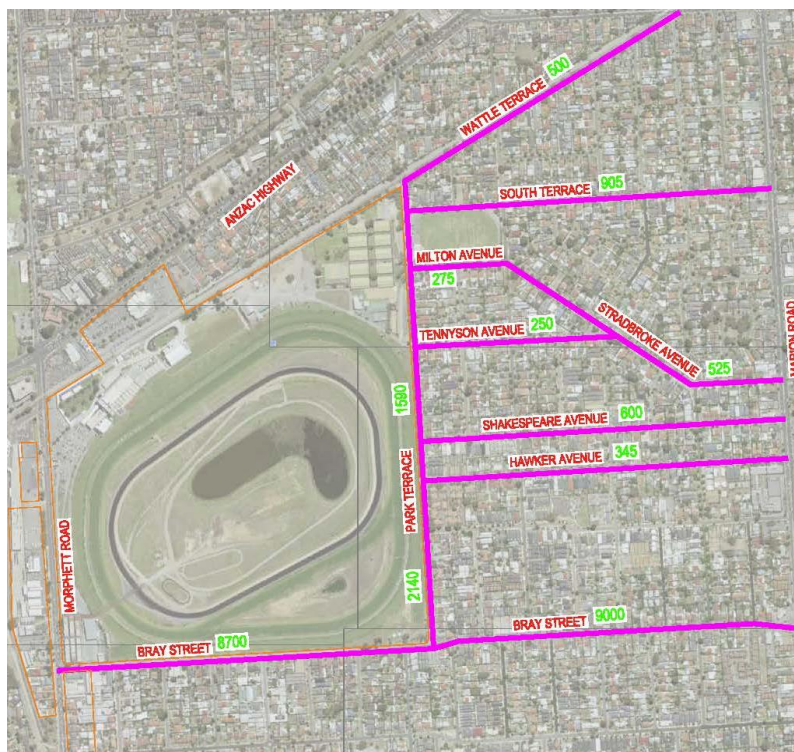


Figure 2: Existing AADT volumes

It is noted that the volumes identified in Figure 2 would include traffic associated with the existing land uses in the subject site.



3.0 POTENTIAL DEVELOPMENT

The statement of intent which was prepared in relation to the subject DPA included a draft master plan which was used to inform potential development opportunities on the land. While it does not represent a development proposal, it provides direction in respect to what opportunities could be considered for development in respect to the proposed land use.

This concept illustrates that the the following potential residential development could be considered on the subject site:

- high density residential buildings comprising 191 units ;
- medium density residential buildings comprising 190 dwellings;
- low density residential buildings comprising 87 dwellings;
- 114 detached dwellings; and
- 43 dwellings in affordable residential development.

Access to the site would ideally be located utilising the roundabout constructed at the intersection of Milton Avenue and Park Terrace. This would provide for access mid-block along the Park Terrace frontage to the subject land and utilise the existing traffic control to facilitate safe movements to and from the development area.

Land ownership may, however, control the staging of any development and, therefore, influence possible access outcomes for the development site(s). An opportunity to create roads at the existing access locations is also available. This would create a four-way intersection with the Tennyson Avenue/Park Terrace intersection which could be treated with a roundabout. Figure 3 illustrates potential access arrangements for the subject area.



Figure 3: Potential access arrangements



4.0 TRAFFIC ASSESSMENT

4.1 FORECAST TRAFFIC GENERATION

Table 1 represents the traffic generation rates anticipated for the potential land uses within the proposed development. These rates were endorsed by DPTI for the DPA traffic impact assessment.

Table 1: Traffic Generation Rates

Development Type	Trip Generation Rates	
	Peak hour	Daily trips per dwelling
High Rise Residential	0.5	5
Medium Rise Residential	0.5	5
Low Rise Residential	0.65	6.5
Affordable Housing	0.2	2
Detached Housing	0.8	8

Accordingly, the proposed development will generate traffic in the order of 3,125 vehicle trips per day or 310 vehicles during the am and pm peak hours.

4.2 ROAD NETWORK ANALYSIS

The following traffic distribution to and from the proposed development has been adopted for this assessment. This is consistent with the distribution negotiated with DPTI for the DPA traffic assessment:

- 25% to/from the north;
- 15% to/from the east;
- 25% to/from the south; and
- 35% to/from the west.

Considering the varying restrictions at the road intersections that provide access to the site (such as the entry only access at the Wattle Terrace/Cross Road intersection), a more detailed origin-destination type of distribution was constructed. The distribution diagram for the proposed development is provided in Appendix A.

It is identified that approximately 55% of the traffic generated by the subject development will use Bray Street to access the proposed development. The remaining traffic will be distributed to the arterial roads via the local street network. Figure 4 illustrates the anticipated daily traffic volumes on the adjacent local road network.



Figure 4: proposed daily volumes at the road network (increase in daily volumes)

The above volumes do not consider the reduction in existing volumes, which will be realised by the closure of existing facilities on the subject site. Accordingly, the increased volume will be lower than forecast.

The forecast increase in traffic volumes will not impact the role of the roads within the existing road hierarchy in that:

- Bray Street will operate as the major collector road (sub arterial) and will have a daily traffic volume in excess of 10,000 vehicles per day (vpd);
- Park Terrace will continue to be a collector road with a daily traffic volume of between 3,000 and 6,000 vpd; and
- the residential streets will all continue to have traffic volumes of less than 2,000 vpd.

4.3 INTERSECTION ANALYSIS

SIDRA Intersection 6.1 software has been used to analyse the potential impact at the signalised intersections of Bray Street with Morphetts Road and Marion Road in addition to the Park Terrace/Bray Street intersection. The analyses have been undertaken for the morning and afternoon peak hours.

When distributing the traffic volumes during the peak hours, the following movement split of traffic entering/exiting the subject site has been adopted:



- 20% in and 80% out in the am peak; and
- 70% in and 30% out in the pm peak.

The following sections summarise the analysis and the detailed SIDRA outputs are provided in Appendix B.

4.3.1 BRAY STREET/PARK TERRACE

Figure 5 identifies the estimated peak hour traffic volumes generated by the proposed development at the Bray Street/Park Terrace intersection.

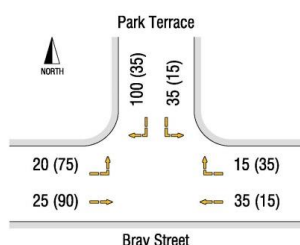


Figure 5: Development volumes at the Bray Street/Park Terrace intersection for the peak hours [am(pm)]

Table 2 summarises the SIDRA analysis of the Bray Street/Park Terrace intersection.

Table 2: Performance indicators of critical movements for the Park Terrace/Bray Street intersection

Scenario	Right Turn from Bray Street to Park Terrace			Right Turn from Park Terrace to Bray Street		
	Average Delay (s)	Queue Distance (m)	LOS	Average Delay (s)	Queue Distance (m)	LOS
Existing	8.9 (7.4)	1 (1)	A(A)	11.2 (12.0)	3 (7)	A(A)
Existing + Development	9.6 (8.9)	3 (5)	A(A)	15.2 (16.9)	14 (15)	A(A)

The results indicate that drivers accessing the subject site using Bray Street/Park Terrace intersection will experience minimal increases to existing delays and queue lengths. Further, the intersection will continue to operate well within capacity post development.

4.3.2 BRAY STREET/MORPHETT ROAD

Figure 6 identifies the estimated peak hour traffic volumes generated by the proposed development at the Bray Street/Morphett Road intersection.

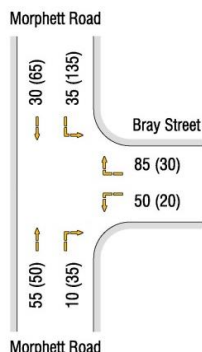


Figure 6: Development volumes at the Bray Street/Morphett Road intersection for the peak hours [am(pm)]

Table 3 summarises the SIDRA analysis of the Bray Street/Morphett Road intersection.

Table 3: Performance indicators for the Morphett Road/Bray Street intersection

Scenario	am (pm)		
	Degree of Saturation	Level of Service (worst movement)	Average Delay (sec)
Existing	0.64 (0.73)	C (C)	20.7 (23.2)
Existing plus development	0.84 (0.85)	C (D)	29.9 (28.6)

Table 3 highlights that the Bray Street/Morphett Road intersection will continue to operate within capacity with drivers experiencing minimal increase in delays. More importantly the maximum queue length observed on Bray Street will not cross the Ellis Avenue intersection.

While there will be a decrease in the level of service, LOS D is an appropriate desired level of service for the intersection operation and the changes to delays will not be significant.

4.3.3 BRAY STREET/MARION ROAD/RAGLAN AVENUE

Figure 7 identifies the estimated peak hour traffic volumes generated by the proposed development at the Bray Street/Marion Road/Raglan Avenue intersection.

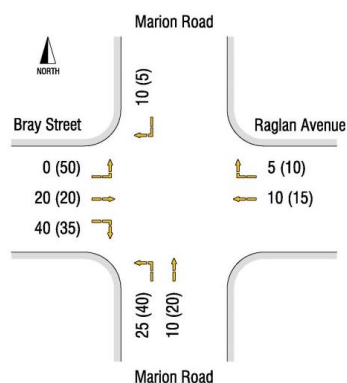


Figure 7: Development volumes at the Bray Street/Marion Road/Raglan Avenue intersection for the peak hours [am(pm)]

Table 4 summarises the SIDRA analysis of the Bray Street/Marion Road intersection.

Table 4: Performance indicators for the Marion Road/Bray Street/Raglan Avenue intersection

Scenario	am (pm)		
	Degree of Saturation	Level of Service (worst movement)	Average Delay (sec)
Existing	0.98 (0.99)	F (F)	57.4 (42.1)
Existing plus development	0.97 (0.97)	F (F)	61.2 (52.8)

SIDRA analysis indicates that the existing Marion Road/Bray Street/Raglan Avenue intersection is operating close to capacity and that the additional traffic volumes will have limited impact on the operation.

The analysis also identifies that the impact on Bray Street will be limited in that the average delays experienced by drivers on Bray Street at the intersection will:

- increase by approximately 10 seconds during the am peak; and
- remain the same during the pm peak.



5.0 SUMMARY

The Morphetville Racecourse DPA seeks to rezone land to the west, north and north-east of the existing racecourse which will facilitate residential development on that land. Such development could include, amongst other uses, residential dwellings in the northern portion, with access via Park Terrace. This report provides additional information for the City of Marion, in respect to the potential impact on Council's roads to the east of the subject land.

The traffic assessment identified that the traffic will be dispersed between the residential streets, with approximately half of the traffic forecast to be distributed to Bray Street, Park Terrace, both of which are collector roads. The increase in traffic volumes will not vary the status of the existing road hierarchy and the anticipated volumes will still be consistent with the nature of the existing road network.

Intersection analysis identified that the additional traffic volumes generated by the development will be accommodated at existing intersections, without creating substantial changes to queues and delays for drivers.

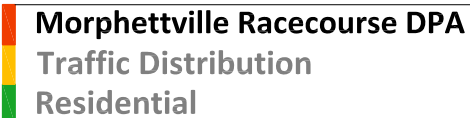



APPENDIX A

TRAFFIC DISTRIBUTION DIAGRAM



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THESE ARE CONCEPT PLANS ONLY AND NOT INTENDED TO BE USED FOR CONSTRUCTION.
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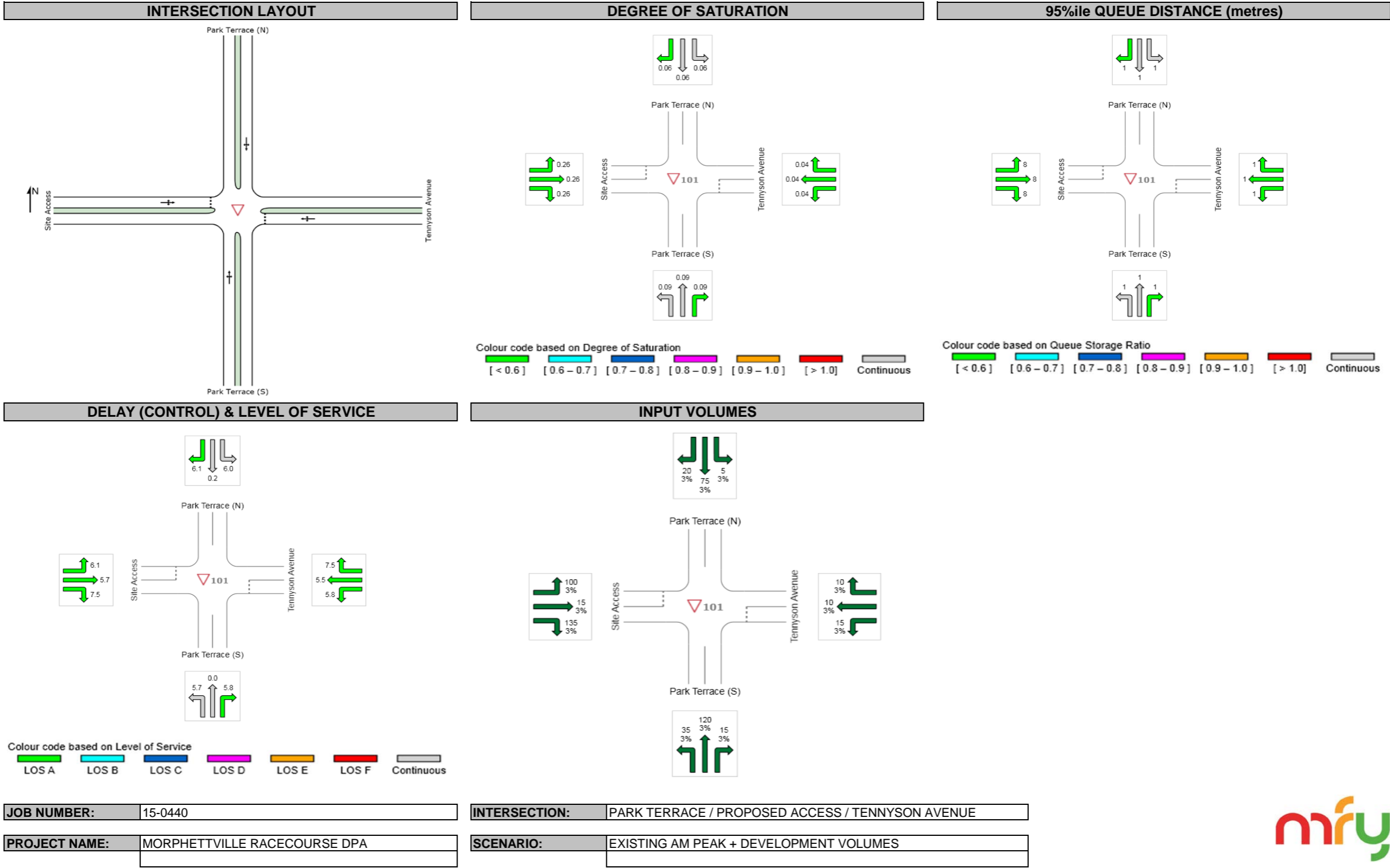
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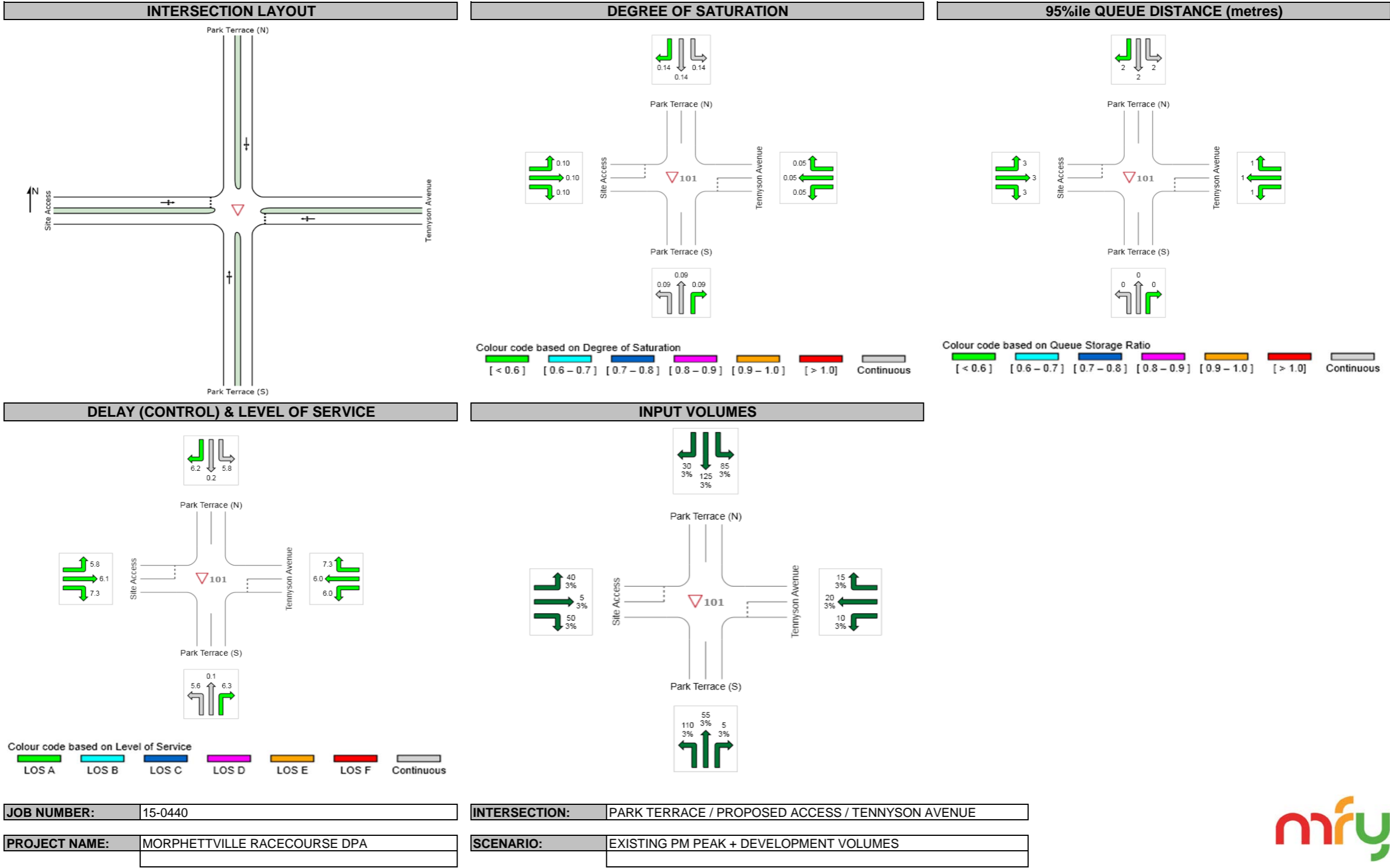
Traffic • Parking • Transport

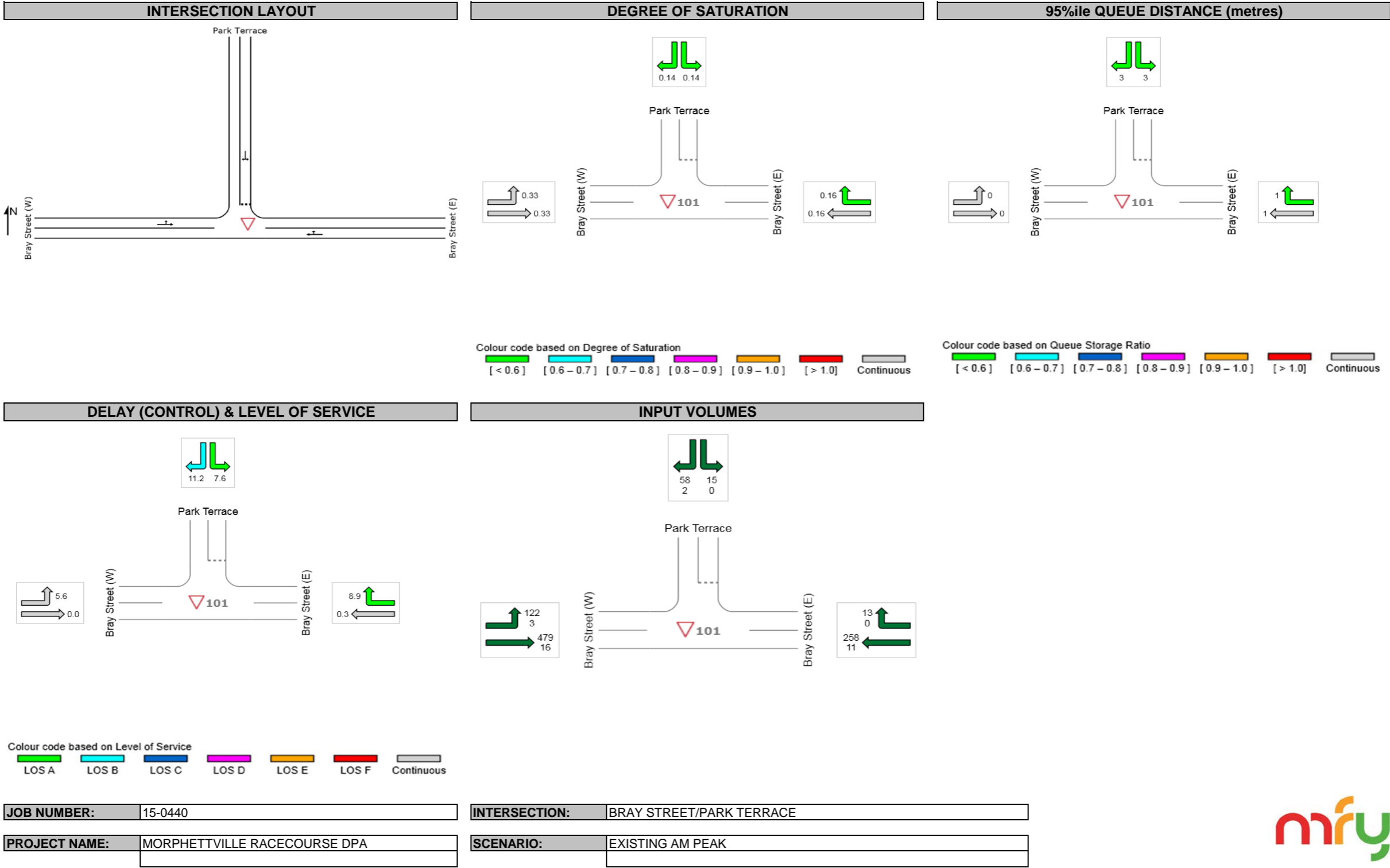


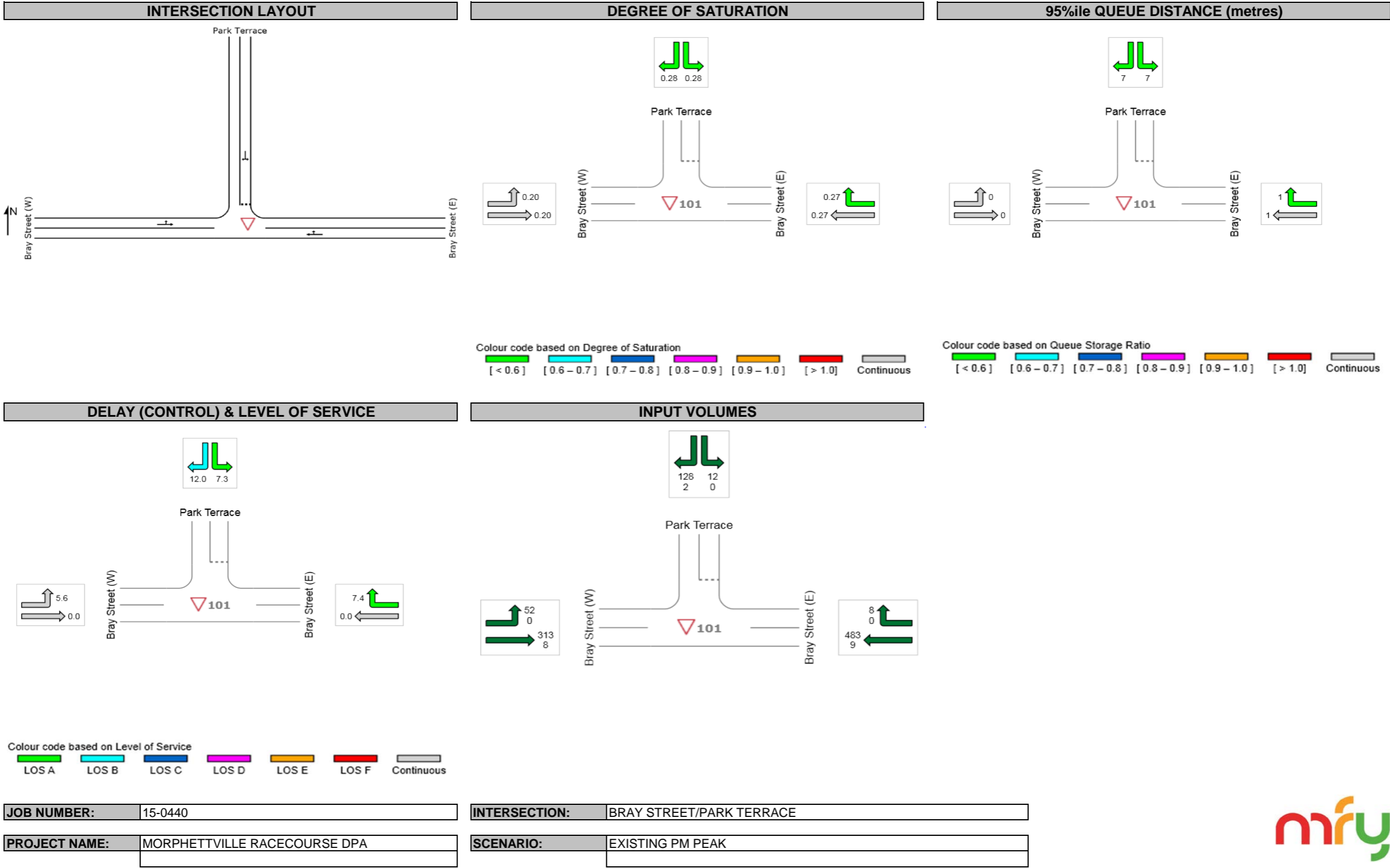
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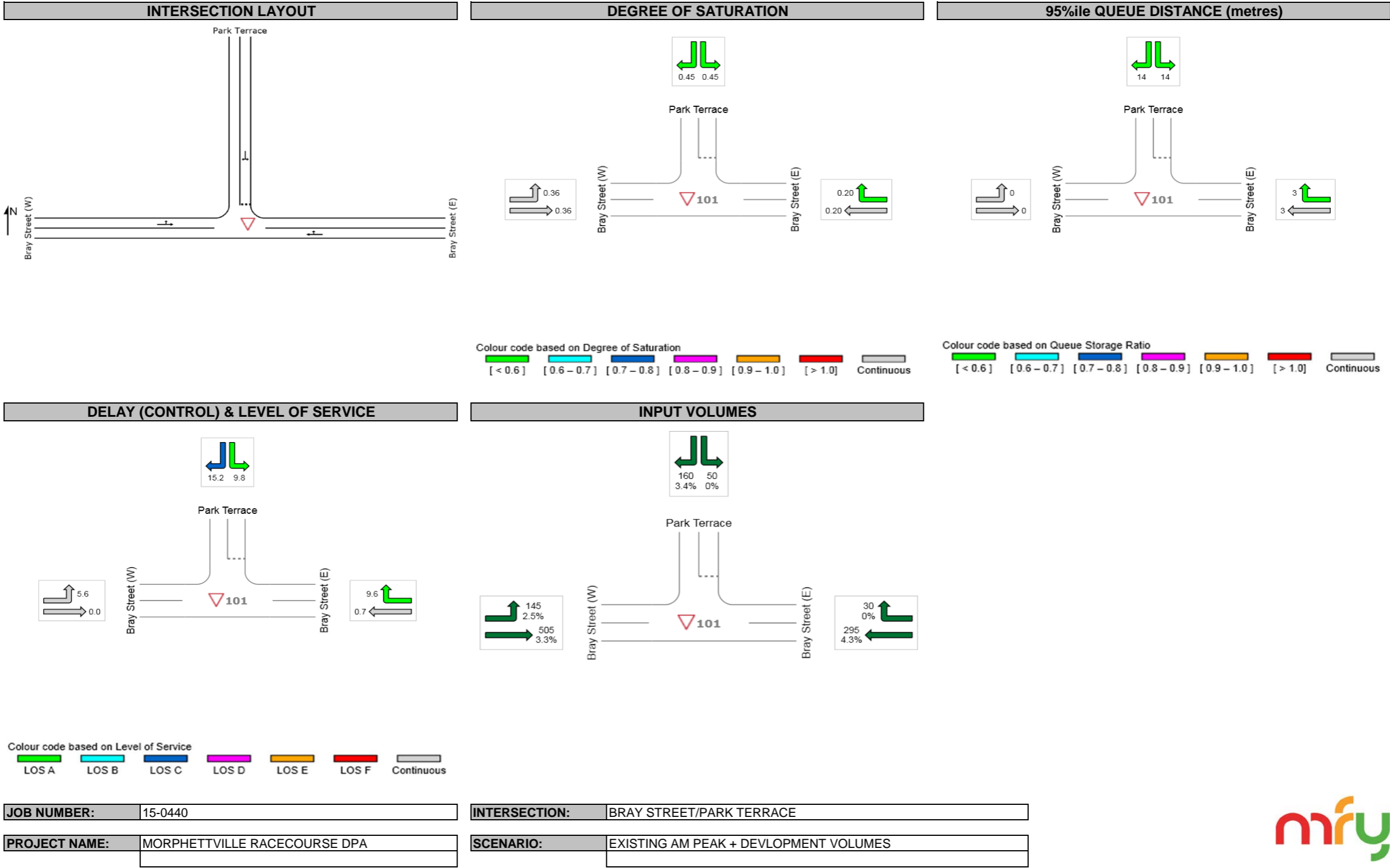
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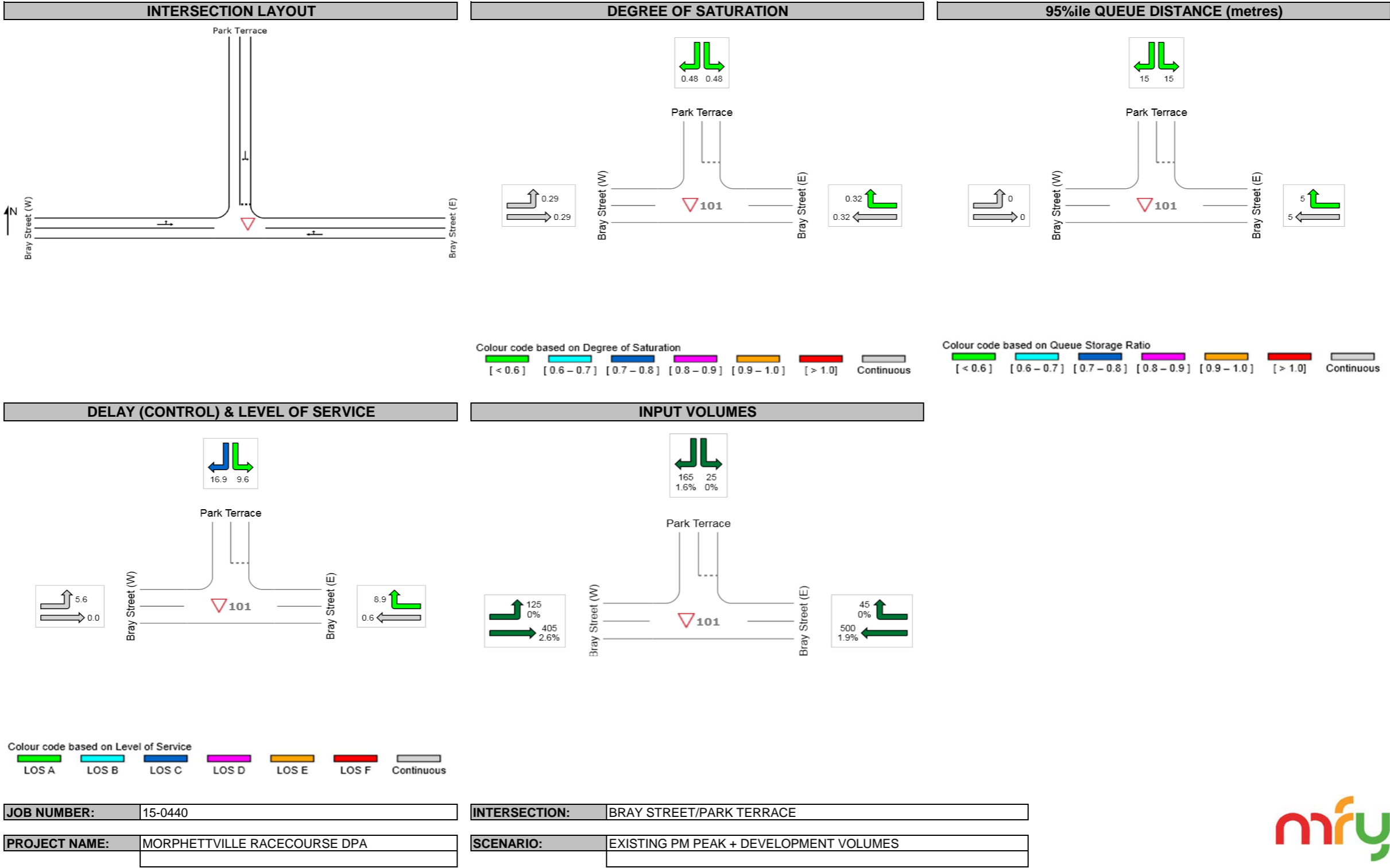


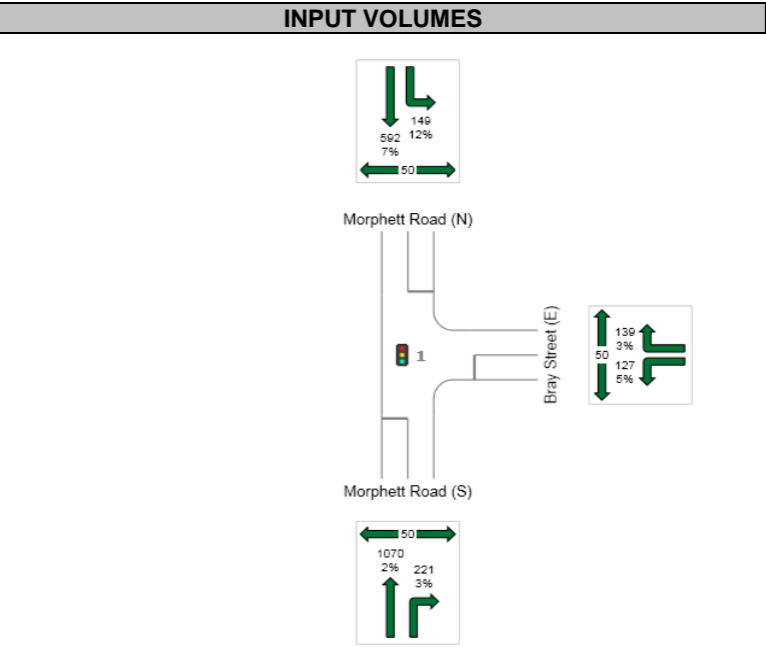
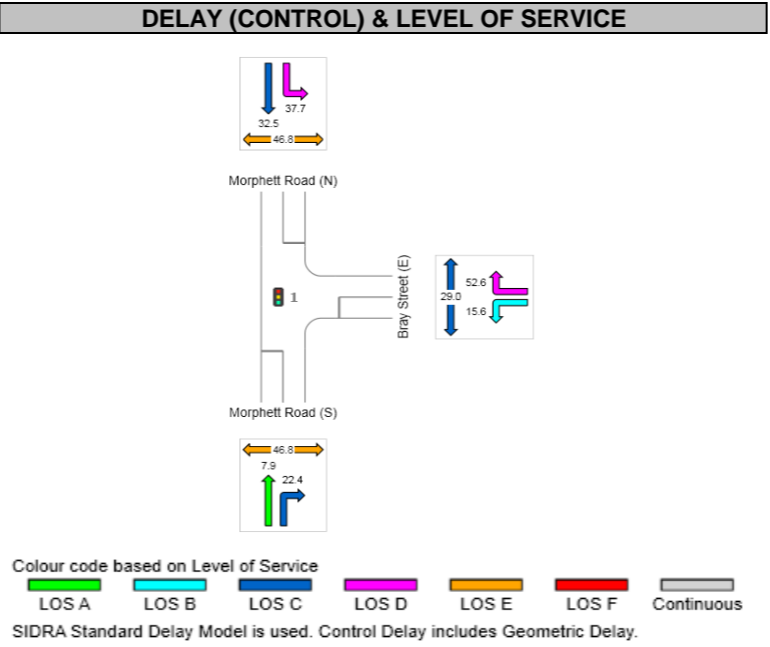
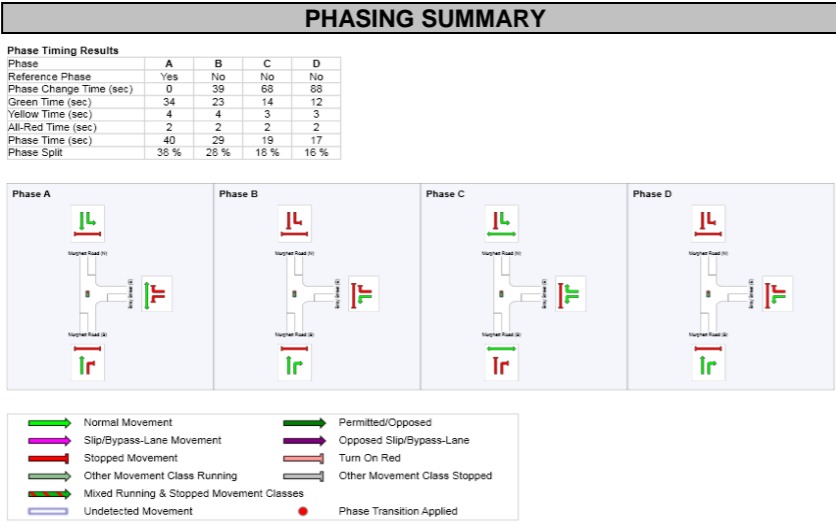
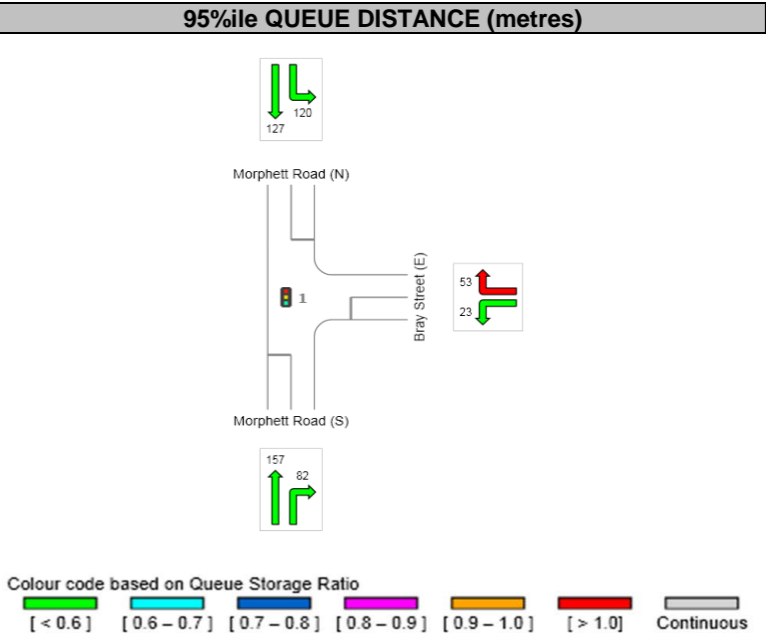
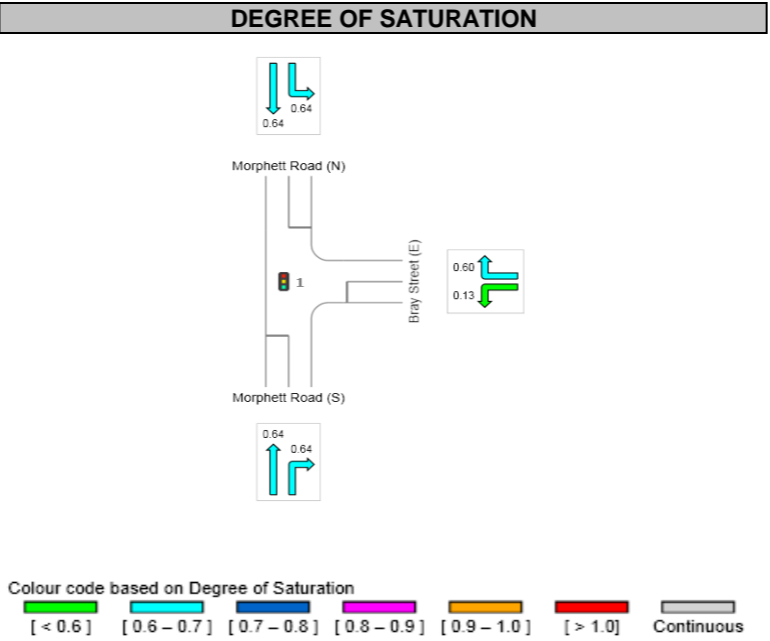
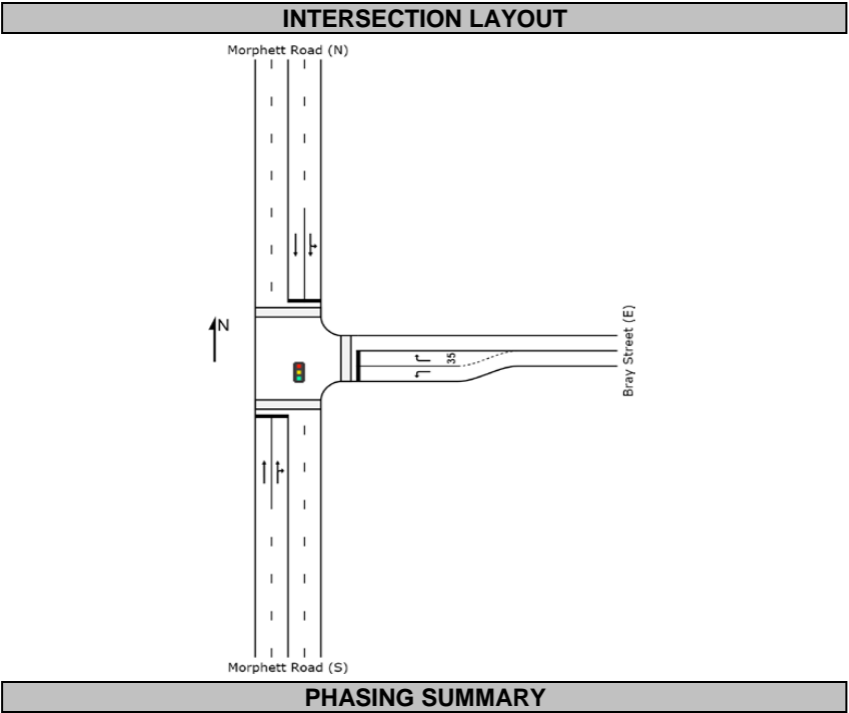












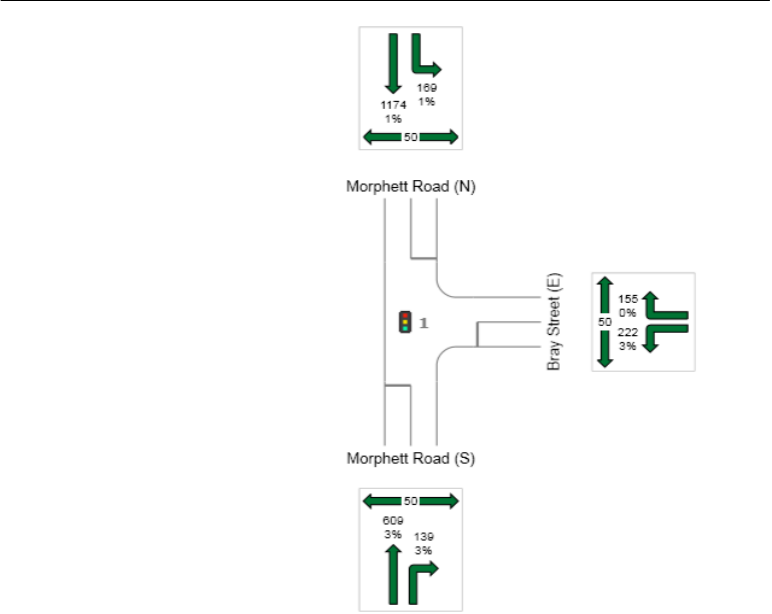
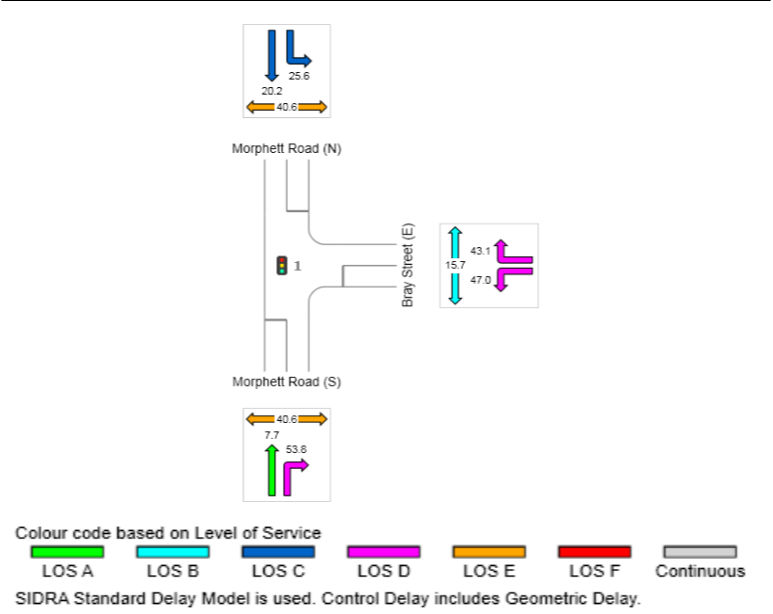
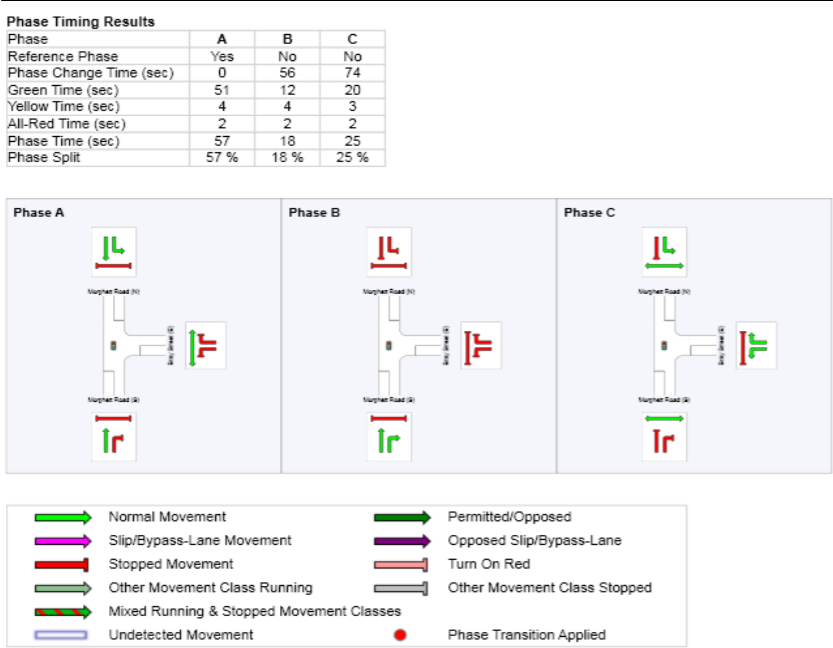
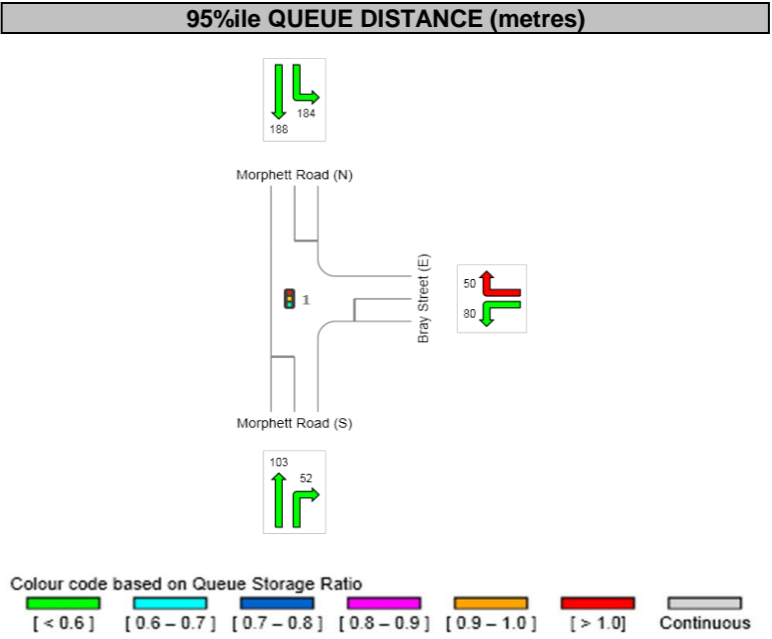
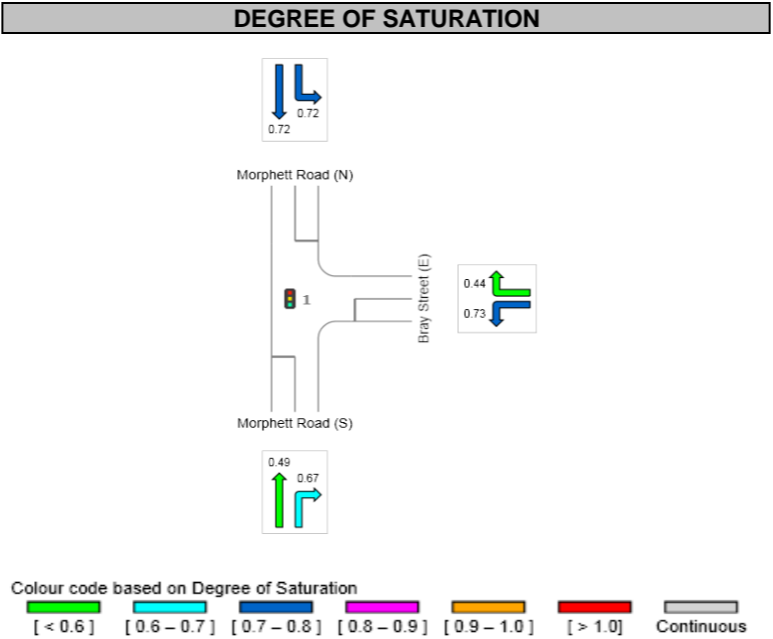
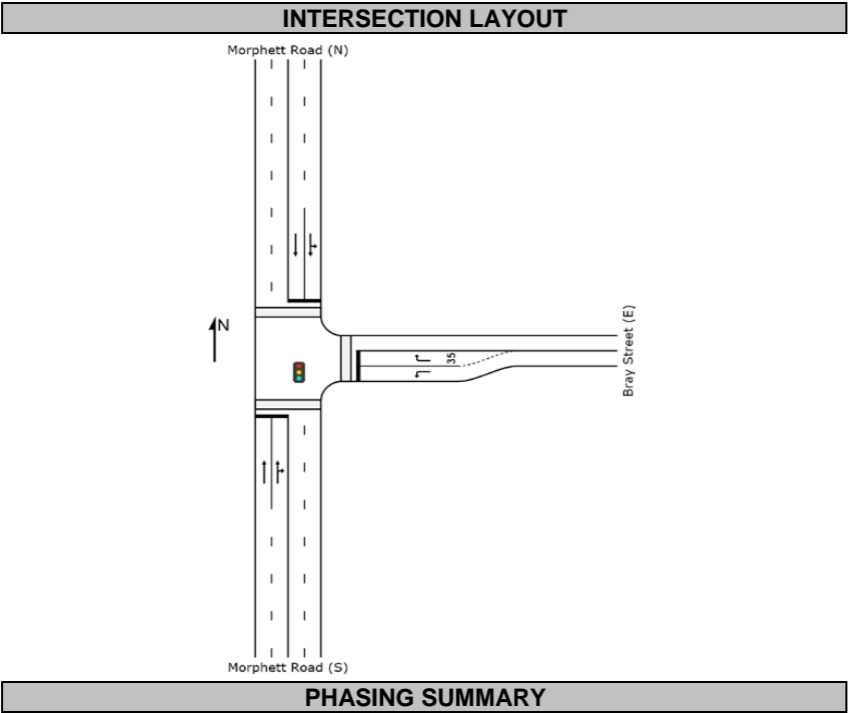
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INTERSECTION: MORPHETT ROAD/BRAY STREET

SCENARIO: EXISTING AM PEAK

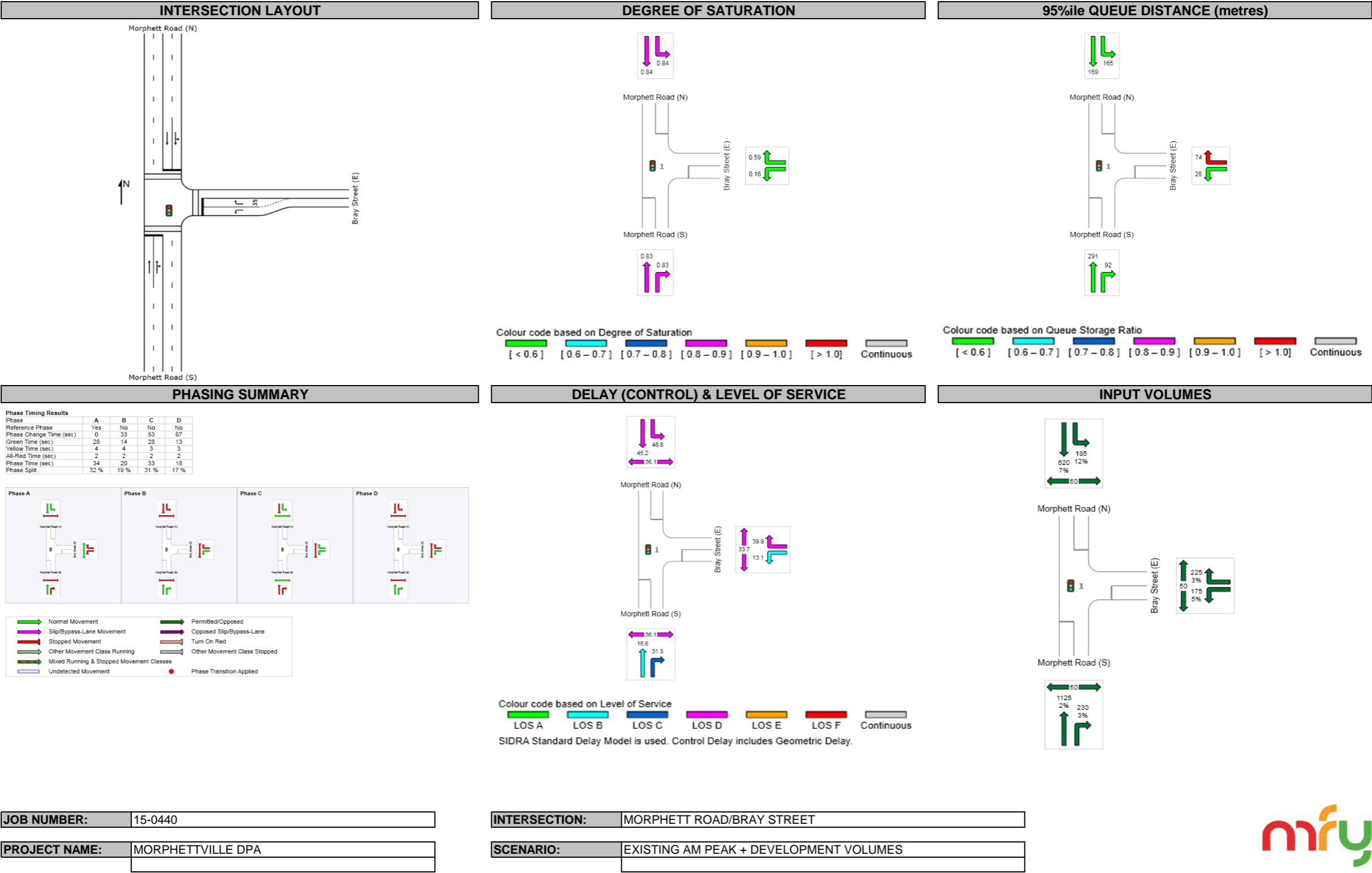


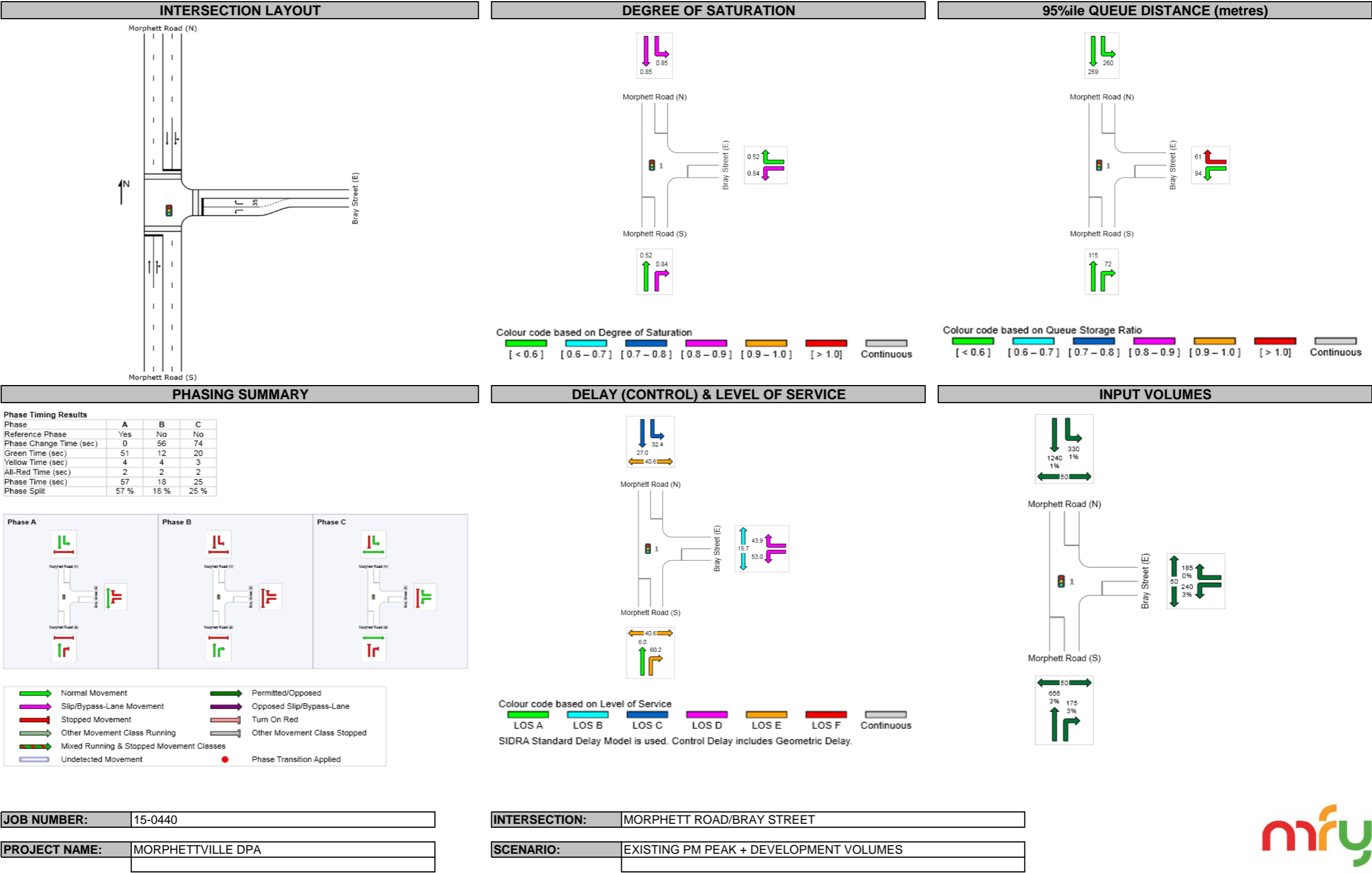


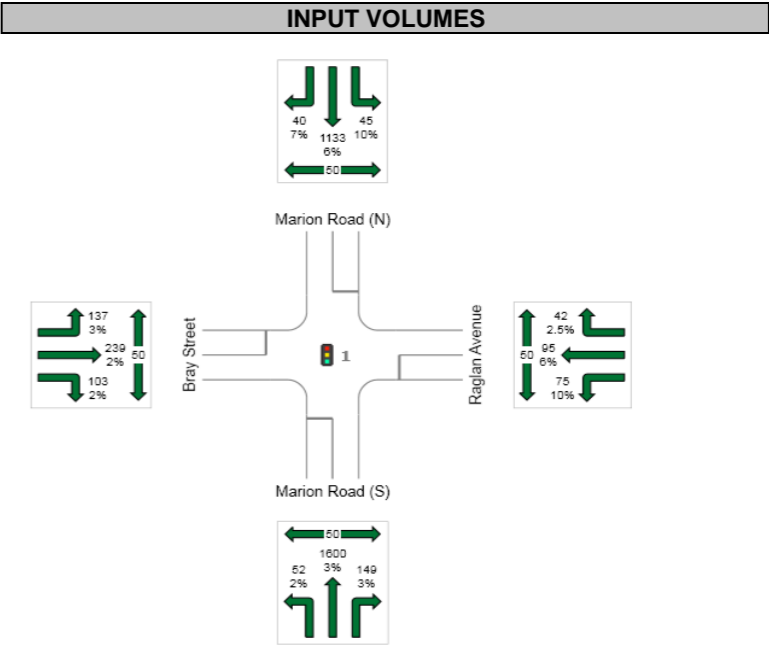
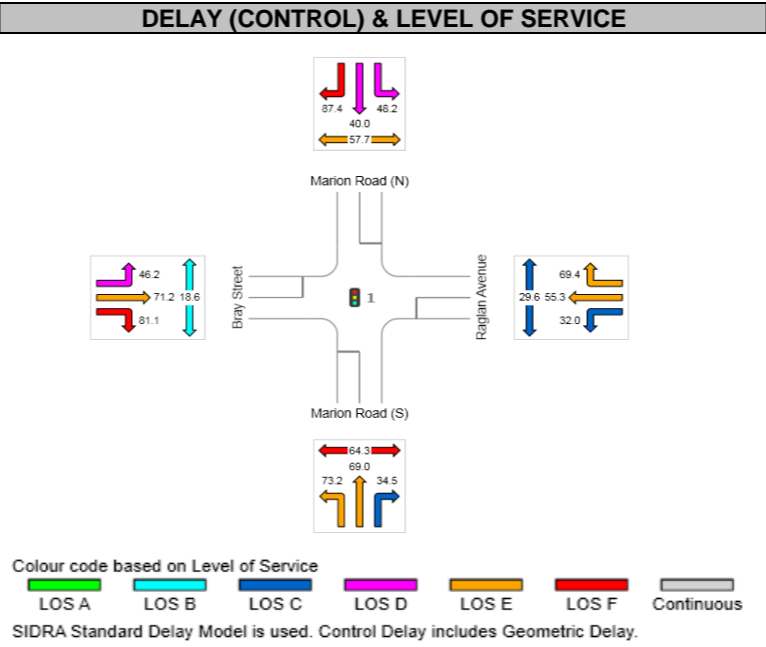
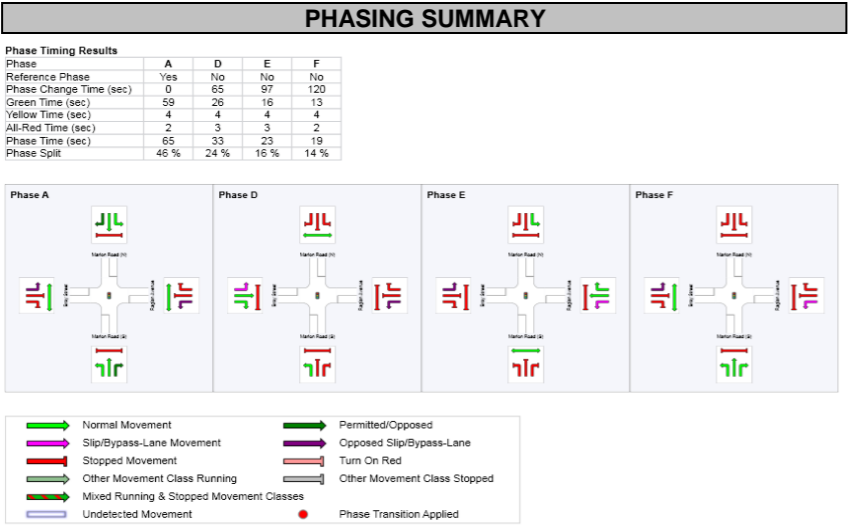
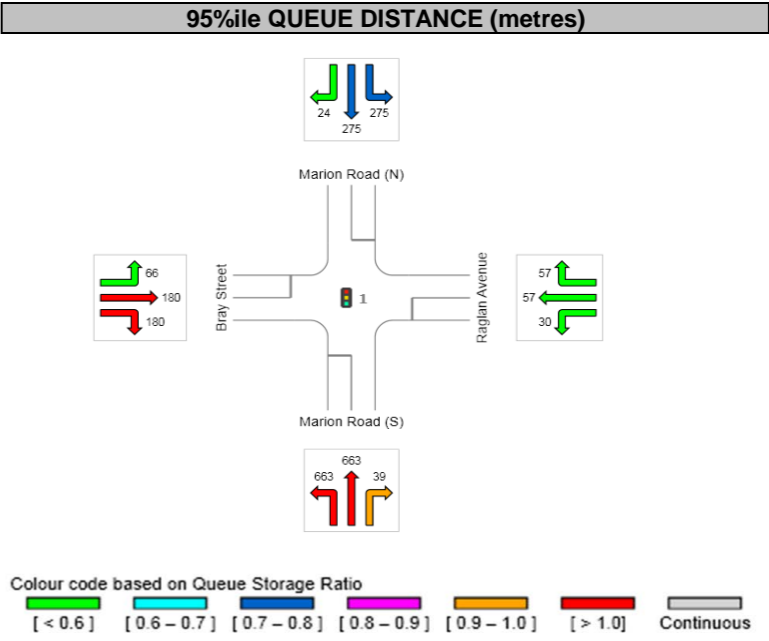
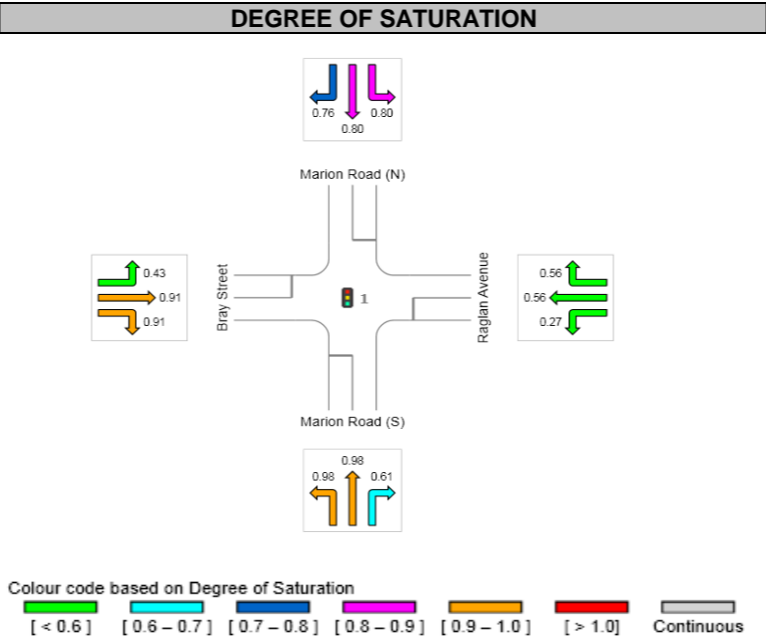
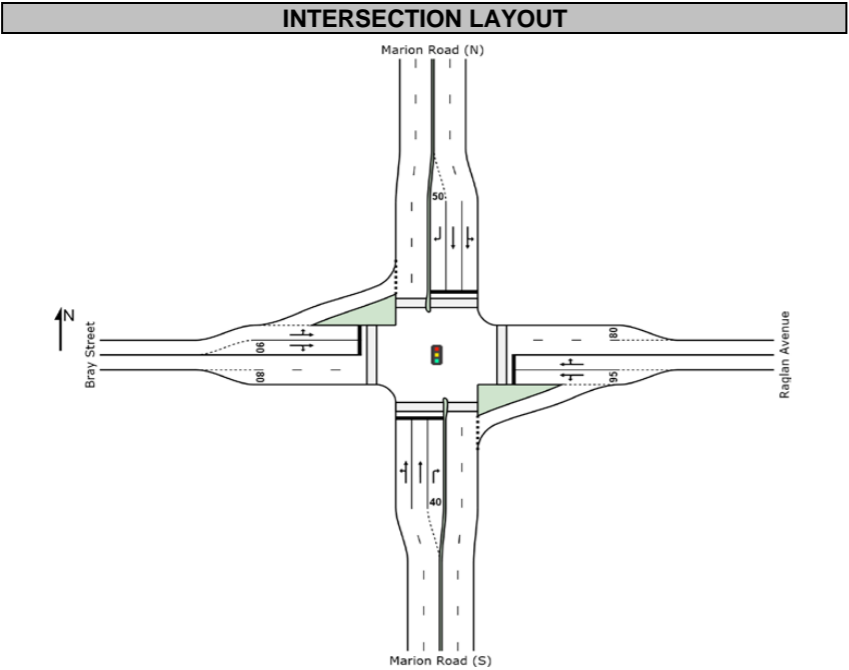
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PROJECT NAME:	MORPHETTVILLE DPA

INTERSECTION:	MORPHETT ROAD/BRAY STREET
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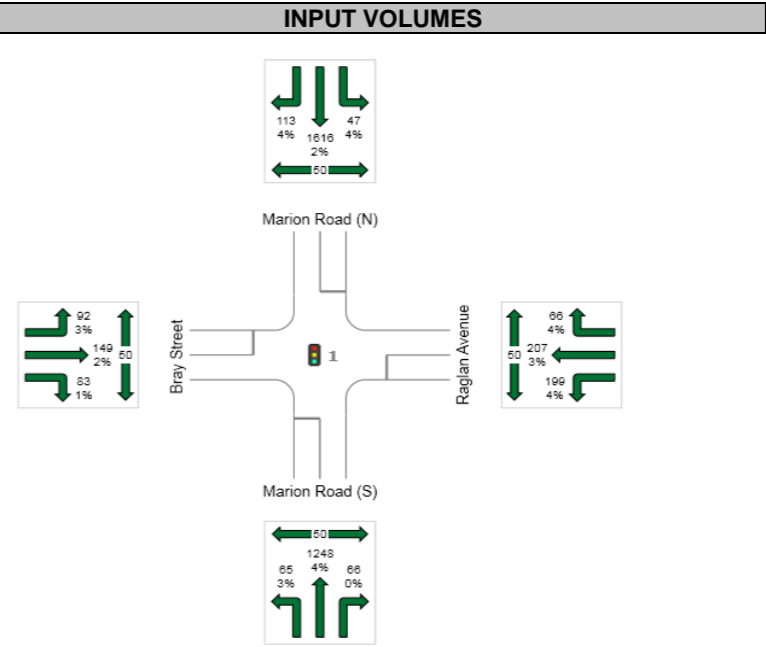
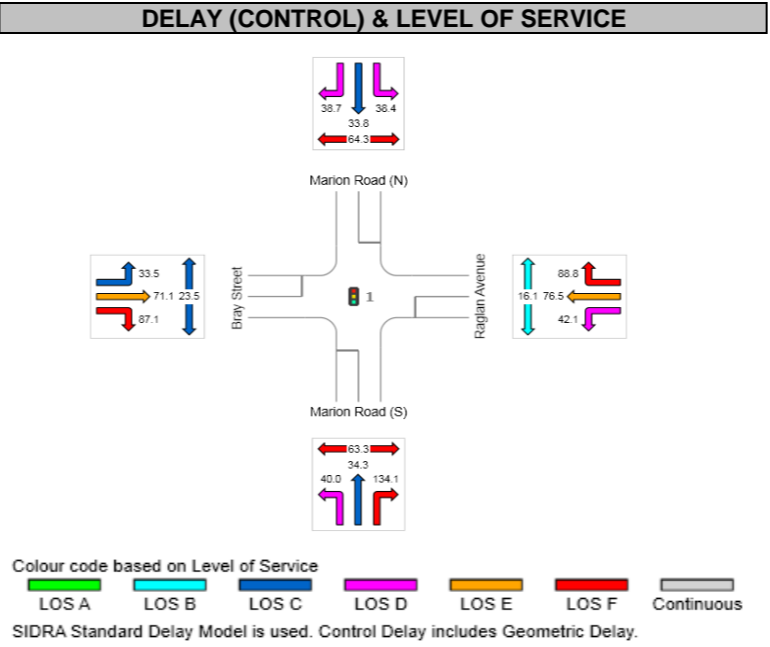
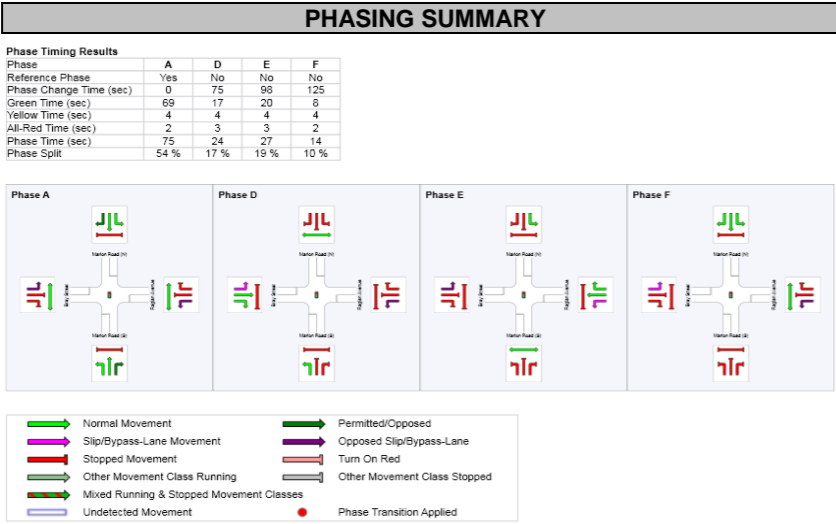
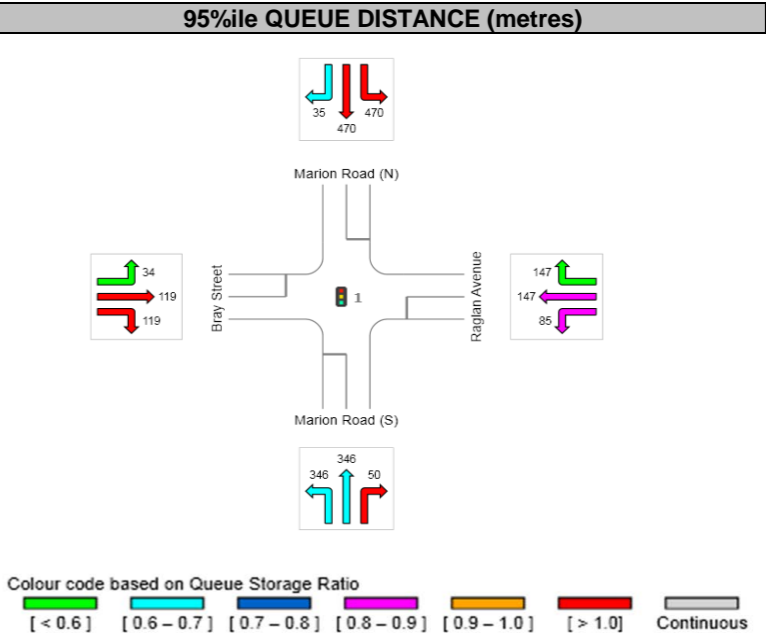
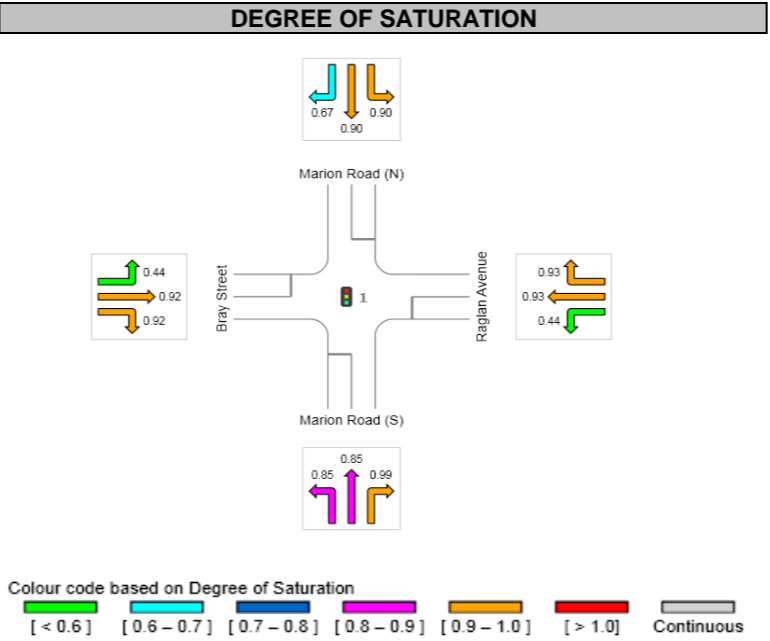
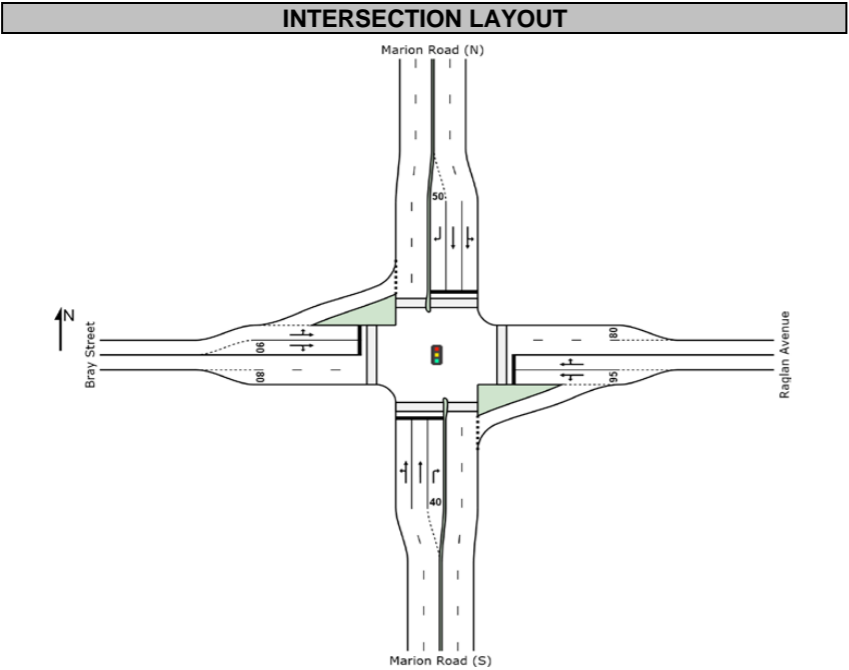
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PROJECT NAME: MORPHETTVILLE DPA

INTERSECTION: MARION ROAD/BRAY STREET/RAGLAN AVENUE

SCENARIO: EXISTING AM PEAK





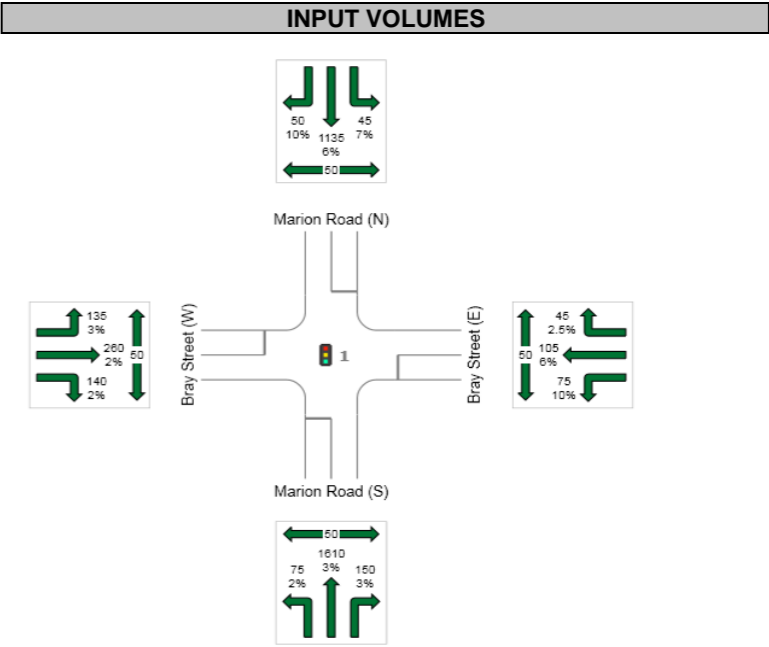
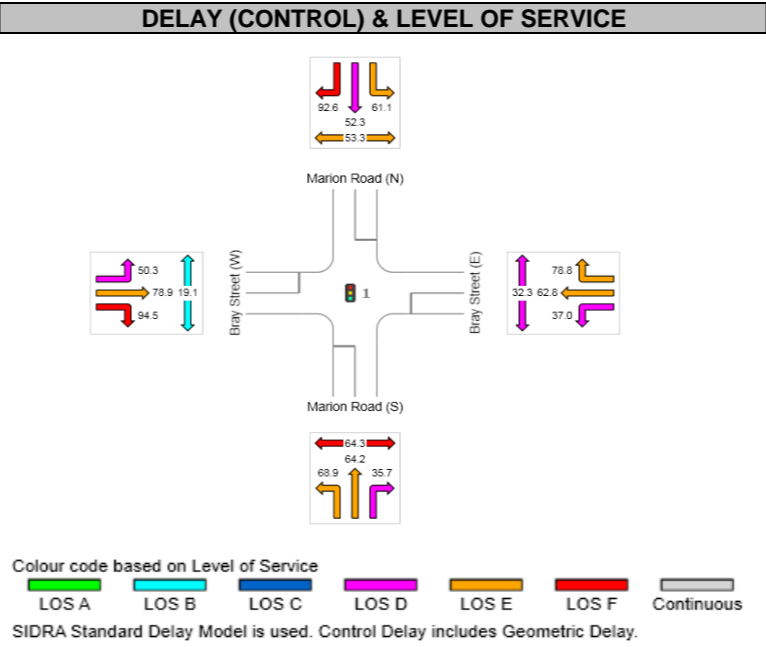
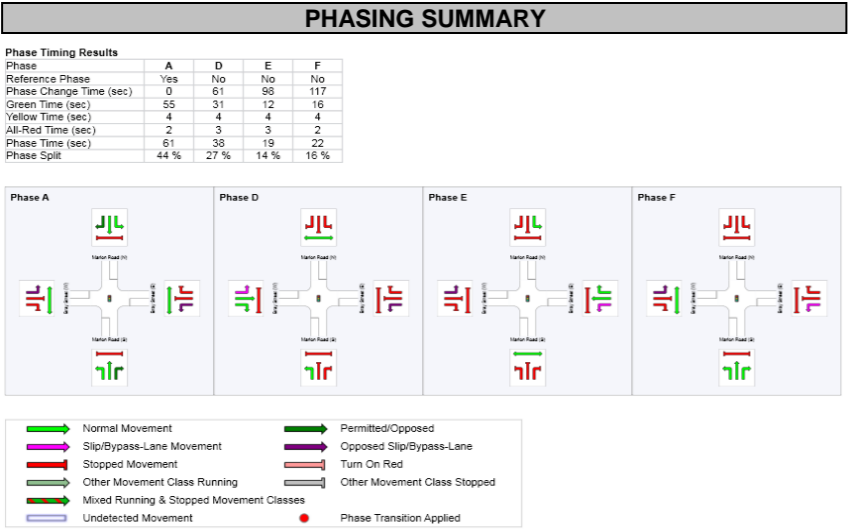
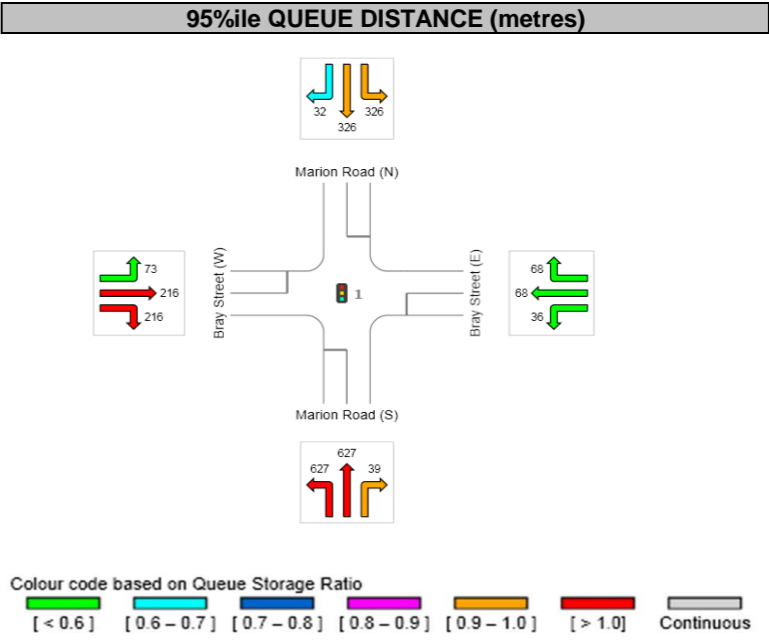
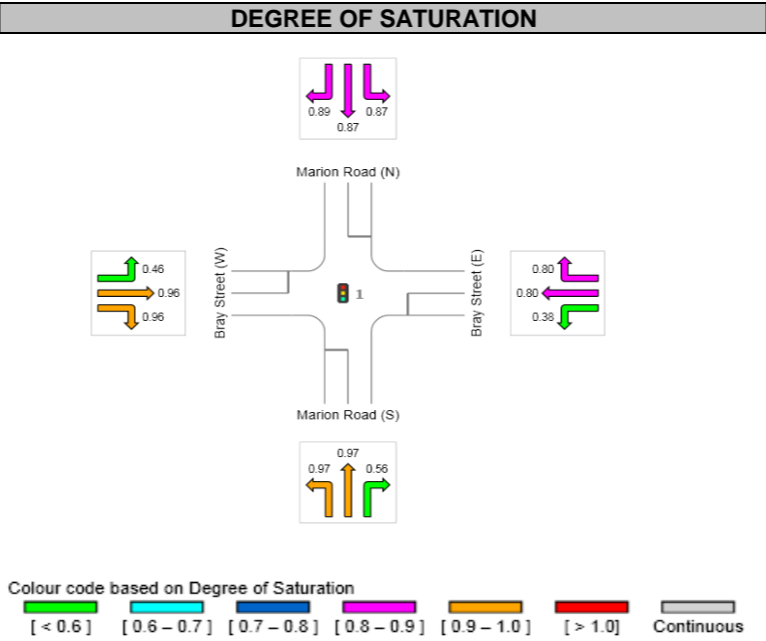
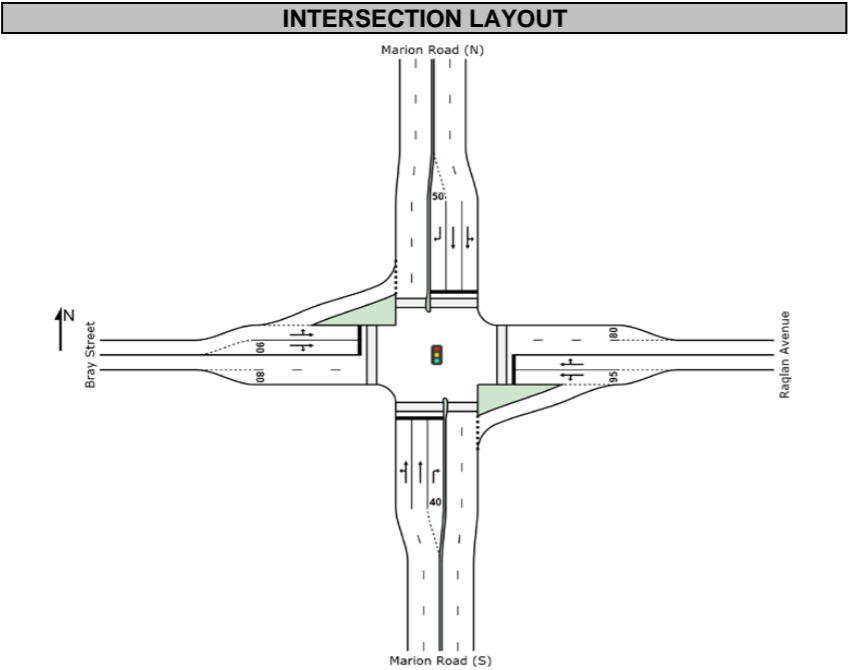
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INTERSECTION: MARION ROAD/BRAY STREET/RAGLAN AVENUE

SCENARIO: EXISTING PM PEAK





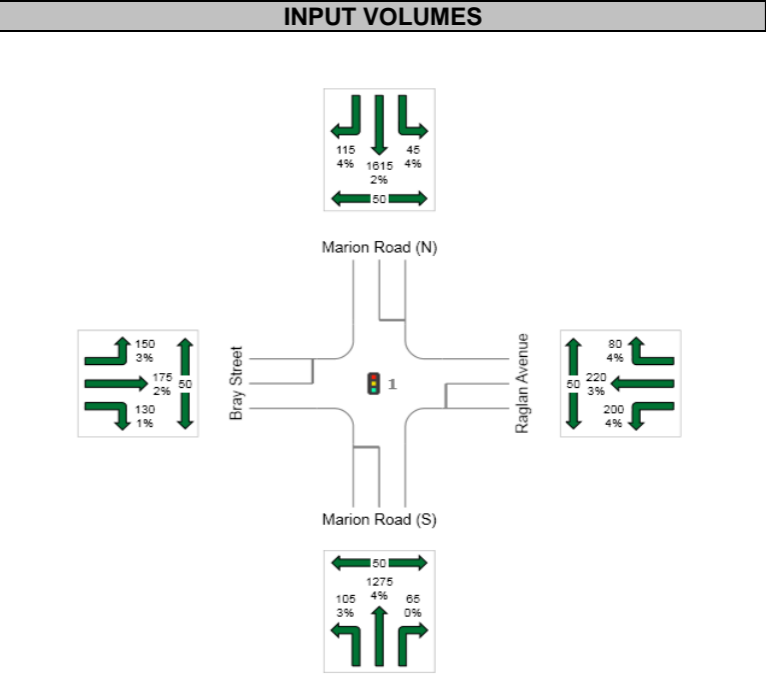
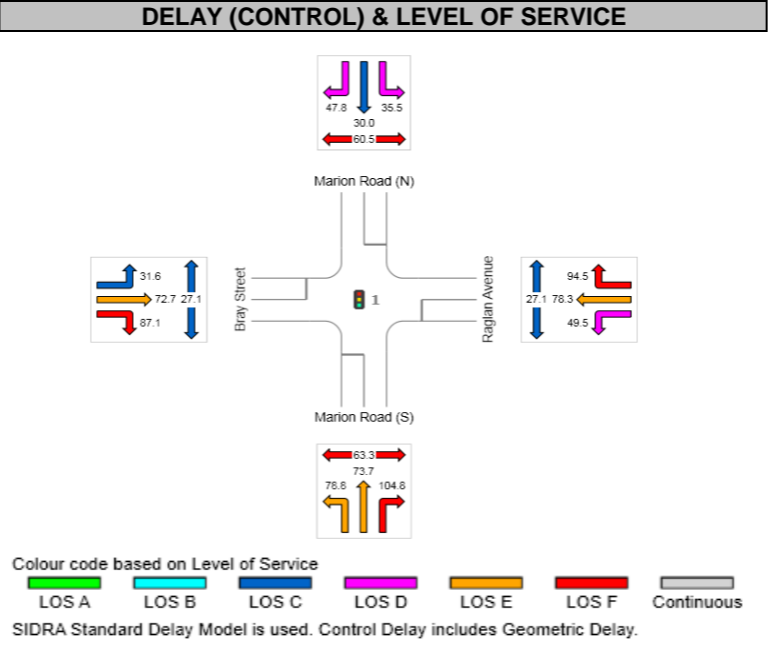
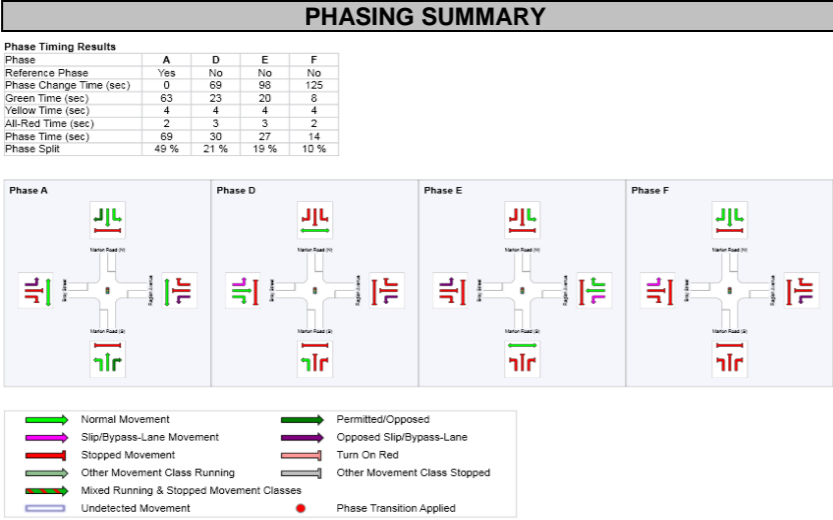
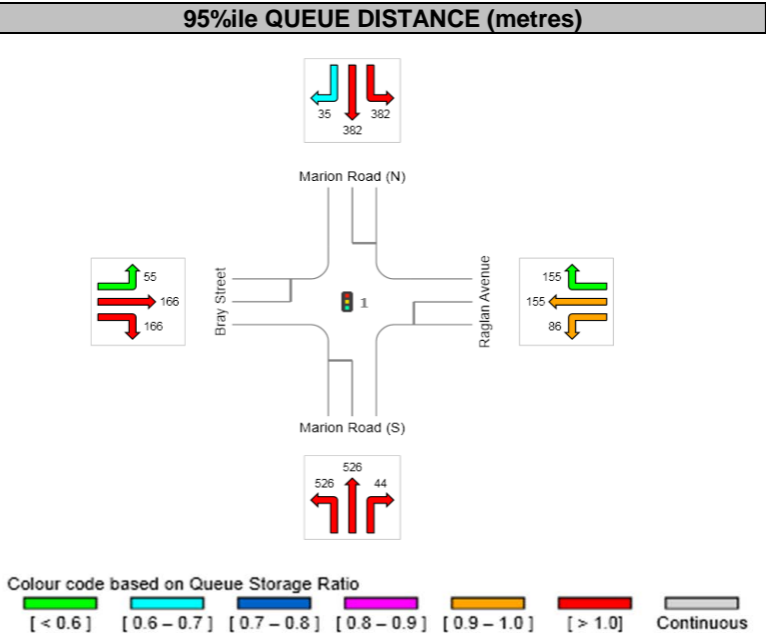
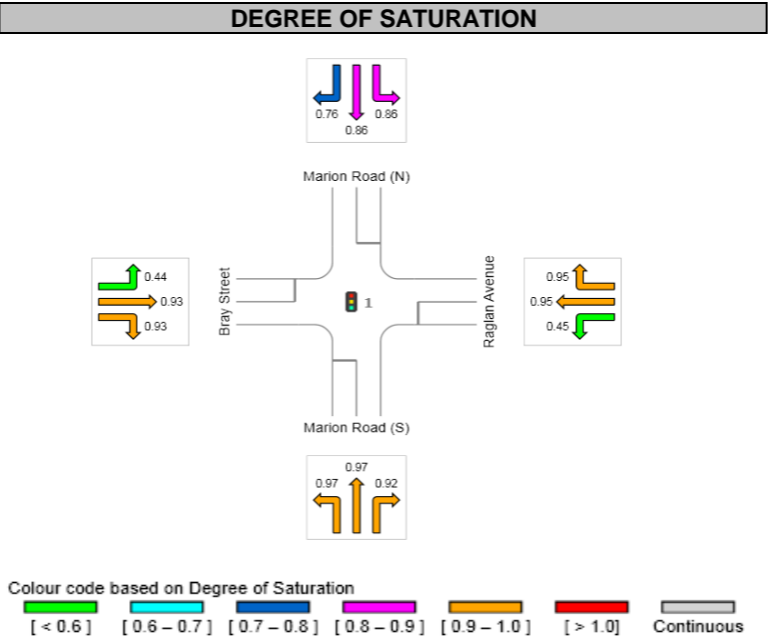
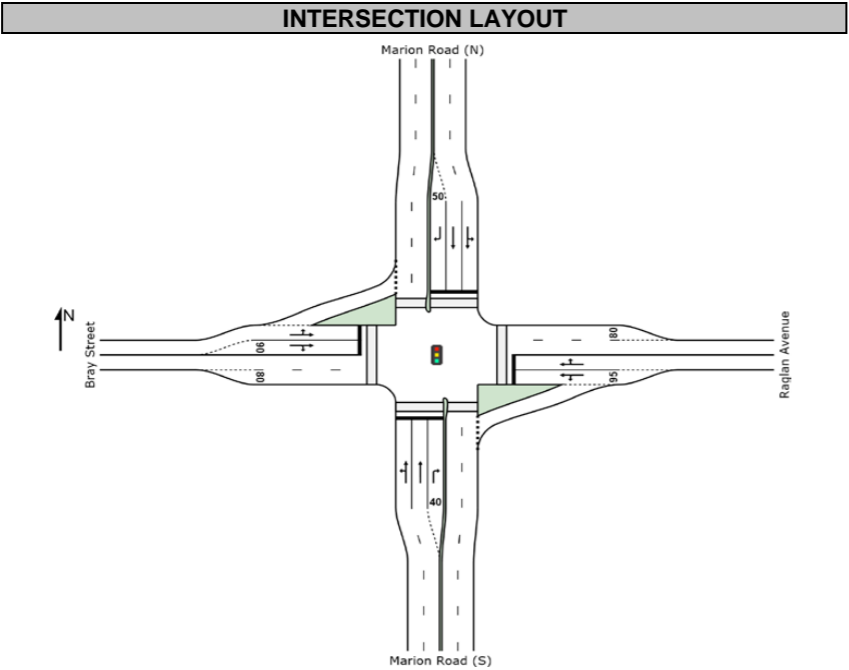
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PROJECT NAME: MORPHETTVILLE DPA

INTERSECTION: MARION ROAD/BRAY STREET/RAGLAN AVENUE

SCENARIO: EXISTING AM PEAK + DEVELOPMENT VOLUMES





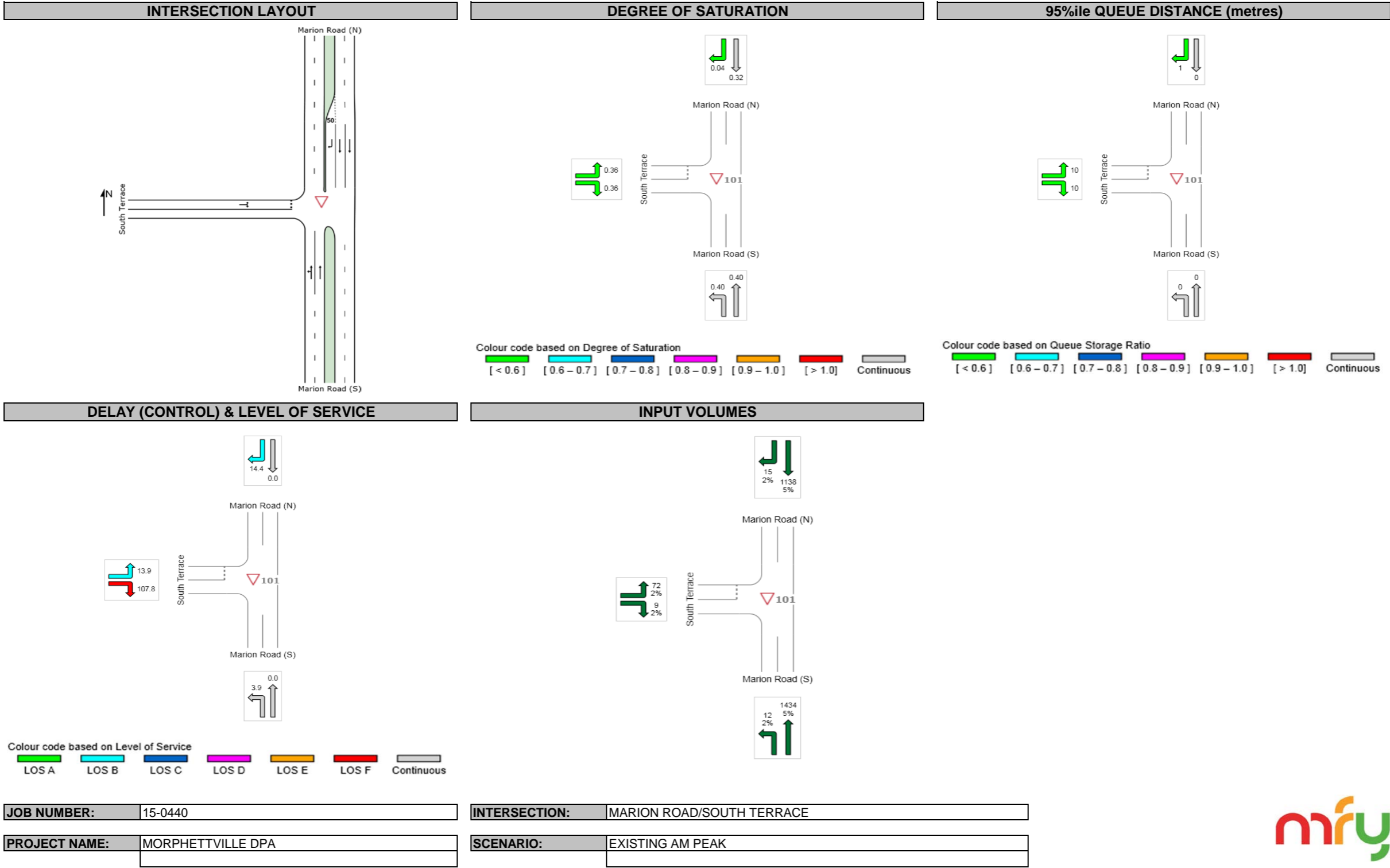
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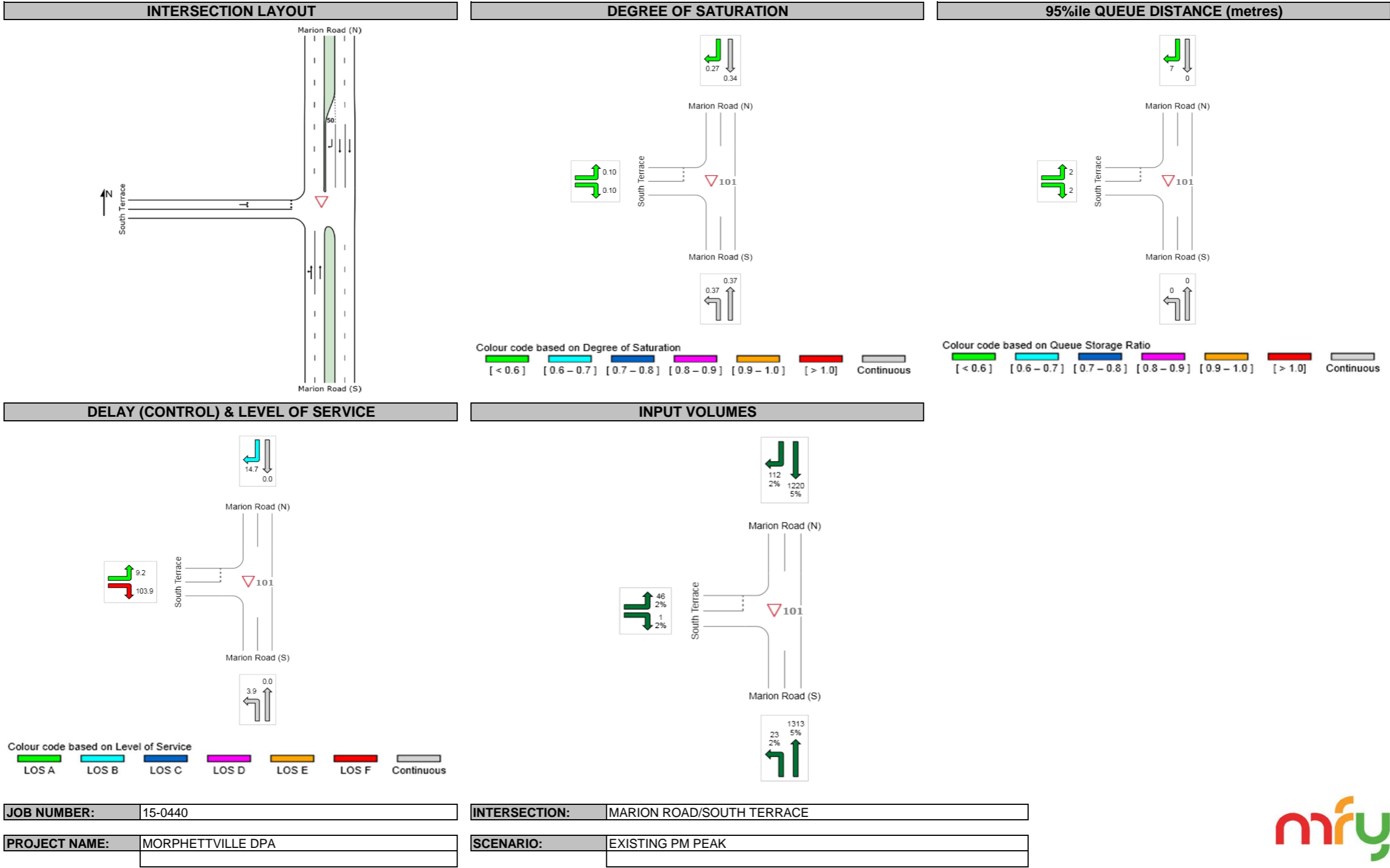
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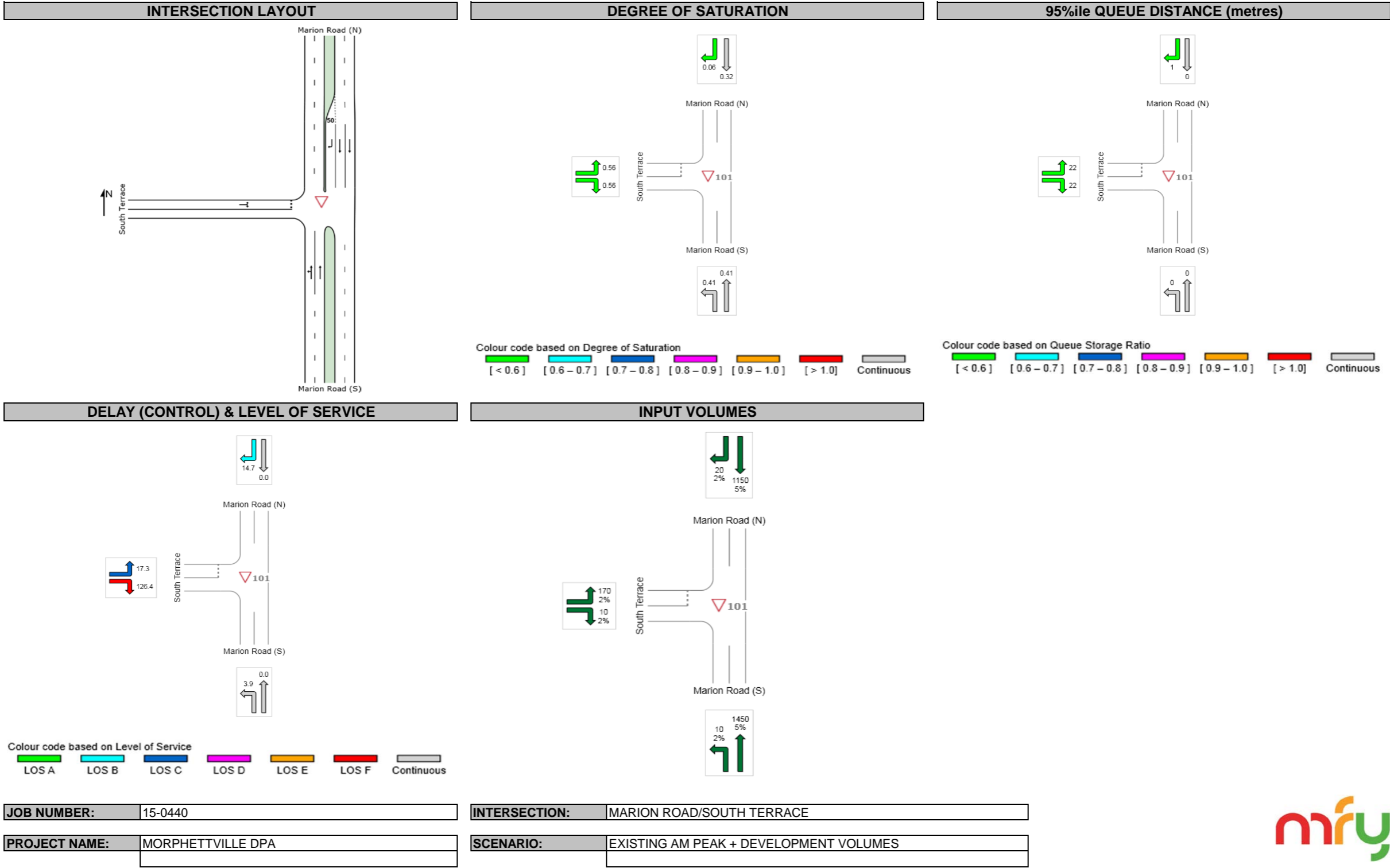
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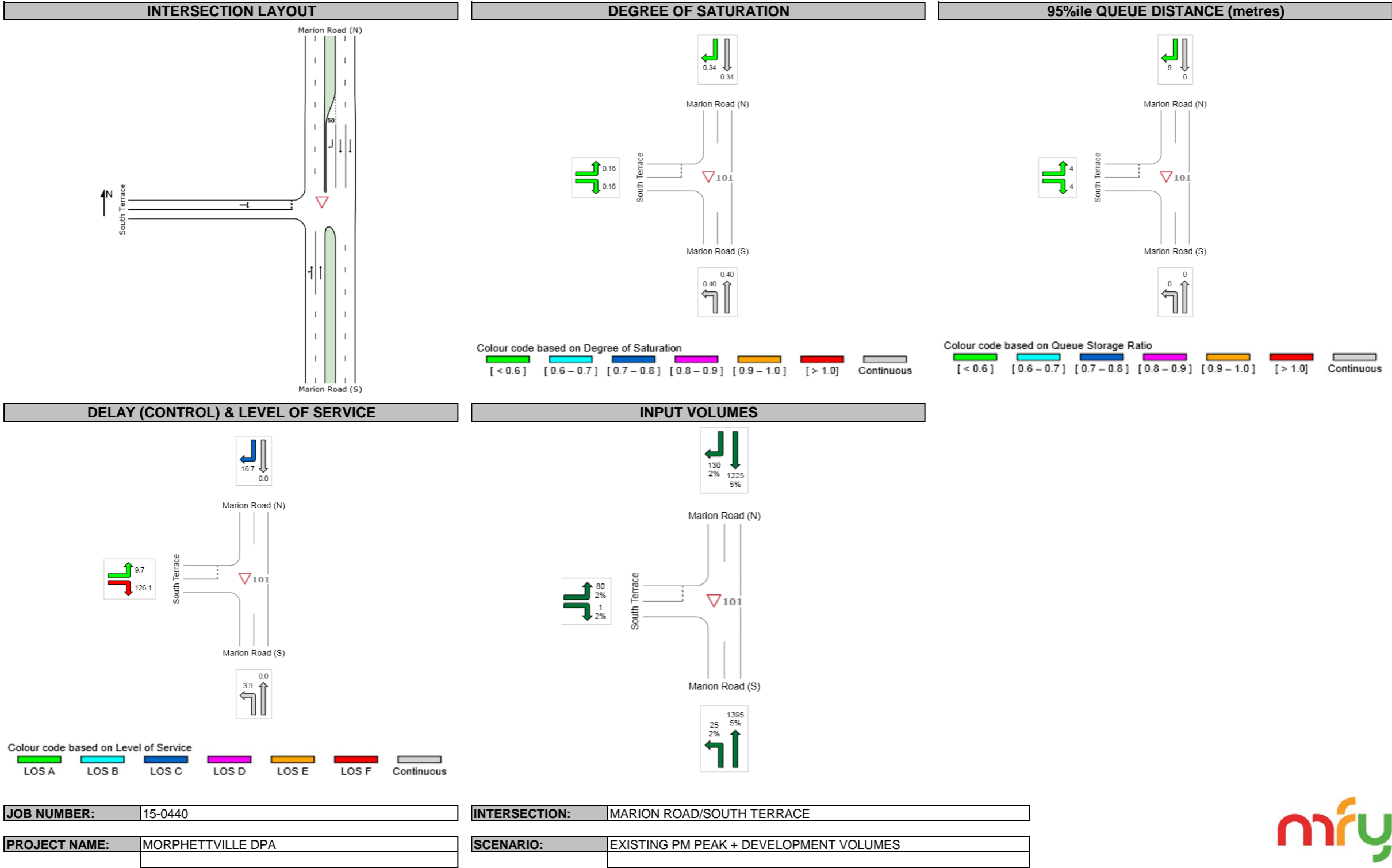
SCENARIO: EXISTING PM PEAK + DEVELOPMENT VOLUMES











ENVIRONMENT, RESOURCES &
DEVELOPMENT COMMITTEE
Parliament of South Australia



Parliament House
North Terrace
ADELAIDE 5000

3 June 2020

Hon Stephan Knoll
Minister for Planning
GPO Box 1553
Adelaide SA 5001

By email : Mininsterknoll@sa.gov.au

Cc : DPTI.PDDPACoordinator@sa.gov.au; Mayorea@marion.sa.gov.au,
ceoea@marion.sa.gov.au; dsinclair@saajc.com.au; saplanningcommission@sa.gov.au

Dear Minister

Re: Morphettville Racecourse Development Plan Amendment (DPA)

I refer to the above DPA received by the Environment Resources and Development Committee on 8 May 2020.

Upon referral of a DPA by the Minister, the Committee writes to relevant local members and councils to provide an opportunity for comment in respect of the DPA.

The Committee received the following response from the City of Marion in relation to traffic management concerns:

Whilst Council believes that the increase in traffic volumes is likely to lead to a noticeable reduction in residential amenity in certain streets, Council understands that the anticipated volumes will be within the generally acceptable upper limit for local street traffic volume. The increase in traffic volumes on Park Terrace is likely to require some form of road improvement/traffic management works to be undertaken in the short term. It is anticipated that a Local Area Traffic Management (LATM) review of the local residential area to the east, will require undertaking in the future, following development of the site, and any required road improvements carried out.

Figure 3 in the MFY traffic report indicates that potentially there could be three access points off Park Terrace into the Morphettville site. It was Council's view that all access points be required to better cope with the vehicle movements that the development of the site is likely to generate. Concept Plan Map Mar/10 shows only one access point near the intersection of Park Terrace and Tennyson Avenue. Council suggests further consideration of this matter be undertaken, and if considered warranted, the Concept Plan be amended accordingly.

The Desired Character statement is generally considered appropriate. However, if the Statement included some commentary on vehicular access to the site, particularly through residential areas to the east of the site, it may help to ensure impacts from increased traffic volumes are minimised.
(City of Marion 29/05/20)

At its hearing on 1 June 2020, the Committee noted correspondence from the SAJC and the City of Marion and heard evidence from the State Planning Commission and DPTI staff in respect of the above traffic concerns.

Correspondence to: GPO Box 572 Adelaide 5001 (DX 56506 North Terrace)

Phone: (61-8) 8237 9387 Fax: (61-8) 8231 9130

Email: ERDC.Assembly@parliament.sa.gov.au

The Committee acknowledges the Departments evidence that there are two phases of traffic management and analysis and that the concerns outlined by Council above can be addressed at the land division stage.

Notwithstanding this, the Committee noted that the current statement in Desired Character provides the following in respect of traffic management:

"Access will be provided from secondary road frontages and rear access ways and mitigate impacts on the nearby Anzac Highway."

The Committee considered that this statement could be expanded to also include the desired outcome of minimising impacts on the local roads in the residential areas to the east of the site.

In accordance with the provisions of section 27(3) (b) of the *Development Act* 1993 the Committee resolved to make the following suggestions to the Minister to amend the DPA:

1. Whether a minor amendment to the Desired Character Statement in the Marion Council Urban Core Zone as above is warranted to ensure clarity in respect of traffic mitigation in the east of the site, and,
2. Whether the existing Concept Plan Map Mar/10 should be amended to include additional access points as included in the MFY Traffic report.

I look forward to your response.

Yours sincerely,



Stephen Patterson
Presiding Member

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Email: ERDC.Assembly@parliament.sa.gov.au

13 Workshop / Presentation Items - Nil

14 Motions With Notice

14.1 Lander Road Speed Limit

Report Reference	GC210914M14.1
Council Member	Councillor – Matthew Shilling

MOTION

That Council:

1. Investigate and consult with the community about reducing the speed limit along Lander Road (between Main South Road and Patpa Drive roundabout) from 60km to 50km.
2. A report be brought back to the General Council Meeting in January 2022.

SUPPORTING INFORMATION

Both Cr Duncan and I have been approached on numerous occasions regarding the speed limit along Lander Road. Especially since the incident on Berrima Road earlier this year.

Lander Road is the main connector for the suburbs of Hallett Cove, Sheidow Park, Trott Park and O'Halloran Hill. Majority of residents would utilise this road every day. This road is lined with suburban housing and a school.

Lander Road is classified as a Sub-Arterial road within the City of Marion. Lander Road is one of the only roads with this classification which has a speed limit of 60km. Other Sub Arterial Roads (refer to attached Road Hierarchy plan) which have a speed of 50km are:

- Bray Street
- Raglan Avenue
- Winifred Ave

There has also been a rise in traffic along Lander Road since the intersection upgrade of Lander, Candy and South Roads. Continuing onto Candy Road from Lander Road the speed reduces from 60km to Candy Roads speed of 50km. This road is of a similar nature to Lander Road.

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

STAFF COMMENTS

The Department for Infrastructure and Transport (DIT) completed an upgrade to the intersection at Main South Road, Candy Road and Lander Road in July 2020. The upgrade allowed for right turn movements between Main South Road and Candy Road, and through movements between Candy Road and Lander Road.

The project has provided improved connectivity in the area, particularly between Happy Valley and

Hallett Cove. This is evident from comparing traffic data collected prior to the upgrade and from June 2021. There has been an increase of approx. 20-25% volume of traffic on Lander Road, and Lander Road is now considered City of Marion's most utilised road with approx. 10,000 vehicles per day (AADT - Average Annual Daily Traffic) (Raglan Avenue and Bray Street are approx. 9000 – 9500 vehicles per day AADT).

When setting and assessing speed limits and zones a number of criteria such as pavement width/cross sections, traffic volumes, road characteristics, road users, road function, classification and the roadside environment need to be considered.

Staff have discussed this proposal with DIT representatives, and they have advised that a lower speed limit on Lander Road between Main South Road and the roundabout at Patpa Drive would provide a safer environment for residents. The speed limit on Candy Road (City of Onkaparinga) between Chandlers Hill Road and Main South Road is 50km/h. A similar built-up road environment on Lander Road between Main South Road and Patpa Drive, consolidating the speed at 50 km/h, would be less confusing to motorists.

DIT have advised that the existing 60 km/h speed limit on the section of Lander Road between Patpa Drive and Lonsdale Road is consistent with the road environment (low level of roadside development with direct access) and encourages driver compliance. The introduction of a length of arbitrary 50 km/h speed limit, in an environment with little direct access, where its use bears no relationship with the activities normally associated by drivers has the potential to increase uncertainty among drivers, resulting in poor compliance unless the speed limit is actively enforced. This in turn creates a false sense of security for road users entering or using the road, as driver speeds can vary from that expected.

The process of reviewing speed limits on Lander Road would include:

- Assessment of the speed limit proposal against the requirements of the Speed Limit Guideline for South Australia.
- Traffic impact statement with data including:
 - Traffic volumes
 - Heavy vehicle content
 - Pedestrian volumes
 - Speed surveys
- Community consultation details.
- Site plans which include existing signs and traffic control devices.

ATTACHMENTS

1. City of Marion - Road Hierarchy [14.1.1 - 1 page]

Roads

City of Marion road hierarchy

Key routes include:

Arterial

Arterial roads provide important regional transport corridors that carry through traffic as well as distribute traffic locally.

Sub-arterial

Sub-arterial roads connect arterial roads to areas of development, and carry traffic directly from one local area to another.

Distributor

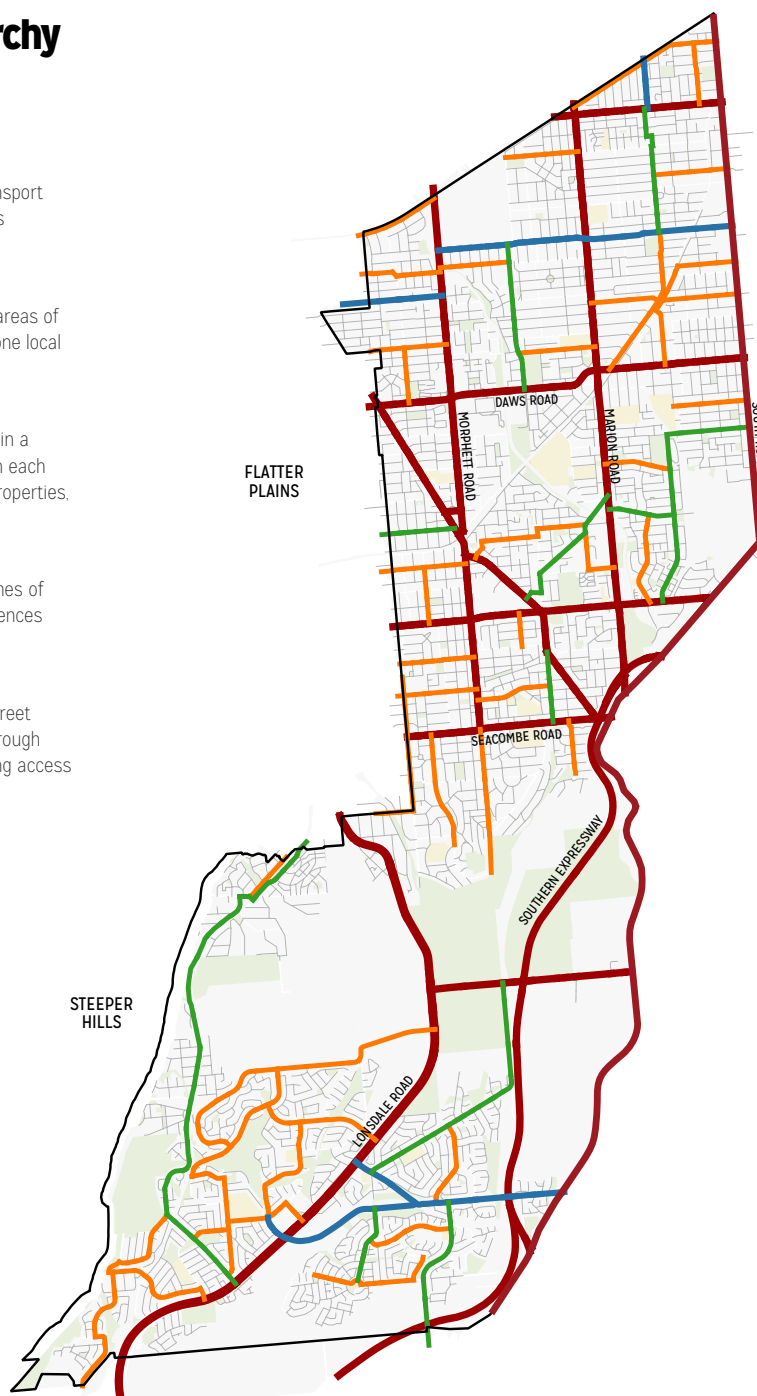
Distributor roads disperse traffic into or within a local area. These roads consist of one lane in each direction and provide access to residential properties, local centres, schools and open space.

Collector

Collector roads cater for low-moderate volumes of local traffic providing access to private residences and local centres.

Local

Local roads are largely the neighbourhood street system. These roads are relatively free of through traffic and mostly handle local traffic providing access to residential allotments.



15 Motions Without Notice**16 Questions With Notice - Nil****17 Questions Without Notice****18 Confidential Items****18.1 Cover Report - Cove Sports and Community Club Feasibility Study and Business Case**

Report Reference	GC210914F18.1
Originating Officer	Project Manager Strategic Projects – Carla Zub
Corporate Manager	Manager City Activation - Greg Salmon
General Manager	General Manager City Development - Ilia Houridis

REASON FOR CONFIDENTIALITY***Local Government Act (SA) 1999 S 90 (2) 3***

(b) information the disclosure of which (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and (ii) would, on balance, be contrary to the public interest

RECOMMENDATION

That pursuant to Section 90(2) and (3)(b) (i) and (ii) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Office of the Chief Executive, Manager City Activation, Project Manager Strategic Projects, Unit Manager Governance and Council Support, and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Cove Sports and Community Club Feasibility Study and Business Case, 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.

18.2 Cover Report - Westminster Reserve and Keaton Avenue Reserve - Revocation of Community Land Classification

Report Reference	GC210914F18.2
Originating Officer	Heather Carthew – Land Asset Officer
Corporate Manager	Manager City Property - Thuyen Vi-Alternetti
General Manager	General Manager City Development - Ilia Houridis

REASON FOR CONFIDENTIALITY

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

(g) matters that must be considered in confidence in order to ensure that the council does not breach any law, order or direction of a court or tribunal constituted by law, any duty of confidence, or other legal obligation or duty

(h) legal advice

RECOMMENDATION

That pursuant to Section 90(2) and (3) (h) and (g) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Manager Office of the Chief Executive, Manager City Property, Unit Manager Land & Property, Land Asset Officer, 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 Westminster Reserve and Keaton Avenue Reserve - Revocation of Community Land Classification, 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 and current confidential orders which are place over previous reports, attachments and minutes to which this report relates.

18.3 Cover Report - Sports Lighting Project LRCIP Funded

Report Reference	GC210914F18.3
Originating Officer	Unit Manager Sport & Recreational Community Facilities – Mark Hubbard
Corporate Manager	Manager City Property - Thuyen Vi-Alternetti
General Manager	General Manager City Development - Ilia Houridis

REASON FOR CONFIDENTIALITY

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

(b) information the disclosure of which (i) could reasonably be expected to confer a commercial advantage on a person with whom the council is conducting, or proposing to conduct, business, or to prejudice the commercial position of the council; and (ii) would, on balance, be contrary to the public interest

RECOMMENDATION

That pursuant to Section 90(2) and (3)(b), (i) and (ii) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager City Services, Chief Financial Officer, Manager Office of the Chief Executive, Manager City Property, Unit Manager Sport and Recreational Community Facilities, Unit Manager Governance and Council Support, and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Sports Lighting Project LRCIP Funded, 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 options and costs of the sports lighting project.

18.4 Cover Report - Code of Conduct

Report Reference	GC210914F18.4
Originating Officer	Manager Office of the Chief Executive – Kate McKenzie
Corporate Manager	N/A
General Manager	Chief Executive Officer - Tony Harrison

REASON FOR CONFIDENTIALITY***Local Government Act (SA) 1999 S 90 (2) 3***

(a) information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).

RECOMMENDATION

That pursuant to Section 90(2) and (3)(a) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, Manager Office of the Chief Executive, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as the Council receives and considers information relating to Code of Conduct, 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 conduct of Elected Members.

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.