

His Worship the Mayor
Councillors
City of Marion

Notice of General Council Meeting

Council Chamber, Council Administration Centre
245 Sturt Road, Sturt
Public Access - Virtual Meeting Room only (Zoom)

Tuesday, 8 March 2022 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

1 OPEN MEETING.....	4
2 KAURNA ACKNOWLEDGEMENT	4
3 DISCLOSURE.....	4
4 ELECTED MEMBER DECLARATION OF INTEREST (IF ANY)	4
5 CONFIRMATION OF MINUTES	4
5.1 Confirmation of Minutes of the General Council Meeting held on 22 February 2022	4
6 COMMUNICATIONS - NIL	24
7 ADJOURNED ITEMS - NIL	24
8 DEPUTATIONS - NIL	24
9 PETITIONS - NIL	24
10 COMMITTEE RECOMMENDATIONS	24
10.1 Confirmation of the Minutes of the Finance, Risk and Audit Committee Meeting held on 22 February 2022.....	24
11 CORPORATE REPORTS FOR DECISION.....	40
11.1 Verge Incentive Fund	40
11.2 Caretaker Policy	58
11.3 Council Member Allowances - Remuneration Tribunal Submission	69
12 CORPORATE REPORTS FOR INFORMATION/NOTING.....	92
12.1 Questions Taken on Notice Register	92
13 WORKSHOP / PRESENTATION ITEMS - NIL	100
14 MOTIONS WITH NOTICE - NIL.....	100
15 QUESTIONS WITH NOTICE - NIL	100
16 MOTIONS WITHOUT NOTICE	100
17 QUESTIONS WITHOUT NOTICE.....	100
18 CONFIDENTIAL ITEMS	100
18.1 Cover Report - Confirmation of the Confidential Minutes of the Finance, Risk and Audit Committee Meeting held on 22 February 2022.....	100
18.2 Cover Report - Confirmation of the Confidential Minutes of the Asset and Sustainability Committee meeting held on 1 February 2022.....	101
18.3 Cover Report - Confirmation of the Confidential Minutes of the Review and Selection Committee meeting held on 1 February 2022.....	102
18.4 Cover Report - Coastal Walkway Update	103
18.5 Cover Report - BMX Pump Track Procurement.....	104
18.6 Cover Report - External Audit Tender.....	105
19 OTHER BUSINESS	106
20 MEETING CLOSURE	106

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 22 February 2022**

Report Reference	GC220308R5.1
Originating Officer	Governance Administration Officer – Cassidy Ryles
Corporate Manager	Manager Office of the Chief Executive – Kate McKenzie
General Manager	Chief Executive Officer – Tony Harrison

RECOMMENDATION

That the minutes of the General Council Meeting held on 22 February 2022 be taken as read and confirmed.

ATTACHMENTS

1. G C 220222_-_ Final Public Minutes [5.1.1 - 19 pages]



**Minutes of the General Council Meeting
held on Tuesday, 22 February 2022 at 6.30 pm
Via Electronic Webinar**





The meeting was held via webinar and all attendees were present via electronic means.

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

Councillor Tim Gard
Councillor Matthew Shilling

Councillor Nathan Prior
Councillor Jason Veliskou
Councillor Joseph Masika

In Attendance

Chief Executive Officer - Tony Harrison
Acting General Manager City Services - Mathew Allen
General Manager Corporate Services - Sorana Dinmore
Acting General Manager City Development - Tony Lines
Manager Office of the CEO - Kate McKenzie
Executive Officer to the Chief Executive Officer - Dana Bartlett
Unit Manager Governance and Council Support - Victoria Moritz

1 Open Meeting

The Mayor opened the meeting at 6.30pm.

2 Kaurna Acknowledgement

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

3 Disclosure

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

4 Elected Member Declaration of Interest (if any)

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

- Nil interests were disclosed



5 Confirmation of Minutes

5.1 Confirmation of Minutes of the General Council Meeting held on 8 February 2022

Report Reference GC2202225.1

Moved Councillor Crossland

Seconded Councillor Masika

The minutes of the General Council Meeting held on 8 February 2022 be taken as read and confirmed.

Carried

6 Communications

6.1 Elected Member Verbal Communications

Nil

Moved Councillor Prior

Seconded Councillor Gard

That the following Communication reports be moved en bloc:

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

Carried Unanimously

6.2 Mayoral Communication Report

Report Reference GC220222R6.2

Name of Council Member Mayor - Kris Hanna

Date	Event	Comments
17 January 2022	Meeting with MarionLIFE Director and Chair of Board	
17 January 2022	On-site visit to discuss Coastal Walkway with local residents	
17 January 2022	Club Marion Committee meeting	Attended as Club Liaison
17 January 2022	Preview of BMX facility	
18 January 2022	Senator Andrew McLachlan visit to Capella Drive Reserve	
18 January 2022	Tour of Glandore Community Centre	
23 January 2022	Sam Willoughby BMX Track Opening	
25 January 2022	Elected Member site visit to Mitchell Park Sports and Community Centre	
26 January 2022	South Coast Cycling – Australia Day Track Carnival	Gave opening speech
26 January 2022	City of Marion Citizen of the Year Awards and Citizenship Ceremony	

GC220222 - General Council Meeting - 22 February 2022



26 January 2022	South Australian Bangladeshi Community Association BBQ	Gave speech
27 January 2022	Meeting with Huntington's SA	
27 January 2022	CoastFM radio interview	
29 January 2022	Oaklands Reserve Parkrun launch	Gave speech
29 January 2022	Council Elected Member Planning Day	
3 February 2022	Meeting with Gymnastics SA	
4 February 2022	Meeting with Council gap year trainees	
5 February 2022	On-site meeting with the Premier at the Southern Soccer Facility	
8 February 2022	Steering Committee- Revitalisation of Edwardstown Employment Precinct	

Moved Councillor Prior**Seconded Councillor Gard**

That the Mayoral Communication report be received and noted.

Carried Unanimously

6.37pm Councillor Hull left the meeting

6.3 Deputy Mayor Communication Report**Report Reference** GC220222R6.3**Name of Council Member** Deputy Mayor – Nathan Prior

Date	Event	Comments
9 February 2022	Tennis SA Club of the Month BBQ	

Moved Councillor Prior**Seconded Councillor Gard**

That the Deputy Mayor Communication report be received and noted with the following correction:

- Name of Council Member to be amended to read "Deputy Mayor – Luke Hutchinson".

Carried Unanimously**6.4 CEO and Executive Communication Report****Report Reference** GC220222R6.4

GC220222 - General Council Meeting - 22 February 2022



Date	Activity	Attended By
27 January 2022	Zoom Meeting Tony Harrison and Jayne Stinson MP	Tony Harrison
31 January 2022	KPMG Workshop with Cities of Marion and Charles Sturt regarding Contractor Management Internal Audit	Tony Lines
1 February 2022	Scoping Meeting – KPMG Desktop Review of Stakeholder Management Internal Audit	Sorana Dinmore
1 February 2022	Meeting Hudson CoM	Sorana Dinmore
2 February 2022	Meeting re Morphettville Masterplan Redevelopment preferred development partner	Tony Harrison Tony Lines
2 February 2022	Meeting Judith Sellick Sorana Dinmore	Sorana Dinmore
4 February 2022	Meeting Tony Harrison and Grant Mayer	Tony Harrison
4 February 2022	Microsoft Security City of Marion – Customer Interview	Sorana Dinmore
4 February 2022	Meeting Quarterly meeting of the Warriparinga Advisory Team, Southern Cultural Immersion & City of Marion	Tony Lines
4 February 2022	Meeting re: Digital Transformation Strategy Nathanha Davey (Port Macquarie-Hastings Council) Sorana Dinmore (CoM)	Sorana Dinmore
7 February 2022	Meeting Tony Harrison and Michael Luchich (Optus)	Tony Harrison
8 February 2022	Meeting Tony Harrison, Tony Lines and Phillip Styles (Chair Westminster School Board)	Tony Harrison Tony Lines
9 February 2022	Southern CEO Catch Up/Check in (Scott Ashby, Onkaparinga Roberto Bria, Holdfast Tony Harrison, Marion Matt Pears Mitcham)	Tony Harrison
10 February 2022	Meeting Cities of Marion and Pt Adelaide Enfield re Open Space Operations and Maintenance Service Review	Mathew Allen
11 February 2022	Meeting Tonsley Project Control Group with Renewal SA and PEET	Tony Lines Mathew Allen
14 February 2022	DEW Field River Taskforce Meeting 5	Tony Harrison
14 February 2022	SRWRA discussion Mark Booth and Sorana Dinmore	Sorana Dinmore

 GC220222 - General Council Meeting - 22 February 2022



Date	Activity	Attended By
15 February 2022	Meeting Tony Harrison, Paul Sutton (City of Charles Sturt), Mark Withers (Port Adelaide Enfield) and Anthony Jones (Cross Council Service Improvement)	Tony Harrison
16 February 2022	Meeting Judith Sellick and Sorana Dinmore	Sorana Dinmore
17 February 2022	Meeting Seaclyff Development Project Steering Group with Seaclyff Group & City of Marion	Tony Lines
17 February 2022	Marion Council CEO & Executives Lot14 mini tour, incorporating Living Lab & Australian Cyber Collaboration Centre	Tony Harrison Tony Lines Mathew Allen Sorana Dinmore
18 February 2022	SMRF JV Advisory Committee Meeting	Sorana Dinmore

Moved Councillor Prior**Seconded Councillor Gard**

That the CEO and Executive Communication report be received and noted.

Carried Unanimously

Elected Member Report
Elected Member

Councillor Telfer

Date	Activity	Comments
26 January 2022	Citizenship and Citizen of Year	Attended Tonsley
29 January 2022	Council Planning Day	Via Zoom
30 January 2022	MPSCC tour and Advisory meeting	Contributed to discussion
3 February 2022	Reconciliation Action	Plan with new team
8 February 2022	Warriparinga Ward	Briefing by staff via Zoom
12 February 2022	Ground breaking for courts	Shared with members
15 February 2022	Croquet and women's bowling site	With staff
15 February 2022	MPSCC	Management discussion with staff

7 Adjourned Items

GC220222 - General Council Meeting - 22 February 2022



7.1 Adjourned Item - McConnell Avenue Reserve - Outcomes of Community Consultation
Report Reference GC220222R7.1

The adjourned motion as below (27 January 2021)

Moved Councillor Gard

Seconded Councillor Masika.

That Council:

1. Notes that the Open Space on the eastern side of McConnell Avenue Reserve will be upgraded as per the Open Space Framework resolution (GC200623R18). The eastern upgrade is not dependent on the sale of the western portion.
2. Notes the community consultation process undertaken for the revocation of the community land classification for the western portion of McConnell Avenue Reserve, Marino at Lot 189 in Deposited Plan 2909 being portion of the land in Certificate of Title Volume 1234 Folio 18 and for the potential disposal of the balance of the reserve after the road boundary is re-aligned to the occupation of the carriageway and footpath.
3. Retains the western portion of McConnell Avenue Reserve whilst undertaking a revised evaluation of the facilities and upgrades at the reserve as a whole, commencing in the months following the completion of the budgeted upgrade works on the eastern portion of the reserve, which are scheduled to be completed before Christmas 2021.
4. Authorises administration to write to the head petitioner from the McConnell Reserve submissions advising of Council's decision.
5. Authorises administration to write to Nicole Flint MP in response to the McConnell Reserve submissions, advising of Council's decision, but in addition *briefing the Member on the details of the open space strategy of the City of Marion.*

The Mover with the consent of the Seconder sought and was granted leave of the meeting to withdraw the motion

Moved Councillor Gard

Seconded Councillor Crossland

That:

Option 3

1. Council Further defers a decision on the western portion of McConnell Avenue Reserve until February 2023

Amendment

Moved Councillor Veliskou

Seconded Councillor Telfer

GC220222 - General Council Meeting - 22 February 2022



That:

Option 3

1. Council Further defers a decision on the western portion of McConnell Avenue Reserve until February 2024

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

6.49pm Councillor Hull re-entered the meeting

8 Deputations - Nil

9 Petitions - Nil

10 Committee Recommendations

10.1 Confirmation of the minutes of the Review and Selection Committee Meeting held on 1 February 2022
Report Reference GC220222R10.1

Moved Councillor Shilling

Seconded Councillor Duncan

That the following items be moved en bloc:

- Confirmation of the minutes of the Review and Selection Committee Meeting held on 1 February 2022s
- Confirmation of the minutes of the Asset and Sustainability Committee held on 1 February 2022

Carried Unanimously

Moved Councillor Shilling

Seconded Councillor Duncan

That Council:

1. Receives and notes the minutes of the Review and Selection Committee meeting held on 1 February 2022.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Review and Selection Committee.

Carried Unanimously

10.2 Confirmation of the minutes of the Asset and Sustainability Committee Meeting held on 1 February 2022
Report Reference GC220222R10.2

Moved Councillor Shilling

Seconded Councillor Duncan



That Council:

1. Receives and notes the minutes of the Asset and Sustainability Committee meeting held on 1 February 2022.
2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Asset and Sustainability Committee.

Carried Unanimously

Order of Agenda Items

The Mayor sought and was granted leave of the meeting to vary the order of the agenda and consider the Confidential items at the end of the agenda.

12 Corporate Reports for Decision

12.1 Carbon Offset Project - Next Steps Report Reference GC220222R11.2

Moved Councillor Masika

Seconded Councillor Duncan

That Council:

1. Does not proceed with the Field River Carbon Sequestration Project as assessed in the report prepared by Australian Integrated Carbon.
2. Notes that a further report will be presented to Council should alternative Carbon Sequestration options become viable.

Carried

Councillor Shilling called for a Division:

Those For: Councillors Telfer, Mason, Duncan, Masika, Gard, Veliskou, Hull, Shilling, Clancy

Those Against: Councillors Crossland and Prior

Carried

12.2 Mitchell Street, Glengowrie Parking Report Reference GC220222R12.2

Moved Councillor Veliskou

Seconded Councillor Clancy

That Council:

1. Supports proceeding with Option 4 (Partial Paved Parking) to undertake community consultation.



2. Advises the head petitioner of the resolutions of Council.
3. Endorses additional funding of up to \$25,000 to be incorporated into the 2022-23 Annual Business Plan to undertake Option 4 (subject to community consultation support).

Carried**Councillor Crossland called for a Division:****Those for:** Councillors Telfer, Masika, Veliskou, Shilling, Clancy**Those against:** Councillors Mason, Duncan, Crossland, Prior, Hull, Gard**Lost****Moved Councillor Crossland****Seconded Councillor Gard**

That Council:

1. Supports proceeding with Option 5 (Parking Controls) (Continue to allow on-street parking (approx. 17 car parks) by applying staggered parking restrictions at locations that would improve traffic flow and some ingress/egress maneuverability into driveways.) subject to community consultation.
2. Advises the head petitioner of the resolutions of Council.
3. Endorses additional funding of up to \$1,000 to be incorporated into the 2022-23 Annual Business Plan to undertake Option 5 (subject to community consultation support).

Lost

12.3 Rescission Motion - Southern Soccer Facility Opening Event Report Reference GC220222R12.3

Moved Councillor Crossland**Seconded Councillor Duncan**

That Council:

1. Rescinds the following decision from its meeting of 12 October 2021 (GC211012R11.6):
That Council:
 4. Endorses a Council led major opening event at the Southern Soccer facility in March 2022.
2. Rescinds the following decision from its meeting of 26 October 2021 (GC211026R10.9):
That Council:
 4. Re-allocates the remaining \$10,000 from the \$59,000 Concert at the Cove budget as part of 2021/2022 annual business plan towards an opening event at the Southern Soccer facility in March 2022.
3. Rescinds the following decision from its meeting of 14 December 2021 (GC211214R11.12):
That Council:
 1. Notes that a draft run sheet and budget for an opening event activation at the Southern Soccer Facility in March 2022 will be provided to Council in February 2022.

Following the rescission on the above, Council can consider the following resolution to ensure that the budget remains.

That Council:



1. Re-allocates the remaining \$10,000 from the \$59,000 Concert at the Cove budget as part of 2021/2022 annual business plan towards an opening event at the Southern Soccer facility.

Carried Unanimously

12.4 Edwardstown Liquor Licence
Report Reference GC220222R12.4

Moved Councillor Masika

Seconded Councillor Mason

That Council:

1. Endorses Option 1 - Surrender the On-Premise's liquor license for the Edwardstown Soldiers Memorial Sports Ground in the name of The Corporation of The City of Marion, in accordance with Part 4 of the Liquor Licensing Act 1997 and execute all documents necessary to enact Council's decision.

Carried Unanimously

12.5 2nd Budget Review 2021-22
Report Reference GC220222R12.5

7.41pm Councillor Clancy left the meeting

Moved Councillor Telfer

Seconded Councillor Crossland

That Council:

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

7.41pm Councillor Clancy left the meeting

7.52pm Councillor Clancy re-entered the meeting

Carried

12.6 Call for Nominations for Members of GAROC - Casual Vacancies
Report Reference GCYMMDDR12.6

Moved Councillor Shilling

Seconded Councillor Duncan

That Council:

1. Nominates Councillor Luke Hutchinson as the City of Marion representative for the position of a member to the Local Government Association's South Regional Grouping of the Greater Adelaide Regional Organisation of Councils for the period of the leave of absence commencing at the close of nominations for the State election and concluding at the time the result of the State election is publicly declared.



2. Nominates Councillor Lindy Taeuber from City of Mitcham to fill the second vacancy to the Local Government Association's South Regional Grouping of the Greater Adelaide Regional Organisation of Councils for the period of the leave of absence commencing at the close of nominations for the State election and concluding at the time the result of the State election is publicly declared.

3. Notes that the above information will be forwarded to the LGA

Carried

13 Corporate Reports for Information/Noting

13.2 Sports Lighting Audit Report Reference GC220222R13.2

Moved Councillor Hull

Seconded Councillor Telfer

That Council:

1. Notes the report.

Carried Unanimously

13.3 Glandore Oval Cricket Nets and Rose Garden Report Reference GC220222R13.3

Moved Councillor Masika

Seconded Councillor Mason

8.34pm Councillor Shilling left the meeting

That Council:

1. An additional budget amount of \$229,500 be allocated to the delivery of the Glandore Oval Cricket Nets and Rose Garden Project.

7.35pm Councillor Shilling re-entered the meeting

8.35pm Councillor Duncan left the meeting

8.37pm Councillor Duncan re-entered the meeting

Carried

Councillor Crossland called for a Division

Those For: Councillors Telfer, Mason, Masika, Veliskou, Prior, Clancy, Shilling, Duncan, Gard.

Those Against: Councillors Crossland, Hull

Carried

Procedural Motion

Moved Councillor Telfer

Seconded Councillor Shilling

That the following items be moved en bloc:

- Finance Report - January 2022
- WHS Monthly Performance Report - January 2022
- Questions Taken on Notice Register

8.50pm Councillor Clancy left the meeting

GC220222 - General Council Meeting - 22 February 2022



Carried Unanimously

13.4 Finance Report - January 2022
Report Reference GC220222R13.4

Moved Councillor Telfer**Seconded Councillor Shilling**

That Council:

1. Receives the report "Finance Report – January 2022"

Carried Unanimously

13.5 WHS Monthly Performance Report – January 2022
Report Reference GC220222R13.5

Moved Councillor Telfer**Seconded Councillor Shilling**

That Council:

1. Notes the report and statistical data contained therein.

Carried Unanimously

13.6 Questions Taken on Notice Register
Report Reference GC220222R13.4

Moved Councillor Telfer**Seconded Councillor Shilling**

That Council:

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

Carried Unanimously

14 Workshop / Presentation Items - Nil**15 Motions With Notice**

15.1 South Adelaide Basketball Club
Report Reference GC220222M15.1

8.51pm Councillor Clancy re-entered the meeting

Moved Councillor Telfer**Seconded Councillor Masika**

8.57pm Councillor Clancy left the meeting

8.58pm Councillor Mason left the meeting and did not return

9.03pm Councillor Clancy re-entered the meeting



That Council:

1. Notes that at the General Council Meeting on 8th February 2022 Council received (in confidence) a Feasibility Study, associated Business Case and a project cost estimate for two indoor basketball courts to be constructed adjacent and to the south of the existing South Adelaide Basketball Club (SABC) Stadium.
2. Notes that at the General Council meeting of 14th December 2021, Council endorsed the project to be included on Council's Unfunded Initiatives List and for partnership funding to be sought.
3. Council will proceed with the project, subject to:
 - a. Funding from other sources of at least \$5,250,000 being obtained (including \$250,000 from SABC or Basketball SA);
 - b. Consideration of community consultation;
 - c. Receipt of a satisfactory Prudential Report per section 48 of the Local Government Act;
 - d. Solving car parking and traffic issues;
 - e. Any necessary agreements regarding land use with the Marion Sports and Community Club;
 - f. Development approval.
4. Authorises the Mayor and/or Chief Executive Officer or delegate/s to release information to key stakeholders in relation to the matter notwithstanding confidentiality orders.

Carried

Councillor Shilling called a Division:

Those For: Councillors Telfer, Masika, Veliskou, Clancy, Prior, Gard
 Those Against: Councillors Hull, Shilling, Duncan, Crossland

Carried

EXTENSION OF TIME

Moved Councillor Shilling

Seconded Councillor Duncan

That the meeting be extended until the conclusion of the following items on the agenda:

- Appointment of Independent Council Assessment Panel (CAP) Members
- SWBMX and Southern Soccer Facility Project Update

Carried Unanimously

9.19pm meeting extended

16 Questions With Notice

**16.1 Sam Willoughby International BMX Facility damage
 Report Reference GC220222Q16.1**

GC220222 - General Council Meeting - 22 February 2022



Council Member

Councillor – Bruce Hull

QUESTION

How much did the damaged surface cost to install?

How much will the damaged surface cost to replace?

Who is going to pay for the surface that has been damaged, State Govt, BMX Clubs, Councils or contractors?

Did Council ignore any contractors advice in regards to the opening/commissioning of the facility?

Did the contractor or anyone else suggest that the site was not ready for opening/commissioning?

Did anyone within Council have any concerns about the timing or preparedness of this site for opening/commissioning?

SUPPORTING INFORMATION

Nil

Response Received From
Corporate Manager
General Manager

Acting General Manager City Development – Tony Lines
 N/A
 N/A

STAFF COMMENTS

How much did the damaged surface cost to install?

The estimated replacement cost of the orange track surface is \$92k.

How much will the damaged surface cost to replace?

Refer above.

Who is going to pay for the surface that has been damaged, State Govt, BMX Clubs, Councils or contractors?

Final liability for who pays for the replacement of the orange track surface has not yet been agreed. It is unlikely that the State Government, the BMX clubs or other councils will contribute to the cost of any remedial works.

CoM has lodged an insurance claim for the site damages, and it is hoped that this will reduce the overall cost to CoM.

It was agreed that the black berms at the end of each track straight would be asphalted after the opening event. This is an outstanding part of the contractor's scope of work, i.e. will not come at additional cost.

Most other site damages are wholly due to the torrential rain and need to be remedied by CoM. All previously identified defects will be remedied by the contractor.

Did Council ignore any contractors advice in regards to the opening/commissioning of the facility?

Council received advice from the contractor that the track was ready and could be ridden 4pm 20 January 2022. However, this did not allow for the severity of the inclement weather. Council's contractor advised that:

- *"after the minimum curing time the track will be in a suitable condition to be ridden without damage"*
- *"agree that [while] the track can be ridden after the minimum curing time, it can still sustain damage. This would be the case moving forward generally regarding wear & tear when the track is used".*
- *"as outlined in my below email from yesterday, now that the track has been handed over to*

GC220222 - General Council Meeting - 22 February 2022



the end user (as of today 20/01/22) it is their responsibility to maintain it (including any damage caused by use) such is the nature of the product”.

Did the contractor or anyone else suggest that the site was not ready for opening/commissioning?

Refer above. Council was not advised not to use the track by any party.

Did anyone within Council have any concerns about the timing or preparedness of this site for opening/commissioning?

Practical Completion of the project had occurred, and Council accepted the contractor's advice that the track was ready. Council continually monitored the Bureau of Meteorology forecast of rain for the opening event, and the forecast varied from 40 mm early in the week before to no forecast rain on the Friday before to heavy rain occurring on the day.

16.2 Cove Sports Upgrade

Report Reference GC220222F11.7

Council Member Councillor – Matthew Shilling

QUESTION

At General Council on 8/2/2022 Ms Hughes indicated that proceeding to a Section 48 report for the Basketball proposal was in line with Council policies. If we are following our policies, why has a Section 48 Report not been endorsed/commenced for the Cove Sports upgrade when feasibility plans for this site were endorsed in September 2021 and detailed plans have commenced and is over \$4million in price?

SUPPORTING INFORMATION

Nil

Response Received From
Corporate Manager
General Manager

Charmaine Hughes – Manager City Activation
N/A
Tony Lines – General Manager City Development

STAFF COMMENTS

The Cove Sports Stage 1 project has had and needed a long lead in period. In October 2020 a community engagement report was undertaken to determine the best mix of sports on the site across stages 1 and 2. By June 2021 staff had identified multiple conceptual options based on the consultation and an update was provided at the June 2021 EM Forum. A concept was then selected by Elected Members. The General Council meeting on 14 September 2021 noted the feasibility study and business case (containing the Stage 1 concept design) and endorsed to proceed with further design development, with the production of a Section 48 report, and to seek external funding opportunities.

Since then the design has been refined to meet stakeholder feedback, to provide for the additional two courts requested at the September 2021 General Council meeting, and to redistribute car parking across the site. Staff are preparing an engagement plan with an anticipated release in March 2022. This will feed into the Section 48 report.

While the Cove Sports Stage 1 project has had a long lead time, it is a complex project considering a wide mix of sports.

By comparison, staff provided a confidential report on the SABC to General Council on 14 December 2021. The report sought budgetary approval on costing the establishment of two indoor basketball courts and updating the 2018 business case. It also recommended the project be added to the list of unfunded projects and to seek election commitments for funding.



There is no set order of project development that must be adhered to, but ultimately project feasibility, funding analysis, community engagement, conceptual design, (where relevant) a Section 48 report, final design and construction are required for 'major' projects. Council has often stipulated the timeframes for progressing projects, e.g. the two month period to prepare the SABC feasibility and costing and review the previous business case. Due to the shorter timeframes that was a less detailed report than that prepared for Cove Sports.

11 Confidential Items

Procedural Motion

Moved Councillor Shilling

Seconded Councillor Telfer

That the following cover reports to go into confidence be moved en bloc:

- Appointment of Independent Council Assessment Panel (CAP) Members
- SWBMX and Southern Soccer Facility Project Update

Carried Unanimously

11.3 Cover Report – Appointment of Independent Council Assessment Panel (CAP) Members

Report Reference GC220222F11.3

Moved Councillor Shilling

Seconded Councillor 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 of the Office of the CEO, Manager Development and Regulatory Services, Team Leader Planning, Unit Manager Governance and Council Support, Business Support Officer – Governance and Council Support, be excluded from the meeting as the Council receives and considers information relating to the Review and Selection Committee – Appointment of Independent Council Assessment Panel (CAP) Members, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to personal affairs.

Carried Unanimously

9.32pm the meeting went into confidence.

**Moved Councillor Shilling****Seconded Councillor Duncan**

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that the report and 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 after candidates have been advised. This confidentiality order will be reviewed at the General Council Meeting in December 2022.

Carried

9.33pm the meeting came out of confidence

11.5 Cover Report - SWBMX and Southern Soccer Facility Project Update	
Report Reference	GC220222F11.5

Moved Councillor Shilling**Seconded Councillor Telfer**

That pursuant to Section 90(2) and (3)(b) 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 of the Office of the CEO, Chief Financial Officer, Manager City Activation, Unit Manager Media and Engagement, Unit Manager Governance and Council Support, Executive Officer to the CEO, be excluded from the meeting as the Council receives and considers information relating to SWBMX and Southern Soccer Facility Project Updates, 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 report relates to commercial and financial information.

Carried Unanimously

9.34pm the meeting went into confidence.

Moved Councillor Duncan**Seconded Councillor Masika**

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, SWBMX and Southern Soccer Facility Project Updates, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2022.

Carried

9.55pm the meeting came out of confidence.

17 Motions Without Notice**18 Questions Without Notice****19 Other Business****20 Meeting Closure**



The meeting was declared closed at 9.55pm

CONFIRMED THIS 8 DAY OF MARCH 2022

CHAIRPERSON

The Following items were not considered:

- *Confirmation of the confidential minutes of the Asset and Sustainability Committee meeting held on 1 February 2022 (Report Reference: GC220222R11.1)*
- *Confirmation of the confidential minutes of the Review and Selectoin Committee meeting held on 1 February 2022 (Report Reference: GC220222R11.2)*
- *Coastal Walkway Update (Report Reference: GC220222R11.4)*
- *BMX Pump Track Procurement (Report Reference: GC220222R11.6)*

6 Communications - Nil

7 Adjourned Items - Nil

8 Deputations - Nil

9 Petitions - Nil

10 Committee Recommendations

10.1 Confirmation of the Minutes of the Finance, Risk and Audit Committee Meeting held on 22 February 2022

Report Reference	GC220308R10.1
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, Risk and Audit Committee meeting held on 22 February 2022.

EXECUTIVE SUMMARY

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

Reports for Discussion

- Elected Member Report
- Internal Audit Program – Implementation of Recommendations
- Corporate Risk Review Report Q2 2021/22
- Internal Audit 2021/22 Progress Update
- Draft Annual Business Plan 2022-23 and Long-Term Financial Plan
- 2nd Budget Review 2021-22

Reports for Noting

- Service Review Program and recommendations progress update
- DTP Update

Confidential Items (presented for noting in a separate confidential report)

- Cybersecurity – Quarterly Update
- External Audit Tender
- Civil Service Review

RECOMMENDATION

That Council:

- 1. Receives and notes the minutes of the Finance, Risk and Audit Committee meeting held on 22 February 2022.**
- 2. Notes that separate reports will be brought to Council for consideration of any recommendations from the Finance, Risk and Audit Committee.**

ATTACHMENTS

1. FRA C 220222_-_ Final Public Minutes [**10.1.1** - 14 pages]



**Minutes of the Finance, Risk and Audit Committee
held on Tuesday, 22 February 2022 at 2.00 pm
Virtual Meeting via Zoom Webinar**





2

PRESENT

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

In Attendance

Chief Executive Officer - Tony Harrison
 Acting General Manager City Services - Mathew Allen
 General Manager Corporate Services - Sorana Dinmore
 Acting General Manager City Development - Tony Lines
 Manager Office of the CEO - Kate McKenzie
 Unit Manager Governance and Council Support - Victoria Moritz
 Chief Finance Officer – Ray Barnwell
 Unit Manager Risk – Sherie Walczak
 Manager IT Operations – Michael Bowden
 Manager Operations – Russel Troup
 Mr Eric Beere (KPMG)
 Ms Heather Martens (KPMG)
 Mr Hayden Love (KPMG)

1 Open Meeting

The Chair opened the meeting at 2.00pm

2 Kurna Acknowledgement

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

3 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, Risk and Audit Committee Meeting held on 14 December 2021
Report Reference FRAC220222R4.1

Moved Mr Papa

Seconded Councillor Duncan

That the minutes of the Finance, Risk and Audit Committee Meeting held on 14 December 2021 be taken as read and confirmed.

Carried Unanimously

FRAC220222 - Finance, Risk and Audit Committee - 22 February 2022



5 Business Arising

5.1 Business Arising Statement - Action Items

Report Reference FRAC220222R5.1

The Committee queried item number 3 in relation the Service Reviews and queried the revised date for this action was still to be confirmed. The Committee was concerned with the risk of the being overdue and requested an update. The CEO acknowledged a date needed to be confirmed and noted this was a work in progress and more details were being developed around the structure of the framework. A number of new initiatives have commenced and are in train with six different components in the framework. A status update will be provided out of session.

Action: CEO to provide a status update on the Service Review and framework

Moved Ms Rantanen

Seconded Mr Papa

That the Finance, Risk and Audit Committee:

1. Notes the business arising statement, meeting schedule and upcoming items.

Carried Unanimously

Order of Agenda Items

The Chair sought and was granted leave of the meeting to vary the order of the agenda and consider the item *Elected Member Report (7.1)* after the item *DTP Update (8.2)* and consider the item *Internal Audit 2021/22 Progress Update* next on the agenda.

7 Reports for Discussion

7.4 Internal Audit 2021/22 Progress Update

Report Reference FRAC211214R7.4

Mr Eric Beers, Ms Heather Martens and Mr Hayden Love from KPMB entered the meeting.

Manager Office of the CEO introduced the item and provided a summary of where we are at with the Internal Audit program for 2021/22.

Collaborative Project(s) Health Check

Mr Beere provided an overview of the collaborative health check report and together with Ms Martens made the following comments:

- The current model and approach is good and this was an opportunity to take stock on how the model has been working. This was generally positive, noting some turnover in key positions. The scope provided an opportunity to review how to make this more sustainable from a governance perspective.
- When looking at the summary observations, it is clear a lot of this is driven strongly by relationships between the CEOs championing the benefits of the model and clear alignment



between the three councils. There is an opportunity to strengthen the change management through the organisation right down through the lower levels.

- In terms of governance, this looked good and was supported through good documentation, however it was noted a lack of consistency in practical application. There appeared to be an inconsistent governance application to the structure and framework. Relevant roles and responsibilities are not clearly understood. This was recognised and acknowledged the need to adopt the lessons learnt.
- There is an opportunity to further consider WHS and how this is factored into projects, with a view to tighten this moving forward.
- Other benefits included the sharing of knowledge and resources with councils being able to scale buying power resulting in a high level of skill in people playing a role across all councils in turn applying extra resilience.
- It was noted there was a big reliance on key persons, this risk resulting in a reduction in traction the program would get. Some artefacts were unable to be sourced due to the heavy reliance on key persons and their document management however records management improvements has addressed this issue. The recommendations are reflective of resourcing and spreading the load to mitigate this risk.
- One project was reviewed in detail focusing on the benefits and savings of the strategic procurement review. Several key stakeholders across all three councils met to understand how the process has worked. Generally, this was positive, however, there is opportunity to look at this as a whole over time and tighten up, this was acknowledged by all councils. Through a number of the findings there is opportunity to make this more robust moving forward. The recommendations were developed to provide sustainability so that it is not highly dependent on one person.
- Senior stakeholders through to middle management were aware of the positives and noted the improvements that could be made.
- It was acknowledged the collaborative approach was very large and complex, however there was a positive level of commitment and level of leadership to form the foundation.
- There was limited guidance on WHS management. Feedback was provided on changes that need to happen and positive recommendations to address the high-risk findings. It was noted the change management plans didn't filter down to the specific areas impacted. Initiatives moving forward include consultation for critical stakeholders.
- It was noted in the benefits realization framework, that we need to build the KPIs. Some of these are not clearly spelt out. It was identified we need to be very clear on what they mean and who/how these will be monitored and tracked and to communicate the positive wins to the relevant stakeholders.
- KPMG are happy to be flexible with the program and work around the Committee's suggestions and noted they will keep the audit integrated with emerging risks.

The Committee noted this was a great report and made the following comments:

- There had been perceived risks for a long time around the collaborative arrangement. However, the structures being proposed is what the committee had been looking for including decision making protocols and governance documentation. The Recommendations are critical to ensure maximising the project. With the structure in place, this has huge potential.
- The Committee queried the limited document guidance for WHS management in regard to statutory requirements, noting that things have potential to fall through the gaps. Management advised they are very confident and have very robust measures in place to mitigate this, even more evident in the last six months. There is a senior FTE dedicated position allocated to this noting we also have good management and union representation. Management noted there could always be more done and will take this on board. Management confirmed there were no concerns from our perspective in relation to strategic risk for example, with additional response treatments and practices put in place regarding COVID-19. Management noted a new collaboration service improvement consultation that is



working across the three councils has commenced and is committed to prioritising systems and processes.

- It was also queried whether there was a heightened risk in the interim with the potential gaps given the structure will take time to implement.
- It was suggested that future internal audits take into consideration how they are linked to the strategic and emerging risk that relate to our council, raising concerns that collaborative projects may not be covering emerging risks that specifically relate to us.
- The committee acknowledged we are doing a lot in this space and doing well, however are still reliant on other parties pulling their weight and bringing them along. The committee queried what we can do to ensure there are no gaps in the things we can't control.
- It was noted that the audit found that the high-level communications didn't always feed down through all levels of staff and management need to focus communication to ensure that everyone involved understands what the benefits are.
- The committee noted the recommendations are very straightforward and workable.
- Concerns were raised around documentation when a key person left and whether we are utilising our records management system appropriately. Staff advised that it is reliant on internal structures and how these are set up, however we have a three-year records management plan, introduced Office 365, and excellent records management staff assisting the organisation with the skills, capability and confidence to move forward in the right direction. The identified gap is specific to the contractor and identified as an isolated risk rather than an organisation wide risk.
- Management further noted that as of January this year, the three CEOs from the collaborative councils have created a reference group to monitor quality of service. The group are committed to driving a systems approach to improvement. An important aspect of the group is the formal mechanism put in place to generate reports, recommendations and post implementation reviews.

Contract Management (Collaborative)

Mr Beere and Mr Love introduced the item and provided an overview of the Contract Management final report. It was important to note the scope of the audit focused on post-award as opposed to pre-award and the governance framework, including how this worked in practice. The report identified positives and opportunities including more formalised governance documents. Another key theme was risk management and ensuring the inclusion of the risk assessment in the contract tool.

The Committee provided the following comments and feedback:

- There were some questions around the contract module target date of December 2021 and whether this had occurred or whether all the findings will be covered in the implementation of the financial systems. Management confirmed the target date is incorrect, this should be July 2022 to align to the financial system implementation.
- The committee queried how many contract administrators there are for City of Marion. KMPG advised there was some difficulty in determining this due to the manual process, however commented there were no standouts for overload, noting without the profiling of a strategic nature, this was unclear. Management noted there were around 70-80 involved during the process and a variety of technical people are within the teams.
- In relation to spot audits in the contract management procedure, the committee suggested that the action be revised to include a performance management process.

Desktop Review of Stakeholder Management

Manager Office of the CEO provided an overview noting this review was born out of the assurance mapping initiated last year and was identified as one of the top risks. It was prepared in consultation



with ELT with part of the scoping body of work already prepared in the Stakeholder map. The review speaks to this. It was noted this will be completed separate to the work already being completed in the customer experience space.

The Committee provided the following comments:

- The Committee queried whether there were any external benchmarks or ways to measure success in stakeholder management or are these only internal? Management advised we are not ready for this yet, noting the foundations need to be established and set up first. With Salesforce only just going live, it will be more beneficial to review once we have moved down this path and the foundations have been set.
- Suggested the next steps are to build the success framework and identify any gaps.

Action: The City of Marion Action to be revised to: “The recently implemented Contract Management Procedure outlines the requirement for spot audits. During implementation, a risk-based performance management process will be put in place, with regular reporting of KPIs and metrics, minuted meetings and adequate records management”

Moved Ms Rantanen

Seconded Mr Papa

That the Finance, Risk and Audit Committee:

1. Notes the progress of the Internal Audit Program.
2. Considers and provides feedback on the:
 1. Collaborative Project(s) Health Check and
 2. Contract Management (Collaborative) Reports.
3. Endorses the Project Management (Collaborative) Scope

Carried Unanimously

7.2 Internal Audit Program - Implementation of Recommendations Report Reference FRAC220222R7.2

The Manager Office of the CEO introduced the item noting a thorough review of the outstanding recommendations and how these are tracking had occurred. A number of the off-track items are close to being closed out and are sitting around the 80% complete mark. We are comfortable with where these are sitting and the comments against these. There are a few items that didn't quite hit the mark, these were reviewed and validated noting that progress is being made.

The Committee noted:

- There were some concerns of the number of overdue items that have a high-risk rating, however acknowledged these are close to being closed out and are moving forward.
- It was noted that some findings are not articulated well due to some parts being closed out. The committee suggested being careful when completing items to ensure the original recommendation is actually finalised and provided a reminder to keep an eye on the risk.



Moved Mr Papa

Seconded Councillor Duncan

That the Finance, Risk and Audit Committee:

1. Notes the status of the Internal Audit Program (Attachment 1).

Carried Unanimously

7.3 Corporate Risk Review Report Q2 2021/22 Report Reference FRAC211214R7.3

The Unit Manager Risk introduced the item noting this report is a standing quarterly risk review. The review has undertaken the usual process including engagement with the Senior Leadership Team. Key changes this quarter include the supply chain risk escalated to a high risk. Work has been done within the team to record mitigating strategies. An additional risk was added as a low risk from a claim lodged on using un-licensed material. The review also includes the usual environmental scan outlining themes that are topical from a risk and opportunity perspective. It was noted this is a changing environment with the State Elections currently underway.

The Committee provided the following comments on the Corporate Risk Review Report:

- The Committee queried the supply chain risk, wanting to understand how we are dealing with this as a business with reference to “de-scoping” projects and how this is achieved practically without any compromise. Management confirmed this is not happening in practice and projects are being managed as best they can and the wording around this is being reviewed. Despite COVID-19 and the significant delays this has not significantly impacted project delivery timeframes. Management are looking at bringing forward the capital budget timeframes to get ahead of the traditional cycle of tender and procurement to gain priority through contractors and trades, who have been put on notice with the proposed timings. A lot of work has gone on the background regarding a procurement plan to ensure we hit the market at the right time. Management also noted the Council Members who have a close responsibility to the community are aware of heightened expectations and are looking to minimize any expectations regarding delays and delivery of projects.
- The Committee noted the Council Members are concerned around the costs of changes in procurement with management acknowledging these expectations need to be managed.
- The Committee noted circumstances have changed now as a result of COVID19 and suggested this be articulated to the Members and queried whether the KPI's put on projects currently account for COVID effects and whether these are achievable or whether they need to be brought back to council from a risk perspective and look at the measurables for the projects, building this into the controls and mitigating strategies.
- Management noted if the projects are delayed, the prices may not necessarily retreat. It was noted a lot of major projects have been delivered over recent years, and the next few years doesn't contain as many major capital projects at this time.
- The Committee queried the retention of a High risk rating in relation to the completion of the planned treatments for one risk. Management confirmed this was an oversight and may need to identify further actions. It was further queried whether the planned treatments were enough to achieve the targets. Management commented there were intended to do so, however some environmental factors including staff changeover and treatments undertaking in training, may need to continue to look at an extension of time.
- The committee suggested including the forecasted risk at the end of planned treatments to compare the target against.



Moved Ms Rantanen

Seconded Councillor Duncan

That the Finance, Risk and Audit Committee:

1. Notes the report.

Carried Unanimously

7.5 Draft Annual Business Plan 2022-23 and Long-Term Financial Plan Report Reference FRAC220222R7.5

The Chief Finance Officer introduced the item and provided an overview. It was noted this is one of the most challenging budgets to prepare in current market conditions in addition to three elections occurring in 2022. Discussions at the planning day with Council Members were around getting the balance right with balancing the financial impact on the community - knowing we are currently in a strong financial position while also looking at future funding requirements for project. Discussions included various options and rates of from 1% to 1.7% all well below current year on year CPI at 3.3%. These discussions are ongoing with a list of unfunded initiatives still in consideration as well as potential election funding. The further development of the 2022-23 ABP will continue to focus on balancing the real cost of service provision and service demand from the community with the financial impact this may have on City of Marion ratepayers' and their capacity to pay.

The Committee noted:

- That risks from materials supply costs and indexation are being considered. They agreed that to establish the rate would be difficult as this was a moving target. Management advised the forecast is what we know at this stage and confirmed they will utilise available cash before any borrowings. There will be a further review in March / April where there may be some unfunded projects added through this process. It was noted the unallocated Asset Sustainability Reserve funding reserve is down to around \$2million and will continue to be utilized for major projects.
- The committee sought clarification around the use of CPI. Management confirmed we won't have the March CPI figures prior to adopting the Annual Business Plan for consultation in April, therefore the CPI considered will be based on the December year on year figure of 3.3%. The LTFP is applying an indexation rate of 2.5% for beyond the 2022/23 year.
- Concerns were raised if council members are trying to land on a number for a rate increase, underestimating CPI which may put them in a worse position. Management commented the CPI is increasingly difficult to forecast, however the organisation benefits from a sound financial position at this time.
- The committee noted it is nice to see the debt level noted in the paper across the LTFP, acknowledging this is likely to change with the focus to reduce cash and use borrowing if needed for major projects.
- The committee suggested it is worth exploring how other councils fund major projects, with the potential of borrowing for the expected life of the project and access intergenerational borrowings. Management noted both models including borrowing for the project or the requirements of the LTFP would be used moving forward.
- It would be nice to see the council have a 10-year plan on funding for major planned and unplanned projects, presenting the community with a financially sustainable long-term budget strategy. Management commented the CompAS program being implemented in June this year will include at 10-year vision of major projects including environmental scanning.



Moved Ms Rantanen

Seconded Councillor Duncan

That the Committee provide feedback on:

1. The development of the Draft ABP 2022-23 and LTFP (Attachment 1)
2. The reasonableness, fairness and equity of the potential rating approaches for 2022-23, including in the context of Council's LTFP and on-going financial sustainability.

Carried Unanimously

7.6 2nd Budget Review 2021-22

Report Reference FRAC220222R7.6

The Chief Finance Officer introduce the item and provided a summary of the 2nd Budget Review 2021-22. It was noted the budget review is a revised forecast of the original 2021-22 budget and as such any savings identified during the budget reviews will not be confirmed until the financial statements are prepared and audited at the end of the financial year. The completion of the 2nd Budget Review has identified a favourable cash adjustment of \$0.065m. Deducting this from the 1st Budget Review Budget Deficit of \$0.487m leaves a revised full year cash deficit of \$0.422m, a favourable movement of \$0.259m against the original adopted budget deficit of \$0.681m.

In addition, some funding requirements from council resolutions contributed to increased costs, however, despite what is occurring from the marketplace from a cash perspective, we are still in a good position. Employee recruitment costs have increased from recent turnover, and costs relating to some streetscape projects had gone over with specific time frames not initially envisaged. This was due to some unplanned service locations and variation in the span of working hours on Sturt Road. This was managed more closely with the Diagonal Road works being very clear when the tender was released with the specific details included.

The Committee noted the report and provided the following comments:

- The Committee queried the presentation format to ensure it meets compliance with the legislation. Management acknowledged they would review to ensure we are meeting the requirements.
- The Committee queried why the user charges were forecasting a negative change. Management advised that when the original budget was adopted council were running the Edwardstown Facility. This has since shifted back to a model with the clubs running the facility.
- It queried the prepayment of IT licences was unfavourable. Management explained this was due to the timing of the licence renewal payments and confirmed a normal accrual accounting method is being used.
- Management confirmed that *Other Expenses* under the year-to-date variance analysis should have stated unfavourable, not favourable.
- The Committee suggested the operating surplus ratio include the actual performance against the target for a more accurate reflection.

Moved Mr Papa

Seconded Ms Rantanen

That the Finance, Risk and Audit Committee:

1. Note the 2nd Budget Review 2021-22 position

Carried Unanimously



8 Reports for Noting

8.1 Service Review Program and recommendations progress update Report Reference FRAC220222R8.1

General Manager Corporate Service introduced the item noting they continue to review the outstanding actions with some of these hinging on the DTP. It was noted the new Cross Council Improvement Lead has commenced and will lead collaborative improvement initiatives across the three councils (Marion, Charles Sturt, and Port Adelaide Enfield), the program is still in development. It was also noted the change with the DTP and the need to finish the projects before the review can occur. This will include an implementation review. Management are working on a more structured framework.

Management also acknowledged the necessity to look at a new infringement notice system, and the opportunity for improved post implementations review to look at the learnings and realise the benefits.

Moved Ms Rantanen

Seconded Councillor Duncan

That the Finance, Risk and Audit Committee notes:

1. That a Cross Council Improvement Lead has commenced and will lead collaborative improvement initiatives across the three councils, the program is still in development
2. Implementation progress of the Service Review Program recommendations (Appendix 1).

Carried Unanimously

8.2 DTP Update Report Reference FRAC220222R8.2

The General Manager Corporate Services provided a status update on the delivery of the DTP program which is continuing, and satisfactory progress is being made, despite delivery challenges and significant human resourcing constraints.

The Committee made the following comments:

- The Committee queried whether we had articulated the benefits expected to be achieved for each of the digital projects. Management commented that we are going to market with an EOI process to have someone help with the benefits realisation piece.
- It was also queried why we are doing the digital literacy and what we were hoping to achieve from this. Management advised we were ensuring there was alignment with the product and to determine what we should be looking for at the end of the project. These will be added in and we will report on how we are tracking towards these.

Moved Ms Rantanen

Seconded Mr Papa

That the Finance, Risk and Audit Committee:

1. Note the update on the Digital Transformation Program.

Carried Unanimously

FRAC220222 - Finance, Risk and Audit Committee - 22 February 2022



7.1 Elected Member Report
Report Reference FRAC220222R7.1

The Committee noted the Elected Member Report and queried why the Mitchell Park item required additional funding. Management confirmed this was in relation to the future operations of the facility to optimise the running of the facility. Council endorsed an additional FTE. Management confirmed the learnings from Edwardstown and how this worked had been transferred to Mitchell Park.

Moved Ms Rantanen

Seconded Mr Papa

That pursuant to Section 90(2) and (3)(b) of the Local Government Act 1999, the Committee 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 of the Office of the CEO, Chief Financial Officer, Manager City Activation, Unit Manager Governance and Council Support, be excluded from the meeting as the Committee receives and considers information relating to *Sam Willoughby International BMX Facility Damage* and *South Adelaide Basketball Redevelopment – Feasibility 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 report relates to commercial and financial information.

The Committee went into confidence to discuss the following Confidential Items from the Elected Member Report:

- *South Adelaide Basketball Redevelopment - Feasibility and Business Case (Report Reference: GC220208F18.1)*
- *Sam Willoughby International BMX Facility damage Report Reference: GC220208F18.3*

Moved Ms Rantanen

Seconded Mr Papa

That the Finance, Risk and Audit Committee:

1. Notes this report.

Carried Unanimously

6. Confidential Items

Order of Agenda Items

The Chair sought and was granted leave of the meeting to vary the order of the confidential items and consider the item *External Audit Tender (6.2)* next on the agenda.

Moved Ms Rantanen

Seconded Mr Papa

That the cover reports to move into confidence for the following confidential items be moved en bloc:

- External Audit Tender (6.2)
- Cyber Security Quarterly Update (6.1)
- Civil Service Review (6.3)

Carried Unanimously



6.2 Cover Report - External Audit Tender
Report Reference FRAC220222F6.2

Moved Ms Rantanen

Seconded Mr Papa

That pursuant to Section 90(2) and (3)(b) of the Local Government Act 1999, the Committee orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager Corporate Services, Chief Financial Officer, Manager Office of the Chief Executive and Senior Procurement Specialist, be excluded from the meeting as the Council receives and considers information relating to the provision of External Audit Services, 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.

Carried Unanimously

4.07pm the meeting went into confidence.

Moved Ms Rantanen

Seconded Mr Papa

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, External Audit Tender Report, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(b) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2022.

Carried Unanimously

4.12pm the meeting came out of confidence.

6.1 Cover Report - Cybersecurity - Quarterly Update
Report Reference FRAC220222F6.1

Moved Ms Rantanen

Seconded Mr Papa

That pursuant to Section 90(2) and (3)(b)(i) and (ii) of the Local Government Act 1999, the Committee orders that all persons present, with the exception of the following persons: Chief Executive Officer, A/General Manager City Development, General Manager Corporate Services, A/General Manager City Services, Manager Office of the CEO, Chief Financial Officer, Unit Manager Governance and Council Support and Governance Officer, be excluded from the meeting as the Committee receives and considers information relating to Cyber security of CoM, upon the basis that the Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to the current status of the CoM Cyber Security and the impact on contractual expectations.

Carried Unanimously

4.13pm the meeting went into confidence.



13

Moved Ms Rantanen**Seconded Councillor Duncan**

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the committee members order that this report, Cybersecurity – Quarterly Update, any appendices and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(matters affecting the security of the council, members or employees of the council, or council property, or the safety of any person) 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 2022

Carried Unanimously

4.21pm the meeting came out of confidence.

6.3 Cover Report - Civil Service Review

Report Reference FRAC220222F6.3

Moved Ms Rantanen**Seconded Mr Papa**

That pursuant to Section 90(2) and (3)(a) of the Local Government Act 1999, the Committee orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Services, General Manager City Development, General Manager Corporate Services, Chief Finance Officer, Manager Office of the CEO, Manager Operations, Unit Manager Governance and Council Support, be excluded from the meeting as the Committee receives and considers information relating to the Civil Services Review, upon the basis that the Committee is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to personnel matters.

Carried Unanimously

4.21pm the meeting went into confidence.

Moved Ms Rantanen**Seconded Mr Papa**

In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Civil Service Review, 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 2022.

Carried Unanimously

4.26pm the meeting came out of confidence.

9 Workshop / Presentation Items - Nil

10 Other Business - Nil



14

11 Meeting Closure

The meeting was declared closed at 4.26pm.

CONFIRMED THIS 17 DAY OF MAY 2022

CHAIRPERSON

11 Corporate Reports for Decision

11.1 Verge Incentive Fund

Report Reference	GC220308R11.1
Originating Officer	Unit Manager Open Space Operations – Brett Jaggard
Corporate Manager	Manager Operations - Russell Troup
General Manager	Acting General Manager City Services - Mathew Allen

REPORT OBJECTIVE

The objective of the report is to seek endorsement to establish and implement a one-year trial of a Verge Incentive Fund to assist property owners in the development of verges adjacent to their property.

REPORT HISTORY

Report Reference	Report Title
EMF220215R1.3	Verge Incentive Fund

EXECUTIVE SUMMARY

Council is exploring the merits of a Verge Incentive Fund (VIF) to encourage and incentivise the improvement of verges throughout the City in a way that supports input and ownership by residents.

Council recognises there are many benefits to residents developing and maintaining the verge adjacent to their property. Key benefits include the greening of our local streets, improving local biodiversity and establishing greener corridors throughout the City. Verges play a significant role in our community by establishing an area for street trees, lawns and gardens which soften the landscape and improve amenity. They also accommodate overhead and underground utilities such as power, water, gas, and communication infrastructure.

Council acknowledges the care that residents take in maintaining verges, which improves the overall appearance of the street and their properties. Often these enhancements are undertaken with Section 221 (Local Government Act) approval. Council currently receives approximately 40 verge development applications per annum.

Through the VIF, Council is seeking to contribute and encourage more residents to beautify the verge area within our verge development guidelines (VDG). The guidelines encourage the planting of natives which have low water needs, maintenance requirements and thrive in the South Australian climate. There is a series of amendments to the current VDG required to give effect to the VIF included in Attachment 2.

This report provides a recommended approach that enables Council to implement a VIF. The recommended approach considers feedback provided at the Elected Member Forum held on 15 February 2022, where a range of options were provided and discussed. The recommended approach makes provision for residents to undertake all works including excavation, preparation and planting in accordance with Councils VDG. Council subsequently contributes up to \$500 towards works that are completed as approved via a Section 221 process. It is proposed to implement the VIF for a trial period of 12 months over 2022-23 financial year with a report being brought back to Council providing the outcome of the trial and consideration for its continuation.

The anticipated financial implications of the VIF recommendation will be \$75,600. That amount includes provision for administrative resources and contribution to residents for physical works. If endorsed, provision for funding will be made through the draft 2022-23 Annual Business Plan.

RECOMMENDATION

That Council:

1. **Endorses provision of a Verge Incentive Fund trial for a period of 12 months from July 2022 – June 2023, with an associated budget of \$75,600 to be included in the 2022-2023 Annual Business Plan.**
2. **Endorses the scope of the Verge Incentive Fund trial whereby the resident undertakes all work including excavation, preparation and planting. Council will reimburse 50% of the costs (based on receipted invoices), capped at \$500 per property.**
3. **Endorses the Verge Development Guideline amendments, as outlined in Attachment 2.**
4. **Notes a report will be presented to Council in May 2023, reviewing the program to date and providing any recommendations with respect to its continuation.**

GENERAL ANALYSIS

Livable:	Verges play a significant role in our community by establishing an area for street trees, lawns and gardens which soften the landscape.
Engaged:	A marketing/promotional campaign will be implemented to support the program's trial.
Legal/Legislative/Policy:	Local Government Act 1999, Section 221, Streetscape Policy and Verge Development Guidelines
Proposed Future Budget	
Allocation:	\$75k - to be provisioned within the draft 2022-23 Annual Business Plan.
Additional Resource Impact:	Additional resources will be required to manage these programs.
Current Budget Allocation:	Nil budget is currently allocated to develop verges.

DISCUSSION

Scope and Controls

All planting and works must be completed in accordance with Council's VDG.

The VDG have been attached (Attachment 1) along with a schedule of amendments required to give effect to the intent of the VIF (Attachment 2). The amendments clarify requirements relating to the different types of verge configurations, planting envelopes and bin placement.

There is risk associated with excavating machinery within the verge in proximity to underground utilities. To mitigate that risk, the terms and conditions of the VDG have been amended as such that any mechanical excavation or auger equipment (i.e. anything other than hand-dig with shovel) shall be undertaken by a registered and appropriately experienced contracting business.

The current verge development application process would remain where the resident would complete a Section 221 application with their proposed plan to develop the verge. The section 221

process is a mechanism for Council to ensure the ongoing condition and safety of the verge is maintained.

The detailed scope of any proposal would be required as part of the submission, with photos of the existing verge, to ensure compliance with the VDG.

An inspection of all completed verge developments would be conducted at the end of the planting season to ensure a level of quality control and compliance with the approved scope of work including plant selection and depth of backfill material.

Reimbursement of costs to residents will be undertaken on a first come first served basis until the funding allocation is exhausted.

Other Land Parcels (e.g. adjacent to reserves)

There is an opportunity to explore how Council could incentivise the improvement of verges adjacent to other land parcels such as Reserves, or Road Reserve "Pocket Parks". This has been considered but the incentivisation model proposed for this VIF is not fit for purpose when applied to other land parcels. Specifically, the contribution of affected parties is less clear and would need further consideration, i.e. this VIF would require residents or interest groups to cover the cost to establish verge improvements not covered by Council's proposed contribution. This would require consideration of more substantial budget provision from the Council and have different ongoing maintenance obligations.

Accordingly, provision for other Land Parcels has been omitted from the scope of this VIF but could be considered in the future subject to performance of this trial and any relevant feedback received from residents or interest groups.

Timeframe

Subject to endorsement, the trial is proposed to run from July 2022 to June 2023. This will provide two application intakes with sufficient time for planting to occur before the sub-optimal summer period. In March 2023, a follow-up assessment will be undertaken to determine the success of any planting and reported to Council in May 2023.

Marketing

The scope of the marketing campaign would be through Council channels to ensure the community is aware of the program. If the trial is deemed a success, then a wider, more expansive campaign could be undertaken.

Measuring Success

Before and after photos would be taken to capture and demonstrate the improved amenity value. After final inspection, feedback would be sought from residents to gauge the success of the project and seek opportunities for improvement.

ATTACHMENTS

Attachment 1 – Current Verge Development Guidelines

Attachment 2 – Proposed schedule of amendments to Verge Development Guidelines

VERGE DEVELOPMENT GUIDELINES



CONTENTS

01 GENERAL	1
02 VISION	1
03 DEVELOPMENT	2
04 WHO MAINTAINS THE VERGE	3
05 VERGE TREATMENTS	4
06 VERGE GARDEN GUIDELINES	5
07 WHAT CAN COUNCIL SUPPLY FOR VERGES	8
08 FOOTPATH CONSTRUCTION	8
09 IRRIGATION	9
10 CROSSING PLACE	9
11 DISABILITY DISCRIMINATION ACT OBJECTION	9
12 ADOPT A VERGE	10
13 EXTENT OF LIABILITY	10
14 OTHER POLICIES OR PROCEDURES	10
15 PROCEDURE FOR WRITTEN APPROVALS	11
16 DEFINITIONS	12

01

GENERAL

In the management of the road verge both Council and the adjoining property owner/resident have obligations that must be complied with under the Local Government Act 1999. Many property owners prefer to manage the Council owned verge in front of their residence to a different standard than that provided by the City of Marion. Primarily this is undertaken to enhance the visual appeal of the property. Verge developments in the City of Marion are authorised according to these guidelines and written authorisation. The Verge Guidelines outline Council's obligations and assist residents in meeting their responsibilities.

02

VISION

The vision for streetscapes in the City of Marion is set out in the Streetscapes Policy and Streetscape Guidelines. The Verge Procedure details the process used by Council to manage verge development. The Verge Development Guidelines detail the technical information used by Council to assess verge developments and provide authorisations for verges that fall outside of major streetscape upgrades.



03

DEVELOPMENT

Section 221 of the Local Government Act 1999 requires that all private development on the verge has prior Council authorisation. Property owners may develop their verges, provided the type or form of development maintains the following;

- › Pedestrian access along the verge is always maintained, regardless of whether a footpath has been constructed or not. A clear area of at least 1.0 metres width from the kerb must be provided for the safe and convenient access and egress to legally parked vehicles and positioning of Council approved bins. This should be extended to 1.5 metres where no footpath exists. The surface should be smooth with no tripping hazards and should take heed of environmental issues such as minimising surface run off.
- › Adequate sight distance is made available to and from vehicles and pedestrians. It must not obstruct street lighting, driveways or signs.
- › To utilise and install only agreed landscaping supplies avoiding the use of rocks (large or loose of any size), constructed walls or any material or construction method that may pose a threat to other users of the area.
- › Provision is made for Council Street Tree(s) as per the City of Marion Tree Management Framework.
- › To confine property access and development to the area fronting their property.
- › To avoid interruption to safe pedestrian movement by the construction of any driveway or other crossover not in accordance with Council's driveway crossover standards
- › Connect and maintain their storm water outfall pipes to the kerb to approved Council standards.
- › Accept that where a property owner develops the verge, the responsibility for ongoing maintenance rests with the property owner. The development may be removed and associated removal costs recovered by Council where adequate maintenance is not carried out.
- › Does not modify or damage Council infrastructure and assets including trees and tree roots, footpath and kerbing.

NOTE: Council authorisation must be granted prior to commencement of works.

04

WHO MAINTAINS THE VERGE

Traditionally the management of verges has been seen as a shared responsibility between Council and residents. Under the Local Government Act 1999, the City of Marion is responsible for maintaining roads including the verge. Section 221 of the Act allows Council to authorise the installation of structures on roads which includes plantings. This allows the City of Marion to determine the conditions under which the authorisation is granted including maintenance responsibility and an ability to charge for removal of structures and plantings if not maintained.

For undeveloped verges, Council supplies a basic service of weed control and will ensure the verge surface is even and free of potholes and depressions or mounds that may present a trip hazard to pedestrians.

A no-spray register is maintained for those residents who choose not to have the verge sprayed and are willing to keep the area weed free themselves.

Street trees planted by Council will be pruned to ensure they do not impede street lights and signs and as required by maintenance standards.



05

VERGE
TREATMENTS

For new verge developments, the following verge treatments are **PERMITTED**

COMPACTED SURFACE	In specific circumstances only, property owners may be authorised subject to Council's satisfaction and conditions, to have the verge area in front of their property treated with compacted material at their cost. The property owner will be responsible for installation and all ongoing repairs and maintenance.
LAWN	Property owners may establish lawn on their verge provided it is level with the kerb and footpath, kept clear of the kerb and footpath and that all ongoing maintenance is undertaken by the property owner.
LOW PLANTS (MAX HEIGHT 900mm)	The streetscape is an important part of community open space. Council supports plantings (shrubs) of species that are drought tolerant. They must be able to be maintained under a height of 900mm. Plantings cannot form a hedge and must be spaced to allow locations for egress from legally parked vehicles.
MULCH	Organic mulches that do not contain sharp or otherwise dangerous materials and are permeable to water may be used on the verge in areas not reserved for pedestrian access. The cost and maintenance of this is to be borne by the property owner.
RAISED GARDEN BEDS/ PLANTER BOXES	Raised garden beds are permitted in some instances. However many verges do not have enough space for the required clearances. Raised garden beds will be usually only be permitted when the distance from the kerb to the inner edge of the footpath (including the verge and footpath width) is at least 3 metres in length. Planter Boxes can be permitted on the verge provided that they meet the following conditions: they are 1 metre from the kerb; 1.5 metres is maintained for footpath and/or pedestrian clearance; planter boxes are no greater than 1.5 metres in length to avoid creating access barriers for people getting in and out of vehicles; they have a minimum height of 400cm to avoid creating a trip hazard; a maximum height of 1 metre to maintain clear sight lines; are of a contrasting colour with the ground and their surrounds so they are visibly obvious day and night; and are stable, free of protrusions, sharp edges and spiky vegetation.
RUBBLE/GRAVEL	Rubble or gravel can be utilised provided it is either granitic sand or X6 (sandstone colour) in compliance with the City of Marion Streetscape Guidelines (page 100). It is not to be used in areas reserved for pedestrian access. The cost of installation and maintenance is to be borne by the property owner.

The following verge treatments are **NOT PERMITTED**

ARTIFICIAL TURF	Artificial turf is not permitted.
CHEMICAL STERILISATION TREATMENTS	No chemical sterilisation treatments or residual chemicals can be applied by residents onto verge areas.
CONCRETE/PAVERS	No concrete or pavers are acceptable except for driveway crossovers (for which approval is required) and footpaths installed by Council.
PLANTS WITH SPINES OR THORNS	Plants with spines, thorns, sharp cutting edges or that pose a danger to residents and pedestrians are not permitted in the verge area. Plants declared under regulation by the Minister of Environment under the Natural Resources Management Act 2004 are not permitted.
SOLID CONSTRUCTION	Materials such as scoria, moss rocks, structured walls or edging or the use of retaining sleepers may not be placed within the road verge area. Any item considered unsafe or inconvenient to the passage of pedestrians such as brick letterboxes or driveways with a different level to the footpath are also prohibited.
WATER IMPERMEABLE MEMBRANES	Water impermeable membranes such as black plastic may not be used on verges, permeable solutions such as weed mat may be used under the soil or mulch.

06

VERGE GARDEN
GUIDELINES

Verge gardening is the practice of growing ornamental, native and/or edible plants on the footpath.

Plants can transform a verge providing some or all of the following benefits:

- › Enhance the aesthetic value of the streetscape as a whole and individual properties.
- › Improve soil moisture, absorb rainwater, reflect heat and add to the cooling of the City.
- › Benefit the health of street trees and support local wildlife such as birds, bees, butterflies and other insects.
- › Contribute to food security.
- › Encourage residents to walk in their neighbourhood, and increase social connection between residents of the area.

VERGE GARDEN CONSIDERATIONS

When deciding on landscaping your verge, please consider:

- › Soil on public land may be contaminated. Verge edibles are unlikely to make up a large enough proportion of your diet to constitute an adverse health risk. However, you must undertake soil testing if you plan to include edible plants in your verge garden (refer to the verge procedure). The VegeSafe project at Macquarie University can test five soil samples for a small donation of \$20. Please see: research.science.mq.edu.au/vegesafe/how-to-participate
- › Other useful tips for reducing risk exposure can be found here: veryediblegardens.com.au/blog/11-strategies-for-lead-contaminated-garden-soils
- › You are responsible for maintaining your garden and keeping it safe, clean, healthy and attractive. Consider who will look after the garden and how watering, pruning and harvesting will be managed. This may effect your plant choices. Vegetables, fruits and berries must be harvested regularly to prevent issues associated with decomposing vegetation.
- › Although unlikely, gardens may attract complaints from neighbours. The wellbeing and social connection benefits however are considered to outweigh any unfavourable comments, particularly if verge landscaping complies with the City of Marion guidelines.

When deciding on landscaping your verge, please consider:

- › Gardens may be vandalised or plants/produce stolen; the City of Marion cannot take responsibility for any damage to gardens or their contents.
- › Raised garden beds or planter boxes can be permitted in some instances. However many verges do not have enough space for the required clearances. Raised garden beds will usually only be permitted when the distance from the kerb to the inner edge of the footpath (including the verge and footpath width) is at least 3 metres in length.
- › Groups that are interested in starting a community garden on Council land must undertake a separate application process. Interested groups are encouraged to contact Council's Community Gardens Coordinator in the first instance.

DESIGN AND PLANT SELECTIONS

Take the time to research and plan your verge design and plant choices, please consider:

- › Environmental site analysis including sun, shade, wind, site orientation, existing soil type.
- › The location of existing street trees, ensuring no negative impact on the growth or root system of the tree.
- › Aesthetics, including colours, textures and heights. Consider grouping small numbers of the same species together to add impact.
- › Use native or water-wise plants where possible, and consider hardy and long lived species.
- › Mulch is encouraged to retain soil moisture.
- › Perennial herbs are particularly suitable for edible verge gardens. Indigenous edible plants such as muntries, dwarf lilly pilly and saltbush are also good choices.
- › Plants with the capacity to withstand occasional pedestrian traffic.
- › The mature size of plants in relation to kerbs, footpaths and other infrastructure.
- › Plants must be maintained under a height of 900mm.
- › Ongoing maintenance.
- › The Adelaide and Mount Lofty Ranges Natural Resources Management Board has excellent planting guides that list native species that thrive in this area. Search online for [Adelaide Gardens – A Planting Guide](#) or [Coastal Gardens – A Planting Guide](#) to find them.

NOT PERMITTED FOR VERGE GARDENS

The following is not permitted:

- › Run-off of materials such as water, soil, mulch or debris are not to spill onto the footpath, road or into drains.
- › Stakes, guide wires, lattice or other supporting structures are not permitted.
- › Plant species that are prickly, poisonous, spiky, sharp, have invasive root systems, or cause common allergic reactions are not permitted.
- › Weeds of National Significance, Declared plants or Alert Weed species are not permitted (refer to Adelaide and Mount Lofty Ranges Natural Resources Board for more information).
- › Waste, mulch or manure must not be stockpiled on the verge.

07

WHAT CAN COUNCIL SUPPLY FOR VERGES

The City of Marion operates a city wide weed control service for verges. Spraying is undertaken three to four times per year. A no-spray register is maintained for those residents who choose not to have the verge sprayed and are willing to maintain the areas themselves.

Council will ensure the verge surface is even and free of potholes and depressions or mounds that may present a trip hazard to pedestrians.

Council will treat any verges where declared plants have been identified. A common pest plant found on residential verges is Caltrop (three cornered jack), which will be treated on both a programmed and reactive basis and will be undertaken regardless of a specification on the no-spray register.

08

FOOTPATH CONSTRUCTION

Council's intent is to provide a footpath on at least one side of every residential street. Paths will be constructed progressively year by year in order of priority and funding availability.

The entire footpath network is being developed in stages, which is in line with Council's annual budget allocation. Footpaths to be installed are then prioritised by taking into consideration such issues as proximity to pedestrian generators (e.g. schools, shopping centres, bus routes and retirement villages), identified pedestrian traffic and the status of the road within the network. Installed footpaths will generally be constructed 0.6 metres from the kerb.



09

IRRIGATION

Property owners may be authorised to install below ground irrigation systems which could include pop-up sprinklers or below ground drippers and soaker hoses. Installation of irrigation systems must not damage or remove council infrastructure including footpaths or kerb. The system must be designed so as not to drift outside the verge and onto the footpath to ensure safe access for pedestrians. Pipes must be laid and kept beneath the surface of the verge, not deeper than 300mm and not less than 150mm. All solenoid valves must be located within the resident's property and not on the verge and there must be provision of a master valve to isolate the water supply from the system.

10

CROSSING PLACE

In accordance with the provisions of Section 218 of the Local Government Act 1999, Council may, by order in writing to the owner of the adjoining property, require the owner to carry out specified work to construct, remove or repair a crossing place over the verge from the kerb (or edge of roadway) to the property boundary.

11

DISABILITY DISCRIMINATION ACT OBJECTION

If the development of a verge is considered to be contrary to the provisions of the Disability Inclusion Act 2018 concerning access, it will be removed at the cost of the property owner.

12

ADOPT A VERGE

Where a property owner chooses not to, or is unable, to maintain the verge adjacent to their property, Council will support an approach by a neighbour who wishes to 'adopt' the verge in order to develop and maintain the verge in accordance with the provisions of these guidelines. Any authorisation will be subject to consultation with any other affected land owner or resident.

13

EXTENT OF LIABILITY

As per the Local Government Act Section 221, the City of Marion is not liable for injury, damage or loss resulting from anything done under an authorised verge development.

14

OTHER CITY OF MARION POLICIES OR PROCEDURES

- › Asset Management Policy
- › Streetscape Policy/Streetscape Guidelines
- › Transport Asset Management Plan
- › Permit for Crossovers
- › Tree Management Framework
- › Verge Procedure

15

PROCEDURE FOR
WRITTEN APPROVALS

- › Read through the Verge Development Guidelines and Verge Gardening Guidelines.
- › Complete the Verge Development Application Form, including a sketch plan of the proposed development.
- › Applications may only be submitted by Property Owners. Tenants wishing to develop the verge are to consult and gain approval from the property owner.
- › The Application will be assessed taking into account the suitability and safety of the community.
- › Applications are considered on a case by case basis, with regards to the overall streetscape.
- › Council will authorise successful applicants in writing, detailing any alterations that may be required. The documentation will be recorded for future reference.
- › Once the works are undertaken, the maintenance of the verge will be the sole responsibility of the property owner.
- › If the condition of the verge is altered in any way, other than the authorised development, Council must be notified immediately.
- › If excavating, accurate services location should be utilised prior to making an application and commencing works. Service information can be obtained from Dial before you Dig on 1100 or www.1100.com.au.
- › Damage to public utilities and infrastructure shall be reported to the relevant service authority as soon as possible, and will be the responsibility of the property owner.



16

DEFINITIONS

Definitions for the purpose of this guideline are:

AUTHORISATION	An authorisation granted by Council to undertake a development on a verge under section 221 of the Local Government Act.
COMMUNITY GARDEN	A community garden is a dedicated area of public land used for horticultural activities including growing edible plants and other plants for the benefit of the wider community. Community gardens located on Council land and are managed by an incorporated community group or organisation.
DECLARED PLANTS	Species of Plants declared by regulation of the Minister under the Natural Resource Management Act 2004.
DRIVEWAY CROSSOVER	The section of the driveway located between the driveway invert/kerb and the front property boundary.
HEDGE	A row of closely growing bushes, shrubs, trees or grasses that form a protective barrier or boundary that does not allow access for pedestrians.
FOOTPATH	The made area of pathway that exists in the verge that enables the safe and efficient movement of pedestrians.
VERGE	A verge is the area between the kerb or the made road and the property boundary.
VERGE DEVELOPMENT	Where a resident seeks to place a structure as defined in section 221 of the Local Government Act into a verge for the purposes of increased visual amenity or function.
VERGE GARDEN	A garden located on the verge that is managed by one or more adjacent households. Verge gardens may include edible or non-edible plants.

Attachment 2 - Proposed schedule of amendments to Verge Development Guidelines

<u>Addition</u>	<u>Description</u>
Section 3 - Development	Any mechanical excavation work must be carried out by a suitably experienced and insured contractor.
Section 3 – Development	Excavation: The verge should not be excavated more than 100mm below the top of kerb and footpath level. Excavation within the tree canopy area (tree protection zone) should be done in a manner not to damage or cut any tree roots. All care must be taken to maintain the vital root system of council street trees within the verge.
Section 5 – Verge Treatments	Back Fill Material: The back fill material should be an organic soil / loam covering the verge area. Verge fill is not to exceed the top of the kerb or footpath level to avoid debris falling into the gutter and water ways.
Section 13 – Extent of Liability	Satisfactory Completion: Any cost incurred by the Council in reinstating the road, footpath works as a result of work done under this authorisation or work not completed in accordance with the authorisation that must be made good by Council will be charged to the owner, pursuant to Section 213 of the Local Government Act 1999.
Section 15 – Procedure for Written Approvals	Verge Incentive Fund not available to newly developed properties (less than 12 months from final build completion).

<u>Amended</u>	<u>Description</u>
Section 5 – Verge Treatments	Dolomite is not permitted. Compacted surfaces should comprise of Fitzgerald sand or similar with a natural colouring.
Section 5 – Verge Treatments	Wicking beds are permitted provided they comply with all other requirements.
Section 5 – Verge Treatments	Add reference to recommended species palette (available on website).
Section 6 – Not Permitted for Verge Gardens	Change reference to Green Adelaide.

<u>Deletion</u>	<u>Description</u>
Section 5 – Verge Treatments (Rubble/Gravel)	Last sentence “The cost of installation and maintenance is to be borne by the property owner, unless Council has agreed to a co-contribution.”

11.2 Caretaker Policy

Report Reference	GC220308R11.2
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

For Council to consider and if appropriate, adopt the revised City of Marion Caretaker Policy (Attachment 1).

EXECUTIVE SUMMARY

The City of Marion is committed to good governance practices. The Caretaker Policy aims to guide the conduct of the Council and its Administration during the lead up to local government elections and provides information regarding decision-making during an election period to ensure that:

- The incumbent Council does not make certain decisions that will be binding on an incoming Council and limit its freedom;
- Incumbent elected members do not receive (or are perceived to receive) any advantages or disadvantages over other candidates due to their current position on Council;
- The day to day business of the Council continues efficiently and as normal as possible; and
- Council resources are not diverted for or influenced for electoral purposes.

The Caretaker Policy is based on Section 91A of the *Local Government (Elections) Act 1999* (The Elections Act). In the lead up to the Local Government Elections in November 2022, the Council must review its Caretaker Policy. The Policy was last reviewed in March 2018.

The revised policy includes amendments as a result of the Local Government Reforms and minor changes to ensure it aligns to Council's current Policy Framework.

RECOMMENDATION

That Council:

- 1. Adopts the revised Caretaker Policy, included as Attachment 1 to the report.**

DISCUSSION

The purpose of a caretaker policy is not to constrain the incumbent, but outgoing governing body from making certain decisions that will be binding on our incoming governing body, and thereby limit its freedom.

The Elections Act outlines the requirements for the conduct of a Council during the election period and requires all Councils to prepare and adopt a Caretaker Policy to govern the conduct of the Council and its staff during the election period of a general election.

Section 91A of the Elections Act outlines the minimum requirements that must be included within a Caretaker Policy and prohibits the making of a designated decision during the election period.

"Designated decisions" are defined as decisions:

- a) Relating to the employment or remuneration of a chief executive officer, other than a decision to appoint an acting chief executive officer; or
- b) To terminate the appointment of a chief executive officer; or
- c) To enter into a contract, arrangement or understanding (other than a prescribed contract) the total value of which exceeds which ever is the greater \$100,000 or 1% of the council's revenue from rates in the preceding financial year (\$779,000).

The draft Caretaker Policy (provided as attachment 1) has been revised to incorporate changes arising from commencement of section 188 of the *Statutes Amendment (Local Government Review) Act 2021* (the Review Act), which amended section 91A of the *Local Government (Elections) Act 1999*. The policy has been drafted to meet the minimum legislative requirements and includes additional discretionary provisions that Council may choose to incorporate. For the purposes of reviewing the policy, the discretionary inclusions are highlighted in green, with the remainder being the minimum legislated requirement.

Section 91A provides that a council must prepare and adopt a caretaker policy governing the conduct of the council and its staff during the election period for a general election.

Previously, section 91A(2) provided that a council's caretaker policy must, as a minimum, prohibit the making of a designated decision during the election period, with a designated decision defined to include a decision allowing the use of council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of council resources by all candidates for election).

A change to subsection 91A(2) has now elevated a decision allowing the use of council resources for the advantage of candidates to a standalone minimum requirement of the Caretaker Policy. In practice there is no new obligation imposed by this change, however council policies will need to ensure the minimum requirement is appropriately referenced.

A new subsection 91A(2a) has been inserted and provides that the prohibition on the use of council resources for the advantage of a particular candidate or group of candidates does not prevent a decision to allow the equal use of council resources by all candidates for election.

If a designated decision is made by Council during the election period and it is in contravention of the requirements of the Act or the Caretaker Policy, it will be an invalid decision. Any person who suffers any loss or damage as a result of acting in good faith on an invalid decision is entitled to compensation from the Council for that loss or damage.

The "Election Period" is defined as the period commencing on the day of the close of nomination, being the 6th September 2022.

The proposed Caretaker Policy separates those areas that are prohibited by the Act and those areas prohibited by the Policy. These additional decisions and activities that would be prohibited during the election period as a result of this policy were included in the 2018 Local Government Elections and had little to no impact on the operation and functioning of the Council. However, they are discretionary, and Council may, or may not, wish to include these.

The Act requires that the Caretaker Policy form part of each council's Code of Conduct for Council Members.

ATTACHMENTS

1. Caretaker Policy 2022 [11.2.1 - 9 pages]

Caretaker Policy



1. RATIONALE

~~The City of Marion is committed to enhancing its capability and performance through good governance practices.~~ This Policy implements the statutory caretaker period requirements under section 91A of the *Local Government (Elections) Act 1999 (the Act)* and in particular complies with section 91A(7) of the Act, ensuring that this Policy will form part of the City of Marion Code of Conduct for Council Members.

2. POLICY STATEMENT

It is a long-established democratic principle that outgoing elected bodies would not use public resources for election campaigning, nor make decisions which may be unreasonable, inappropriate, or unnecessarily bind an incoming Council.

Council affirms its commitment to fair and democratic elections, and adherence to this principle and in doing so, has adopted this Policy.

3. OBJECTIVES

The objectives of the Caretaker Policy is to guide the conduct of the City of Marion during the lead up to local government elections and provides information regarding decision- making during an election period to ensure that:

- 3.1 the incumbent Council does not make certain decisions that will be binding on an incoming Council and limit its freedom;
- 3.2 incumbent ~~elected member~~ **Council Members** do not receive (or are perceived to receive) any advantages or disadvantages over other candidates due to their current position on Council;
- 3.3 the ~~day-to-day~~ **day-to-day** business of the Council continues efficiently and as normal as possible; and
- 3.4 Council resources are not diverted for or influenced for electoral purposes.

4. POLICY SCOPE AND IMPLEMENTATION

Scope

This Policy applies throughout the election period for a general election. For the purposes of the Local Government Elections of November 2022, the policy commences on 6 September 2022 and ends at the conclusion of the election, when results have been declared.

The Policy applies to:

- The council; and
- Council staff

Implementation

4.1 Council Designated Decisions Prohibited by Legislation

- 4.1.1 The Council is prohibited from making a designated decision during an election period.

Policy Ref/Security Classification:
Category: Legislative
Owner: Manager Office of the CEO
Authorisation Date: xx/xx/xx
Review Date: xx/xx/xx

Page 1 of 9

City of Marion
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4.1.2 A decision of the Council includes a decision of:

- *a committee of Council; and*
- *a delegate of Council.*

4.2 Other Significant Decisions Prohibited By This Policy

4.2.1 So far as is reasonably practicable, the Chief Executive Officer should avoid scheduling significant decisions (including major policy decisions) for consideration during an 'election period' and ensure that such decisions:

- *are considered by Council prior to the 'election period'; or*
- *are scheduled for determination by the incoming Council.*

4.2.2 A 'significant decision' is any major policy or other decision which will significantly affect the Council area or community or will bind the incoming Council.

4.2.3 A 'major policy' decision includes any decision (not being a designated decision):

- *to spend unbudgeted monies;*
- *to conduct unplanned public consultation;*
- *to endorse a new policy;*
- *to dispose of Council land;*
- *to approve community grants;*
- *to progress any matter which has been identified as an election issue; and*
- *any other issue that is considered a major policy decision by the Chief Executive Officer.*

4.2.4 The determination as to whether or not any decision is significant will be made by the Chief Executive Officer, after consultation with the Mayor. The Chief Executive Officer must keep a record of all such determinations made by Chief Executive Officers (including by previous Chief Executive Officers) and make this list available to candidates upon request.

4.2.4.2.5 Where the Chief Executive Officer has determined that a decision is significant, but circumstances arise that require the decision to be made during the election period, the Chief Executive Officer will report this to the Council.

4.2.5.2.6 The aim of the Chief Executive Officer's report is to assist Council Members assess whether the decision should be deferred for consideration by the incoming Council.

4.2.6.2.7 The Chief Executive Officer's report to Council will address the following issues (where relevant):

- *why the matter is considered 'significant';*
- *why the matter is considered urgent;*

Caretaker Policy



- *what are the financial and other consequences of postponing the matter until after the election, both on the current Council and the incoming Council;*
- *whether deciding the matter will significantly limit options for the incoming Council;*
- *whether the matter requires the expenditure of unbudgeted funds;*
- *whether the matter is the completion of an activity already commenced and previously endorsed by Council;*
- *whether the matter requires community engagement;*
- *any relevant statutory obligations or timeframes; and*
- *whether dealing with the matter in the election period is in the best interests of the Council area and community.*

4.2.74.2.8 Council will consider the Chief Executive Officer's report and determine whether or not to make the decision.

4.3 Consequence of Making a Designated Decision

- 4.3.1 A designated decision made by Council during an election period is invalid, except where an exemption has been granted by the Minister.
- 4.3.2 Any person who suffers loss or damage as a result of acting in good faith on a designated decision made by the Council in contravention of this policy is entitled to compensation from the Council for that loss or damage.

4.4 Application for Exemption

- 4.4.1 If the Council considers that it is faced with extraordinary circumstances which require the making of a designated decision during an election period, the Council may apply in writing to the Minister for an exemption to enable the making of a designated decision that would otherwise be invalid under section 91A of the Local Government (Elections) Act and this policy.
- 4.4.2 If the Minister grants an exemption to enable the making of a designated decision, then the Council and Council staff will comply with any conditions or limitations that the Minister imposes on the exemption.

4.5 Prohibition on the use of Council Resources

- 4.5.1 Council resources must not be used for the advantage of a particular candidate or group of candidates.
- 4.5.2 For clarity, neither the Local Government (Elections) Act 1999 nor this Caretaker Policy prohibits a council providing resources to all members of the public, which incidentally includes all candidates for election.
- 4.5.3 The following council resources must not be used for the advantage of a particular candidate or group of candidates and may only be used by council

Caretaker Policy



members, where necessary, in their performance of their ordinary duties as a council member:

- Mobile Phones and landline Phones
- Council Vehicles (noting the Mayors Vehicle usage will comply with the requirements of the Council Member Allowances and Benefit Policy)
- Council-provided computers and other office equipment beyond that provided to members of the public (e.g. in a public library)
- Council-provided business cards
- Council travel arrangements (e.g access to council-negotiated rates for flights, accommodation or hire cars)
- Access to areas that members of the public cannot access, including areas within the property of third parties

4.6 Variations and/or Restrictions to Events

4.4.1 The following Council organised events and ceremonies will have the following variations and/or restrictions during the election period;

Citizenship Ceremonies

Formal Citizenship Ceremonies will take place during the election period under the delegation of the Chief Executive Officer.

Community Awards and Recognition

Those awards and recognition ceremonies outlined with the Community Awards and Recognition Policy will be deferred until the conclusion of the election period.

Opening Ceremonies

Ceremonies set up for the opening of a Council owned/managed facility will be deferred until the conclusion of the election period.

4.4.2 No civic/major events will be scheduled to take place within the election period unless the event is a state or metropolitan wide activity.

4.4.3 Where an event is a state/metropolitan wide activity, the official duties and formalities will be undertaken by the Chief Executive Officer.

4.4.4 Invitations to council run events will come from the Chief Executive Officer

4.7 Variations and/or restrictions on Media

4.5.1 Media Releases will be limited to operational issues rather than policy and/or major projects. Council will not make comment on individual election campaigns except if harmfully inaccurate comments are made by a candidate. In these circumstances, the Chief Executive Officer reserves his/her right to correct the inaccuracy.

4.5.2 Council staff (including the Unit Manager Communications)-Unit Manager Media, Marketing and Events) will not provide media advice to the Elected MemberCouncil Members who have nominated as candidates regarding

Caretaker Policy



publiccomment on the elections. These matters will be referred to the Chief Executive Officer for comment and action whenever possible.

4.5.3 Council's social media accounts will:

- be used to promote the upcoming Council Elections and encourage people to vote, including links to candidate information on the LGA candidate website;
- not promote or link to any ~~Elected Member~~Council Member or candidate's social media accounts;
- not re-tweet or share any ~~Elected Member~~Council Member or candidate's social media posts;
- respond to ~~Elected Member~~Council Member or candidate's direct enquiries on social media as they would to any other member of the public. All responses will be signed off by the ~~Unit Manager~~ CommunicationsUnit Manager Media, Engagement and Events or the Manager ~~Governance Corporate~~Office of the CEO, and included in the Information Request Register as per part 4 clause 11 of this policy.

4.8 Variations and/or restrictions on Publications

4.6.1 Subject to the operation of Section 12(b) of the Act, the Council must not print, publish or distribute, or cause, permit or authorise others to print, publish or distribute on behalf of Council

4.6.2 any advertisement, handbill, pamphlet or notice that contains 'electoral material'during the election period.

4.6.3 Electoral material means any material which is calculated (i.e. intended or likely) toaffect voting in an election.

4.6.4 ~~Elected Member~~Council Members will observe the requirements of the Publications Policies and the following publications restrictions will apply during the election period;

4.6.5 If City Limits is scheduled to be published during the election period, the Chief Executive Officer will use this publication as an opportunity to promote the upcomingelection.

~~Elected Member~~Council Member columns will not be included in editions published during the caretaker period. The profiles of all Candidates may be included in place of the~~Elected Member~~Council Member columns.

4.6.6 The Annual Report will not be bound by this policy and hence proceed in its usual manner to ensure compliance with the legislative requirements of the Local Government Act 1999.

4.9 Miscellaneous

4.7.1 Information and Customer Request Register

To increase transparency during the election period an Information and

Caretaker Policy



Customer Request Register will be maintained by the Unit Manager Governance and ~~Records~~Council Support. This Register will be a public document that records all requests information and customer requests made by ~~Elected Member~~Council Members and Candidates, and the response given to those requests, during the election period.

4.7.2 Contact with Staff

4.7.2.1 The Chief Executive Officer is committed to ensuring ~~Elected Member~~Council Members are provided with the appropriate support to continue to fulfil their official duties and responsibilities during the election period.

4.7.2.2 During the election period, ~~Elected Member~~Council Members will direct all queries, requests and access to information through the ~~Senior Leadership Group, Manager Corporate Governance~~The Office of the CEO or the Unit Manager Governance and Records.

4.7.2.3 Prior to the election period commencing, the Chief Executive Officer will ensure all staff are advised of the application of this Policy and ensure that;

- Council staff will not undertake any activity that may affect voting in the election;
- Council staff will not authorise, use or allocate a Council resource for any purpose which may influence voting in the election; and
- Council staff will not assist ~~Elected Member~~Council Members in a way that is or could create a perception that they are being used for electoral purposes.

4.7.3 Council Member Training and Development

The provisions within the ~~Elected Member~~Council Members Professional Development Policy will cease at the close of nominations and recommence once the new Council has been sworn into office meaning that the Council will not fund any training and professional development activities for ~~Elected Member~~Council Members during this period.

4.10 Grievances

4.8.1 Council confirms that all candidates for the Council election will be treated equally.

4.8.2 Any complaints or grievances in relation to this Policy should be referred to the Chief Executive Officer.

4.5. DEFINITIONS

Policy Ref/Security Classification:
Category: Legislative
Owner: Manager Office of the CEO
Authorisation Date: xx/xx/xx
Review Date: xx/xx/xx

Page 6 of 9

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<i>Term</i>	<i>Definition</i>
<i>Chief Executive Officer</i>	means the appointed Chief Executive Officer or Acting Chief Executive Officer or nominee.
<i>council staff</i>	means any person that is employed full-time, part-time or casually by the Council who receives remuneration for their work.
<i>Council Member</i>	means an elected member <u>Council Member</u> of the City of Marion
<i>designated decision</i>	<p>means a decision:</p> <ul style="list-style-type: none"> (a) relating to the employment or remuneration of the Chief Executive Officer, other than a decision to appoint an acting Chief Executive Officer or to suspend the Chief Executive Officer for serious and willful misconduct; (b) to terminate the appointment of the Chief Executive Officer; (c) to enter into a contract, arrangement or understanding (other than a contract for road works, road maintenance or drainage works) the total value of which exceeds whichever is the greater of \$100,000 or 1% of the Council's revenue from rates in the preceding financial year (\$779,000), except if the decision: <ul style="list-style-type: none"> (i) relates to the carrying out of works in response to an emergency or disaster within the meaning of the <i>Emergency Management Act 2004</i> (SA), or under section 298 of the <i>Local Government Act 1999</i> (SA); (ii) is an expenditure or other decision required to be taken under an agreement by which funding is provided to the Council by the Commonwealth or State Government or otherwise for the Council to be eligible for funding from the Commonwealth or State Government; (iii) relates to the employment of a particular Council employee (other than the Chief Executive Officer);

Policy Ref/Security Classification:
Category: Legislative
Owner: Manager Office of the CEO
Authorisation Date: xx/xx/xx
Review Date: xx/xx/xx

Page 7 of 9

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Term	Definition
	<p>(iv) is made in the conduct of negotiations relating to the employment of Council employees generally, or a class of Council employees, if provision has been made for funds relating to such negotiations in the budget of the Council for the relevant financial year and the negotiations commenced prior to the election period; or</p> <p>(v) relates to a Community Wastewater Management Systems scheme that has, prior to the election period, been approved by the Council; or</p> <p>(d) — allowing the use of Council resources for the advantage of a particular candidate or group of candidates (other than a decision that allows the equal use of Council resources by all candidates).</p>
<i>election period</i>	means the period commencing on the day of the close of nominations for a general election and expiring at the conclusion of the general election.
<i>general election</i>	<p>means a general election of council members held:</p> <p>(a) under section 5 of the <i>Local Government (Elections) Act</i>; or</p> <p>(b) pursuant to a proclamation or notice under the <i>Local Government Act 1999</i>.</p>
<i>Minister</i>	means the Minister for Local Government or other minister of the South Australian government vested with responsibility for the Local Government (Elections) Act.

5.6. ROLES AND RESPONSIBILITIES

Policy Ref/Security Classification:
 Category: Legislative
 Owner: Manager Office of the CEO
 Authorisation Date: xx/xx/xx
 Review Date: xx/xx/xx

Page 8 of 9

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<i>Role</i>	<i>Responsibility</i>
<u>Chief Executive Officer</u>	<ul style="list-style-type: none"> will ensure all staff are advised of the application of this Policy
<u>Manager Office of the CEO</u>	<ul style="list-style-type: none"> will ensure and monitor compliance with the policy and be responsible for any grievances arising from non-compliance
<u>Council Members</u>	<ul style="list-style-type: none"> will comply with the policy for the defined period
<u>Staff</u>	<ul style="list-style-type: none"> will comply with the policy for the defined period

6.7. REFERENCES

This Policy is to be read in connection and complement the following:

City of Marion

- Code of Conduct for Council Members
- Complaints and Grievances Policy
- ~~Elected Member~~Council Members Expenses, Benefits, Support and Facilities Policy
- ~~Elected Member~~Council Member Publications Policy

Other

- Local Government Act 1999
- Local Government (Elections) Act 1999

7.8. REVIEW AND EVALUATION

This Policy ~~will be available for inspection~~ is available to download free of charge via the Council's website: www.marion.sa.gov.au. A copy may be provided upon request. The Council will review and update this policy no less than every four years in line with the Council's Policy Framework.

11.3 Council Member Allowances - Remuneration Tribunal Submission

Report Reference	GC220308R11.3
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

For Council to consider and endorse the Submission to the Remuneration Tribunal from the City of Marion.

REPORT HISTORY

Report Reference	Report Title
GC260618R18	Remuneration Tribunal Submission

EXECUTIVE SUMMARY

The Remuneration Tribunal is currently undertaking a review of Allowances for Members of Local Government Councils. As part of this review, Councils, individual members of Councils, and interested associations have been invited to make written submissions outlining what they believe the Tribunal should take into account in the determination of the above allowances.

The due date for submissions is 5pm Friday 8 April 2022.

RECOMMENDATION

That Council:

- 1. Endorse the City of Marion Submission to the Remuneration Tribunal provided at Appendix 1 to the Report and that this be forwarded to the Tribunal subject to the inclusion of the following amendments:
XXX**

DISCUSSION

Section 76 of the Local Government Act 1999 required the Remuneration Tribunal ("the Tribunal") to determine, on a four yearly basis, allowances for Council Members of Local Government.

A minor change to section 76 of the *Local Government Act*, arising from the *Statutes Amendment (Local Government Review) Act 2021*, has seen the inclusion of the ratio of members to ratepayers as a factor to which the RTSA must have regard. The *Local Government Act 1999* further provides that in making its determination, the Tribunal must have regard to:

- The role of Members of Council as Members of the Council's governing body and as representatives of the Council's area;
- The size, population and revenue of the Council, and any relevant economic, social, demographic and regional factors in the Council area;

- Such an allowance is not intended to amount to a salary for a Member;
- Such an allowance should reflect the nature of a Member's office; and
- The Act's provisions to provide for reimbursement of Member's expenses.

To assist in making its determination the Tribunal is now seeking submissions from Councils and individual members of councils outlining views they consider should be taken into account.

The Tribunal has requested that submissions are prepared using the following headings:

- Name and contact details of the council, individual or association making the submission
- The geographical size (area) of the Council
- Population (number of electors)
- The revenue (\$) of the Council
- The ratio of members to ratepayers
- Meetings (number of council and committee meetings held in last 12 months, number of councillors attending council and committee meetings)
- Amount of allowance deemed appropriate (submission may present an evidence-based justification for an adjustment)
- Any other relevant factors, without limiting the issues that might be addressed (this may include comment on any issues with the current Determination, or council groupings for the purpose of determining the level of allowance, or the council's capacity to pay).

Submission are due to the Tribunal by 5pm Friday 8 April 2022. The 2022 Determination will take effect following the Local Government Elections being held in November 2022.

\$373,700 for Council Member Allowances is included within the 2021/22 budget. The budget may require amendment once the Tribunal has made its determination.

Based on the current financial climate across the sector and the details within the draft submission, it is recommended that the allowances are currently adequate and should not be increased (other than annual CPI increases). The attached submission has been developed on the basis of Council's previous submissions to the Tribunal (updated with relevant statistics and factual information), but maintains the status quo.

ATTACHMENTS

1. Submission to RTSA re Council Member Allowances [**11.3.1** - 21 pages]

8 March 2022



Matthew O'Callaghan
President
Remuneration Tribunal of South Australia
GPO Box 1045
ADELAIDE SA 5001

PO Box 21, Oaklands Park
South Australia 5046
245 Sturt Road, Sturt
South Australia 5047
T (08) 8375 6600
F (08) 8375 6699
E council@marion.sa.gov.au

Email: RemunerationTribunal@sa.gov.au

Dear Mr O'Callaghan,

Please find attached a submission from the City of Marion detailing the matters Council considers the Remuneration Tribunal should consider in determining the allowances for Members of the City of Marion Council.

Please note that the making of this Submission to the Tribunal was endorsed by Council at a General Council Meeting held on 8 March 2022.

Yours sincerely

Kris Hanna

Mayor

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



City of Marion



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SUBMISSION TO THE REMUNERATION TRIBUNAL OF SOUTH AUSTRALIA

DETERMINATION OF ALLOWANCES FOR THE COUNCIL MEMBERS OF THE CITY OF MARION COUNCIL

8 March 2022

The following represents the collective views of the City of Marion Council regarding matters that the Remuneration Tribunal should consider when determining allowances for Members of the City of Marion Council.

Name and Contact Details

City of Marion
PO Box 21, Oaklands Park, South Australia
Ph: 8375 6600

Geographical Size (area)

The City of Marion is located in Adelaide's south-western suburbs, about 10 kilometres from the Adelaide CBD. It is bounded by the City of West Torrens in the north, the Cities of Unley and Mitcham in the east, the City of Onkaparinga in the south, and Gulf St Vincent and the City of Holdfast Bay in the west.

The city is predominantly a residential area, with some commercial, industrial and rural portions. It encompasses a total land area of about 55 square kilometres, including significant conservation areas, recreation parks, rivers and coastline.

The suburbs of Ascot Park, Bedford Park (part), Clovelly Park, Darlington (part), Dover Gardens, Edwardstown, Glandore (part), Glengowrie, Hallett Cove, Marino, Marion, Mitchell Park, Morphettville, O'Halloran Hill (part), Oaklands Park, Park Holme, Plympton Park, Seaciff Park (part), Seacombe Gardens, Seacombe Heights, Seaview Downs, Sheidow Park, South Plympton, Sturt, Trott Park and Warradale are found within the city.

Major features within the city include Westfield Marion (shopping centre), Tonsley Precinct, Oaklands Wetlands, Warriparinga Living Kurna Cultural Centre & Wetland, Marion Cultural Centre, Morphettville Racecourse, Warradale Military Camp, O'Halloran Hill Recreation Park, Hallett Cove Conservation Park, Marino Conservation Park, Coast to Vines Rail Trail and Marino to Willunga Rail Trail. The city is served by the Southern Expressway, the Seaford railway line and the Glenelg-Adelaide tramway.

As can be noted from the above overview, the City has a diverse geographical spread resulting in much varied issues needing to be addressed by Council Members. For example, Members need to be across matters dealing with such varied topics as:

- hills and conservation
- urban regeneration and infill
- transport corridors that have both positive and negative impact (e.g., south road – Torrens to Darlington upgrade)
- major facilities renewal and upgrade
- access to infrastructure such as broadband internet
- access to services and facilities
- coastal issues
- rail and tramway corridor
- issues relating to water
- the interface of the largest retail centre in South Australia (outside of the Adelaide City centre) being located in the City of Marion

Population (number of electors)

The Australian Bureau of Statistics Estimated Resident Population for the City of Marion in 2020 was 94,879. The figure at the time of the last review for 2018 was 92,312, therefore the estimated 2020 figure represents an increase of 2,567 since the last remuneration review. The City of Marion estimates a 1% growth each year.

Revenue (\$) of the Council

Based on Council's audited statements for 2020/21, the following represents a snapshot of Council's key financial details:

- Operating revenue \$ 97.324m (with 82% coming from rates)
- Operating expenditure \$ 97.1m

Further information is provided at Appendix 2 regarding details of Council's revenue, expenditure and key financial indicators.

Ratio of Members to Ratepayers

The current size of the City of Marion Council is 13 Council Members including the Mayor. The City of Marion is divided into 6 wards with two Council Members per ward. Refer to Appendix 1 for a current map showing the City of Marion's ward structure.

The representation breakdown as of April 2020 for each of the wards is detailed below:

Table 1 – City of Marion Representation Quota as at April 2020

010 City of Marion							
Mayor/Chairperson: M		Area Councillors		0			
Ward Code	Ward	HA Electors	Council Voters Roll	Total	No. of Reps.	Quota	% Difference
1	Mullawirra	11226	13	11239	2	5619	2.91%
2	Woodlands	11102	23	11125	2	5562	1.87%
3	Warracowie	11600	15	11615	2	5807	6.36%
4	Warrparinga	10538	16	10554	2	5277	-3.35%
5	Coastal	10456	7	10463	2	5231	-4.19%
6	Southern Hills	10511	13	10524	2	5262	-3.63%
Total:		65433	87	65520	12	Average : 5460	
Last Review : 27/11/2013				Next Review : 1/04/2020			

In line with the requirements of the Minister for State/Local Government Relations, the City of Marion undertook a Representation Review in 2020. The purpose of the review was to provide council and the community with the opportunity to determine the optimum composition of

council including the number of Council Members, the number of Wards and location of Ward boundaries.

A variety of options were prepared for the number of Wards, Council Members and Ward Boundaries which were subject to community consultation. At its meeting in December 2021, Council resolved to maintain its existing structure of a Mayor and 12 Councillors, with six Wards each represented by two Councillors. This decision was based on the current quota's per ward being suitable and maintainable within the current resources and allowances.

The above representation structure is comparable with the elector ratios of similar sized councils as demonstrated in the following table:

Council	Total Members (inc. Mayor)	Electors	Ratio
West Torrens	15	42,378	1:2825
Playford	16	64,825	1:4052
Mitcham	14	48,930	1:3495
Port Adelaide Enfield	18	87,314	1:4851
Charles Sturt	17	88,269	1:5192
Marion	13	66,795	1:5138
Salisbury	15	96,811	1:6454
Onkaparinga	13	128,502	1:9885
Tea Tree Gully	13	73,820	1:5678

Source: Electoral Commission South Australia Representation Quotas 2020-21.

Meetings (*number of council and committee meetings held in last 12 months, number of councillors attending council and committee meetings*)

The Mayor and Council Members attend Council meetings and participate in the decision-making process, providing the direction and authority for the organisation's ongoing operations. While decisions are made at Council meetings, the City of Marion also the following Committees, which assist the Council to accomplish its objectives and add value to the decisions of Council through the provision of advice.

For the previous financial year from 1 July 2020 – 30 June 2021, Council's formal decision-making and Committee Structure comprised of the following. Not all Council Members would attend all of the Committee meetings.

- **General Council (18 meetings)** (an additional 5 special council meetings were called)
All Council Members attend. Council meets on the second and/or fourth Tuesday of the month with special meetings called when required.
- **Urban Planning Committee** (ceased November 2020) (3 meetings)
The Urban Planning Committee ceased in November 2020. The Committee had four Council Members. This Committee met on three occasions in 2020-21 and was established for the purpose of:
 - Strategic planning and development policies
 - Developing a revised Development Plan for the City
 - Review Committee's performance

- **Finance and Audit Committee (7 meetings)**

From July 2020 to November 2020 the Committee had two Council Members and three Independent Members. From December 2020 the Committee had one Council Member and three Independent Members. The Finance and Audit Committee met on seven occasions in 2020-21. This Committee is established for the purpose of:

- External audit
- Internal audit and service reviews
- Financial Reporting and prudential requirements
- Internal controls and risk management

- **Infrastructure and Strategy Committee (ceased November 2020) (2 meetings)**

The Infrastructure and Strategy Committee ceased in November 2020. The Committee had five Council Members and one Independent Member. Meetings were convened monthly on the first Tuesday of the month. The Committee met on 2 occasions in 2020-21 and was established for the purpose of:

- Advising Council regarding the development, implementation and review of its strategic management plans
- Ensuring that Council policy and strategies provide and promote community 'wellbeing' through enhancing and sustaining economic, environmental and community development of the City of Marion
- Reviewing any topic specific strategies or plans (not included within any other Committees Terms of Reference) prior to Council consideration and adoption
- Development and implementation of council policy relating to the management and utilization of council assets and infrastructure
- Monitoring and potential implementation strategies for the sporting facilities priorities of the City of Marion
- Monitoring, development and implementation of council's Strategic Asset Management Plans in accordance with council's Asset Management Policy
- Opportunities to either acquire new assets or dispose of assets in accordance with council's Disposal of Land and Assets Policy
- Monitoring of major projects of the City of Marion or within the City of Marion
- Opportunities to further develop strategic transport and integration of transport needs of the community

- **Review and Selection Committee (7 meetings)**

From July 2020 to November 2020 the Committee had four Council Members – Mayor and three Council Members. From December 2020 the Committee has three Council Members – Mayor and two Council Members. The meetings are convened as required. In 2020-21 the Committee met on seven occasions. Established for the purpose of:

- CEO Employment Agreement and Performance Review
- Vacancy of the Office of the Chief Executive Officer
- Process to source appointment of expert members to Section 41 Committees
- Process to source appointment of expert members for the Council Assessment Panel (CAP)
- Review Committee's Performance
- Reviewing, monitoring and recommending to Council relevant strategies regarding the organisation's culture and performance associated with the conduct of Council Members, employees and volunteers.
- Monitor the organisations direction regarding the efficient and effective delivery of strategic and operational human resource functions • Ensure the organisation has appropriate employee well-being strategies

- **Council Assessment Panel (14 meetings)**

The Council Assessment Panel (CAP) is an assessment authority established in accordance with the Planning, Development and Infrastructure Act 2016.

The CAP has a total of five members. Four members are independent experts in the planning, development or architectural field, whilst one member is a Council Member appointed by Council.

The CAP considers a wide range of development applications, ensuring that new development proposals are consistent with the Council's Development Plan or the Planning and Design Code. The role of the CAP is to make decisions to either approve or refuse certain types of development applications.

The Panel met on 14 occasions during the financial year and considered a total of 35 applications.

- **Asset and Sustainability Committee** (commenced December 2020) *(3 meetings)*
The Asset and Sustainability Committee was established in December 2020. The Committee has four Council Members. The Asset and Sustainability Committee met on three occasions in 2020-21. Established for the purpose of:
 - Advising Council on the development, management and monitoring of council's strategic management of council assets and Asset Management Plans
 - Aligning council's provision and management of assets and infrastructure to its long-term strategic objectives
 - Establishing and monitoring community levels of service to justify assets and infrastructure
 - Monitoring the implementation of environmental sustainability initiatives and strategies, to be a sustainable organisation and support the community to reduce its impact on the environment
- **Planning and Development Committee** (commenced December 2020) *(2 meetings)*
The Planning and Development Committee was established in December 2020. The committee has six Council Members. The Planning and Development Committee met on two occasions in 2020-21. Established for the purpose of:
 - Advising Council on matters relating to the development and monitoring of the following areas:
 - o Urban planning, development and renewal
 - City growth, economic development and sustainability
 - New project concepts and innovative solutions
 - Monitoring and review of new/emerging issues and trends through tools such as environmental scans
 - Developing, reviewing and recommending to Council any policy relating to planning and developments
 -
- **Forums / Information Sessions**
Council Members also attend Forums. These Forum are information sessions and where appropriate, provide a valuable opportunity to enhance the decision-making processes by providing opportunities for Council Members to become better informed on issues and seek further clarification. During 2020-21 there were 15 Forums held.
- **Ward Briefings**
Individual Ward Briefings are held once a month with the Council Members from each ward. Ward Briefings, in general, have a duration of 1 hour

The above meeting cycle has the effect that Council Members attend a council commitment on Tuesday evenings, with the exception of December and January when there is only 1 meeting in each month.

Preparation for meetings will take a Council Member approximately 2 –3 hours depending on the size of the agenda. Large and complex agendas may take longer, however, Management will try to ensure the scheduling of reports do not become too onerous on the Council Members.

With recent COVID experience and changes to legislation, Council Members may now attend meetings via electronic means. This has created time efficiencies for members with a reduction in travel times and the need to be physically present within a meeting. The implementation of online meetings with staff for items like ward briefings and managing issues has also created efficiencies with meetings being held at any time and place. These changes to the traditional in-person meetings have made the role of a member more efficient.

The increase in the use of email has also made the role of a member more efficient with matters often being resolved quickly or easily referred to management to action.

Amount of allowance deemed appropriate (submission may present an evidence-based justification for an adjustment)

Based on the complexities associated with undertaking the role of Council Member for the City of Marion, Council considers maintaining the following allowances appropriate:

- | | |
|----------------------------|--|
| - Council Member | \$20,630 (The Remuneration Tribunal determination No. 6 of 2018) |
| - Mayor | 4 x the allowance for a Council Member |
| - Deputy Mayor | 1.25 x the allowance for a Council Member |
| - Chairperson of Committee | 1.25 x the allowance for a Council Member |

The above allowances were adjusted by CPI on an annual basis meaning the amount paid to Council members as of November 2021 is \$22,162 per year.

Any other relevant factors, without limiting the issues that might be addressed (*this may include comment on any issues with the current Determination, or council groupings for the purpose of determining the level of allowance, or the council's capacity to pay*).

Other factors Council considers should be taken into account when the Tribunal is considering allowances for the City of Marion include:

- The capacity of the City of Marion community to pay.

The Tribunal would be aware that the ABS SEIFA (Socio-Economic Disadvantage) index is a measure derived from attributes such as low income, low educational attainment, high unemployment. High scores on the Index of Relative Socio-Economic Disadvantage occur when the area has few families of low income and few people with little training and in unskilled occupations. Low scores on the index occur when the area has many low-income families and people with little training and in unskilled occupations, jobs in relatively unskilled occupations and variables that reflect disadvantage.

The table provided at Appendix 4 shows the City of Marion's Index of relative socio-economic disadvantage compared to other councils located in the Adelaide statistical area. It should be noted that these figures are still based on the 2016 census data as the 2021 census has yet to be released.

On the basis of our understanding of the City of Marion community, Council has adopted an Annual Business Plan 2020/21 and Long-Term Financial Plan 2021-2031 developed on the basis of Council's refined financial framework which encompasses maintaining current services and service delivery levels for the community, as well as meeting Council's planned capital renewal programs for 2020/21. The Annual Business Plan 2020/21 was prepared and adopted on the basis of an average rate increase of 1% (excluding new developments and capital improvements).

- Local government across the board has many different industries encompassed within its

operations. Council Members need to be aware of varied practices from building and development, engineering, community care, infrastructure maintenance, financial management, health services, climate change, environmental management and regulation to name a few. The Council Members are well supported by the Administration, as it is acknowledged that the role of a member is not full time. The current allowances recognise this structure and allows members to also pursue other employment if they wish.

- Council Members are required to collaborate and work as a team. Whilst individual Members have a representation role, decisions are made collectively and based on the Community and Council Plans and the linked LongTerm Financial Plan
- In addition to the role of Council Members, the Mayor also has a leadership, ceremonial and civic role. The Mayor will work with other levels of government to assist in sourcing and securing additional funding in the form of grants.

Economic, Social and Demographic Factors

Economic

The City of Marion is one of South Australia's larger metropolitan Councils and has a diverse economic base that is primarily centred around the Edwardstown industrial area and the Tonsley redevelopment.

Retail also plays an important role in the commercial life of the city with three major shopping centres at Hallett Cove, Castle Plaza and Westfield Marion which is the largest in South Australia.

As well as the Westfield development, the Marion Regional Centre is home to the South Australian Aquatic and Leisure Centre, a FINA grade swimming complex, the Marion Cultural Centre incorporating a theatre, art gallery, restaurant and library, a GP+ Health Centre and a range of other service operations both private and government.

In addition, Flinders University and Flinders Medical Centre, both situated adjacent to Science Park, are major employers and have a significant influence on the area. The economic base is dominated in absolute numbers by small businesses, many of which are home-based.

The former Mitsubishi Motors assembly plant at Tonsley is in the process of being completely redeveloped as an integrated employment, education and residential precinct. This is a unique development in the City of Marion

Major development has occurred within the City of Marion over the past few years with new facilities being built including but not limited to:

- The Sam Willbough BMX
- Cover Soccer Facilities
- Mitchell Park Sports and Community Centre
- Glenthorne Adventure PlaySpace

Social / Demographic

Provided at Appendix 3 is a summary of key social / demographic statistics drawn from the 2016 ABS Census. As will be noted, the profile of the City of Marion community is consistent with the overall profile of the whole of Adelaide.

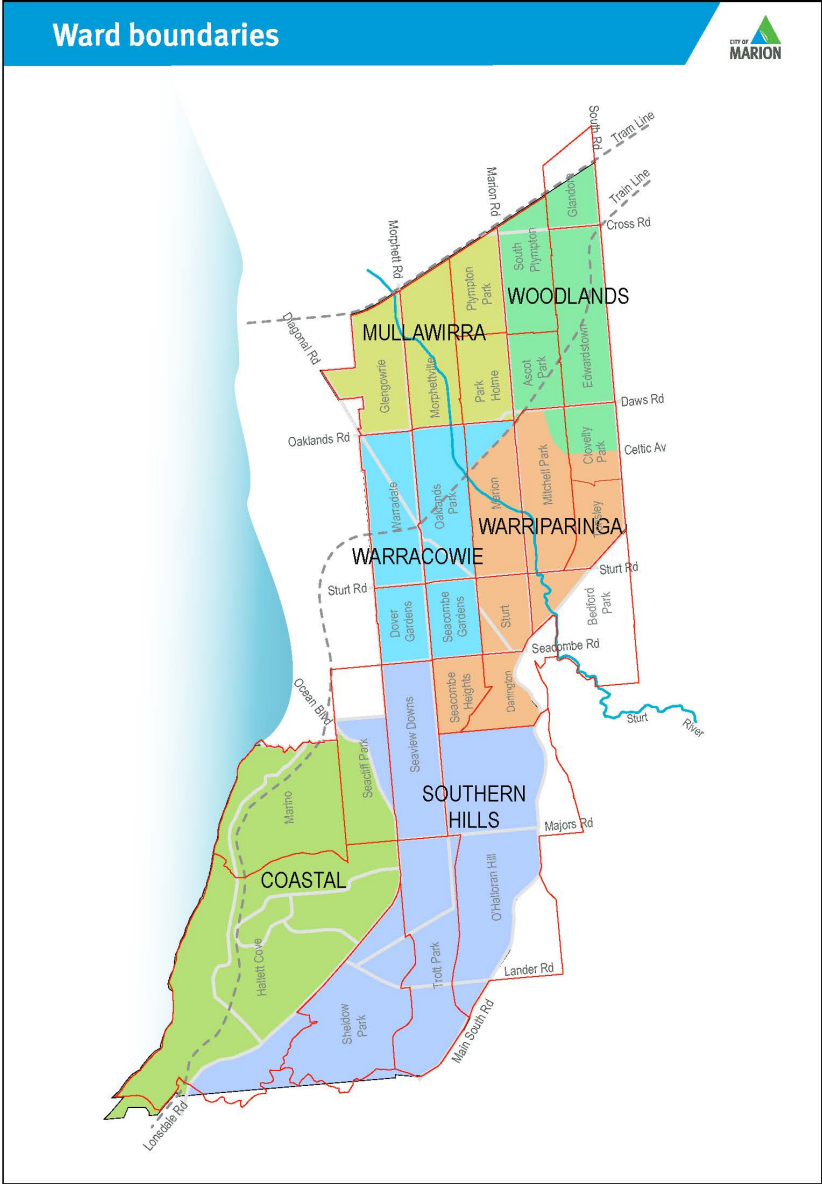
One factor not evident in the key statistics however is the very wide spectrum of social circumstance in the City of Marion. In this context, the City of Marion is home to one of Adelaide's more affluent suburbs e.g., Marino and also has suburbs in the lower socio economic bracket. This diversity of interest groups brings a level of complexity to the role of Council Member to ensure that the ongoing

development of the community meets all needs.

Appendices:

<i>Appendix 1</i>	<i>Ward structure and boundaries</i>
<i>Appendix 2</i>	<i>Further information regarding Council's Revenue, Expenditure and Financial Indicators</i>
<i>Appendix 3</i>	<i>Summary of Key Social / Demographic Statistics</i>
<i>Appendix 4</i>	<i>Index of relative social-economic disadvantage (ranked greatest to least disadvantaged)</i>

Appendix 1
Ward Structure



Appendix 2:
Further information regarding Council's Revenue,
Expenditure and Financial Indicators

FINANCIAL MANAGEMENT

The City of Marion is in a strong financial position, providing a sound basis for Council's long-term objectives identified in the Strategic Plan. Below provides further information articulating income and expense streams with ratios provided as a mechanism to measure Council's alignment with budget targets.

STATEMENT OF COMPREHENSIVE INCOME

The Statement of Comprehensive Income details Council's revenue and expenses for the reporting period and reveals an operating surplus (before capital revenues and contributed assets) of \$0.256m for 2020-21 compared to an operating surplus of \$6.396m for 2019-20.

OPERATING INCOME

Total Operating income for 2020-21 was \$97.324m compared to \$93.815m in 2019-20. The increase of \$3.509m primarily results from an increase in Grant Income of \$2.656m. Council adopted an average rate increase of zero per cent in 2020-21 to support the community during Covid-19, the increase in rate revenue of \$0.708m relates to the underlying growth in rateable properties contributing to the overall increase in total operating income.

OPERATING EXPENSES

Total Operating expenses for 2020-21 were \$97.068m compared to \$87.419m in 2019-20. The increase of \$9.649m (11.0%) primarily relates to an increase of \$7.565m in 'Materials Contracts and Other' expenses due largely to Council's contribution to infrastructure development, investment in streetscapes, the commencement of the Sam Willoughby International BMX track and Southern Soccer facility in addition to increased costs related to digital transformation projects (\$1.017m) and waste charges and levies (\$719k). Council also incurred additional costs related to Covid-19 of (\$247k) and supported the community with Community Club Covid-19 relief (\$246k).

Additionally, employee costs increased \$1.751m in 2020-21. This increase primarily relates to increases stemming from Enterprise Agreements (\$883k), additional Council endorsed positions to support operations (\$671k), increases to fully grant funded positions (\$80k).

CAPITAL REVENUES AND CONTRIBUTED ASSETS

Another key variance reported on the Statement of Comprehensive Income is an increase in 'Amounts Received Specifically for New or Upgraded Assets' of \$9.367m. This relates primarily to the recognition of State and Commonwealth grant funding attracted for three of Council's multi-year major projects – Mitchell Park Sports and Community Centre, Sam Willoughby International BMX Track and the Southern Soccer Facility.

CRUCIAL OPERATING/FINANCIAL RATIOS

The City of Marion utilises 'ratios' to measure Council's alignment (or otherwise) with expected budget targets by expressing the difference between actual versus expected budget outcomes as a percentage.

OPERATING SURPLUS RATIO

This ratio expresses the operating surplus/(deficit) as a percentage of total operating revenue. Council has set a target for this ratio of between 0 and 10% on average over any consecutive five years.

	2021	2020	2019
Operating Surplus Ratio	0.26%	6.83%	12.7%

The Operating Surplus Ratio remains within Council's target but has been impacted by the increase in operating costs of \$9.649m for 2020-21 noted above. The average Operating Surplus Ratio over the last five financial years is 8.9%.

With council's focus on maintaining a balanced or better cash funding position it is necessary that an operating surplus sufficient to support Council's capital expenditure requirements is achieved.

RATE REVENUE RATIO

This ratio expresses rate revenue as a percentage of operating revenue. Although this ratio is not a prescribed measure required by the 'Model Set of Accounts' it is a valuable indicator as it highlights the council's reliance on rates as a revenue source and the need for council to seek alternative sources of income.¹ Councils reliance on rates has decreased by 3% in 2020-21. This is largely due to the receipt and recognition of operating grant revenues up 34% compared to 2019-20.

	2021	2020	2019
Rate Revenue Ratio	82%	85%	81%

STATEMENT OF FINANCIAL POSITION

The Statement of Financial Position provides details of Council's assets, liabilities and equity as of 30 June 2021. The majority of Council's assets relate to community property and infrastructure assets (roads, paths, drainage, etc.).

Infrastructure, Property, Plant & Equipment (IPP&E):

Council's IPP&E decreased by \$20.322m (1.77%) compared to 2019-20 with the majority of the movement relating to a net revaluation decrease of \$21.408m, Physical Assets Received Free of Charge (including roads, drainage and footpaths) of \$2.0m and other movements after depreciation of (\$0.914m).

The table below identifies the key contributors to the movement in Council's non-current assets which can mainly be attributed to revaluations of its Infrastructure assets.

	2021 \$'000	2020 \$'000	Increase/ (Decrease) \$'000
Building assets	111,825	115,014	(3,189)
Infrastructure assets	636,496	658,480	(21,984)

ASSET RENEWAL FUNDING RATIO

Net asset renewal expenditure is defined as net capital expenditures on the renewal and replacement of existing assets and excludes new/upgrade capital expenditure on the acquisition of additional assets. It is calculated by dividing net asset renewal figures by planned asset renewal expenditure. This ratio indicates whether the Council is renewing or replacing existing assets at the rate of consumption.

Annual fluctuations result due to the mix of asset renewal and new/upgrade capital expenditure. The ratio of 86% achieved in 2020-21 reflects an underspend in vehicle replacement and savings achieved against planned expenditure in some capital programs. Councils Long Term Financial Plan (LTFP) is

¹ To address Council's dependence on rate revenue, it has focused upon training and development of Officers to maximise grant opportunities and annual reviews of its Fees and Charges Schedule.

set to achieve an average Asset Renewal Funding Ratio of 100% over the next three years and over the 10-year term of the LTFP.

	2021	2020	2019
Asset Renewal Funding Ratio	86%	58%	114%

ASSET CONSUMPTION RATIO

This ratio shows the consumption of the asset stock at a point in time (or the percentage of useful life remaining). Depreciation represents the reduction in value of the assets each year and therefore accumulated depreciation is the total reduction in the carrying value of the assets. It is calculated by dividing the carrying value of depreciable assets by the gross value of depreciable assets. Council's target for this ratio is between 80-100%. A ratio higher than 80% indicates that Council's overall asset base has on average a relatively high remaining useful life.

	2021	2020	2019
Asset Consumption Ratio	74%	76%	77%

BORROWINGS

In assessing Council's financial position, it is appropriate to consider liabilities in relation to borrowings. Borrowings are required by Council from time to time to finance strategic long-term assets for the orderly development of the city. Council's total borrowings at 30 June 2021 were \$4.391m – a net decrease of \$1.244m over the level of borrowings in June 2020.

KEY DEBT RATIOS

The following indicators are used to monitor Council's performance in relation to its current level of debt.

NET FINANCIAL LIABILITIES RATIO

This ratio indicates the extent to which net financial liabilities of the Council can be met by Councils' total operating revenue and is calculated by dividing the former by the latter. The result below highlights Council's Financial Assets exceeds its Financial Liabilities predominantly as a result of a substantial holding of cash and other financial assets allocated for unexpended grants and committed funding for capital projects carried over or retimed to 2021-22 and beyond.² Council also retains significant cash reserves quarantined for multi-year major projects currently in progress and funding for planned major projects and long-term asset management objectives.

	2021	2020	2019
Net Financial Liabilities Ratio	(34%)	(32%)	(37%)

INTEREST COVER RATIO

Net interest costs are defined as total interest expenses less total interest revenues. This ratio shows the extent to which Council's commitment to interest expenses are met by total operating revenues. Negative ratios have been recorded for the past six years reflecting interest revenues being greater than interest expenses.

	2021	2020	2019
--	------	------	------

² Council's capacity to meet its financial obligations from operating revenues is strong and it has capacity to meet future funding requirements identified in the Long Term Financial Plan.

Interest Cover Ratio	(0.2%)	(0.5%)	(0.8%)
-----------------------------	--------	--------	--------

DEBT SERVICING RATIO

This ratio shows Council's ability to service its debt obligations from operating revenues, with a maximum target set at 5%. The ratio confirms that Council has a low debt holding and is well positioned for the future borrowing outlined in the Long-Term Financial Plan. The 1.6% result is below the maximum target of 5% as illustrated in the table below.

	2021	2020	2019
Debt Servicing Ratio	1.6%	1.7%	1.6%

STATEMENT OF CHANGES IN EQUITY

The Statement of Changes in Equity reconciles the opening and closing balances of Council's equity over the reporting period. The balance of equity represents Council's net worth of \$1,179.6m as reflected in the Statement of Financial Position.

CASH FLOW STATEMENTS

The Cash Flow Statement details the cash movements for the year and reconciles with *Note 11* of the Annual Financial Statements. The Statement indicates a slight decrease in Cash, Cash Equivalents and Investments of \$0.219m compared to 30 June 2020. As previously mentioned, a sizable portion of the cash position is committed to unexpended grants, carryovers and retimed capital works. Council also retains significant cash reserves quarantined for future major projects and long-term asset management objectives.

RESERVE FUNDS

A review of the balances of these reserves indicates that they are at a level sufficient to meet their purpose and intent as listed in *Note 9 Reserves* of the Annual Financial Statements. Council's current reserve funds include the following:

GRANTS AND CARRYOVERS RESERVE: \$23.085m

This consists of grant funded carryover projects and capital works carried over to 2021-22 or retimed to future years as required.

OPEN SPACE RESERVE: \$2.441m

It is considered by management that the current balance of this fund is adequate to meet its intended purpose.

ASSET SUSTAINABILITY RESERVE – GENERAL AND MAJOR NEW PROJECTS: \$14.373m

The current balance in this fund is considered to be adequate to provide Council with the funding capacity to not only respond to a major infrastructure failure (\$2m is retained in this reserve for this specific purpose) but to also assist Council in managing its long-term asset management objectives. Funding in this reserve will contribute to multi-year major projects currently in progress such as the Southern Soccer Facility, Sam Willoughby International BMX track, Council's contribution to the Destination PlaySpace and future planned projects such as the Tarnham Road Reserve redevelopment, the State Heritage Coach house restoration and the ongoing renewal of the Coastal Walkway.

ASSET SUSTAINABILITY RESERVE – COMMUNITY FACILITY PARTNERSHIP FUND (CFPP): \$3.537m

Funding has been specifically set aside in the Asset Sustainability Reserve for the renewal, upgrade and purchase of Council assets as specifically resolved by Council. It includes a balance set aside to encourage organisations leasing council facilities to seek partnership funding for the required renewal and upgrade of those facilities.

WATER RESERVE: \$0.859m

This reserve has been established to quarantine revenue received and savings identified from the sale and use of treated stormwater from the Oaklands Wetland to further develop third party supply opportunities.

LONG TERM FINANCIAL PLAN (LTFP)

Council has a LTFP focused upon:

- Achieving the City of Marion's Strategic Directions.
- Addressing issues arising and opportunities identified from internal audit reviews, service reviews and business excellence assessments.
- Maintaining a breakeven or better cash funding position.
- Improving the maintenance of assets in accordance with Council's Asset Management Plans, with a priority on maintenance *before* renewal, and/or renewal *before* new (whichever is more cost effective).
- Reviewing existing services and assets to ensure they meet prioritised community needs.
- Approving new Major Projects where it has the identified funding capacity to do so.
- Maintaining Council's position for an average residential rate that remains low (in comparison with other metropolitan councils).

Appendix 3
Summary of Key Social / Demographic Statistics

Population			
City of Marion	2016		
	Number	%	Greater Adelaide %
Population (excluding O/S visitors)	90,602		
Males	42,609	48.1	48.9
Females	46,003	51.9	51.1
Aboriginal and Torres Strait Islander Population	1,026	1.2	1.4
Australian citizens	74,585	84.2	84.7
Eligible voters (citizens aged 18+)	59,651	67.3	66.0

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2016.

Age structure - service age groups			
City of Marion - Total persons (Usual residence)	2016		
Service age group (years)	Number	%	Greater Adelaide %
0 to 4	5,239	5.9	5.9
5 to 9	4,809	5.4	6.0
10 to 14	4,329	4.9	5.6
15 to 19	5,029	5.7	6.1
20 to 24	6,372	7.2	6.9
25 to 29	6,464	7.3	6.8
30 to 34	6,617	7.5	7.0
35 to 39	6,063	6.8	6.4
40 to 44	5,716	6.5	6.5
45 to 49	5,557	6.3	6.8
50 to 54	5,663	6.4	6.6
55 to 59	5,853	6.6	6.4
60 to 64	5,472	6.2	5.7
65 to 69	4,640	5.2	5.3
70 to 74	3,313	3.7	4.0
75 to 79	2,595	2.9	3.0
80 to 84	2,124	2.4	2.3
85 and over	2,760	3.1	2.6
Total population	88,615	100.0	100.0

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2016.

Birthplace - summary			
City of Marion	2016		
Birthplace	Number	%	Greater Adelaide %
Total Overseas born	24,185	27.3	26.3
Non-English speaking backgrounds	15,095	17.0	17.0
Main English speaking countries	9,090	10.3	9.2
Australia	60,239	68.0	68.2
Not Stated	4,193	4.7	5.5
Total Population	88,617	100.0	100.0

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2016.

Proficiency in English			
City of Marion - Total persons (Usual residence)	2016		
English proficiency	Number	%	Greater Adelaide %
Speaks English only	68,154	76.9	75.4
Speaks another language, and English well or very well	14,019	15.8	16.3
Speaks another language, and English not well or not at all	2,759	3.1	3.5
Not stated	3,677	4.1	4.8
Total population	88,609	100.0	100.0

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2016.

Religion - summary			
City of Marion	2016		
Religion totals	Number	%	Greater Adelaide %
Christian total	41,750	47.1	48.2
Non Christian total	6,441	7.3	7.2
Non-classifiable religious belief	631	0.7	0.7
No religion	33,173	37.4	35.9
Not stated	6,630	7.5	8.0
Total Population	88,618	100.0	100.0

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2016.

Employment status			
City of Marion - Total persons (Usual residence)	2016		
Employment status	Number	%	Greater Adelaide %
Employed	41,867	93.0	92.3
Employed full-time	24,141	53.6	54.0
Employed part-time	17,156	38.1	36.9
Hours worked not stated	570	1.3	1.4
Unemployed	3,166	7.0	7.7
Looking for full-time work	1,684	3.7	4.4
Looking for part-time work	1,482	3.3	3.3
Total Labour Force	45,033	100.0	100.0

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2016.

Education institution attending			
City of Marion - Total persons (Usual residence)	2016		
Type of institution	Number	%	Greater Adelaide %
Pre-school	1,054	1.2	1.2
Primary school	6,838	7.7	8.5
Primary - Government	4,582	5.2	5.4
Primary - Catholic	1,398	1.6	1.7
Primary - Independent	858	1.0	1.4
Secondary school	4,584	5.2	5.6
Secondary - Government	2,705	3.1	2.9
Secondary - Catholic	1,059	1.2	1.3
Secondary - Independent	820	0.9	1.4
TAFE	1,745	2.0	2.0
University	5,807	6.6	5.7
Other	642	0.7	0.8
Not attending	63,706	71.9	70.5
Not stated	4,243	4.8	5.7
Total	88,619	100.0	100.0

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2016.

Household type			
City of Marion	2016		
Households by type	Number	%	Greater Adelaide %
Couples with children	10,029	27.4	28.7
Couples without children	8,981	24.5	24.8
One parent families	3,827	10.4	11.1
Other families	526	1.4	1.2
Group household	1,655	4.5	3.8
Lone person	10,259	28.0	26.2
Other not classifiable household	1,060	2.9	3.4
Visitor only households	300	0.8	0.9
Total households	36,637	100.0	100.0

Source: Australian Bureau of Statistics, [Census of Population and Housing 2016](#).

Appendix 4
Index of relative social-economic
disadvantage (ranked greatest to
least disadvantaged)

Local Government Areas in South Australia	
Local Government Area *	2016 index
Marion (C)	1,001
Cleve (DC)	1,007
Robe (DC)	1,011
Campbelltown (C) (SA)	1,012
Barossa (DC)	1,012
Adelaide (C)	1,014
Grant (DC)	1,018
Lower Eyre Peninsula (DC)	1,019
Light (RegC)	1,025
Kimba (DC)	1,027
Norwood Payneham St Peters (C)	1,029
Tea Tree Gully (C)	1,031
Mount Barker (DC)	1,033
Roxby Downs (M)	1,042
Holdfast Bay (C)	1,043
Prospect (C)	1,046
Unley (C)	1,066
Mitcham (C)	1,068
Walkerville (M)	1,072
Adelaide Hills (DC)	1,080
Burnside (C)	1,081

* Please note that the Local Government Area s listed here relate to the boundary which was current at the 2016Census. Boundary changes since that time will not be reflected in the list.

Source: Australian Bureau of Statistics, [Census of Population and Housing](#) 2016.

Index of relative socio-economic disadvantage

(Ranked greatest to least disadvantaged)

City of Marion's small areas and benchmark areas	
Area	2016 index
Mitchell Park	902.2
Oaklands Park	918.9
Morphettville	928.2
Edwardstown	936.2
Seacombe Gardens	938.9
Park Holme	940.4
Sturt	948.2
Dover Gardens	950.5
Ascot Park	966.3
Plympton Park	970.5
Clovelly Park - Bedford Park	978.6
South Australia	979.0
Greater Adelaide	989.0
Marion	999.5
City of Marion	1,001.0
Australia	1,001.9
South Plympton	1,003.6
Glandore	1,006.9
Warradale	1,035.6
Darlington - Seacombe Heights	1,040.9
Trott Park - O'Halloran Hill	1,047.2
Glengowrie	1,047.5
Seaview Downs - Seacliff Park	1,058.2
Hallett Cove	1,062.3
Sheidow Park	1,075.5
Marino	1,084.0

Source: Australian Bureau of Statistics, [Census of Population and Housing 2016](#).

12 Corporate Reports for Information/Noting

12.1 Questions Taken on Notice Register

Report Reference	GC220308R12.1
Originating Officer	Governance Administration Officer – Cassidy Ryles
Corporate Manager	Manager Office of the Chief Executive – Kate McKenzie
General Manager	Chief Executive Officer – Tony Harrison

REPORT OBJECTIVE

To receive and note the information contained within the *Questions Taken on Notice Register* provided in Attachment 1.

EXECUTIVE SUMMARY

At the 8 May 2018 General Council meeting Council resolved that (GC080518M01):

Questions without Notice that were not answered at the same meeting will be entered into a register. This register will be tabled as an information report at the following meeting.

Under Regulation 9 of the *Local Government (Procedures at Meetings) Regulations 2013* (The Regulations):

(3) A member may ask a question without notice at a meeting.

(4) The presiding member may allow the reply to a question without notice to be given at the next meeting.

(5) A question without notice and the reply will not be entered in the minutes of the relevant meeting unless the members present at the meeting resolve that an entry should be made.

RECOMMENDATION

That Council:

1. **Notes the report ‘Questions Taken on Notice Register’.**

ATTACHMENTS

1. QoN Register 08 March 2022 [**12.1.1** - 7 pages]

Questions Taken on Notice Register



Attachment 1

Report Reference	Meeting Date	Councillor	Responsible Officer	Question taken on notice during the meeting	Response
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Questions Taken on Notice Register



Attachment 1

Carbon Offset Project - Next Steps Report Reference GC220222R11.2	22 February 2022	Cr Crossland	<div>Acting General Manager City Services - Mathew Allen</div> <div>Unit Manager Environmental Sustainability – Ann Gibbons</div>	<div><div>•</div><div>What is the land size required for carbon sequestration?</div></div> <div><p>City of Marion corporate emissions were estimated to be 3,234 tCO₂e in 2020/21. Emissions will reduce over time as more efficiency measures are implemented (e.g., purchase of 100% renewable electricity).</p><p>An estimated 6,360 tonnes of carbon over 25 years were likely to be sequestered on the 34-hectare area in the Field River Valley based on a conservative estimate of carbon yield averaging 7.48 tonnes of carbon per hectare each year. The estimated carbon yield for 34 hectares over 25 years would equate to around 2 years of carbon offsets, assuming no change to emissions.</p><p>It is estimated that, after all efficiency measures have been implemented, there will still be approximately 800 tCO₂e each year from the City of Marion’s corporate operations from 2029/30. These emissions will need to be offset <u>each year</u> to deliver carbon neutral status.</p><p>Using the above yield estimates, approximately 4.25 hectares would need to be planted <u>each year</u> and retained for 25 years to offset 800 tCO₂e of annual carbon emissions.</p><p>The area required to offset Council’s emissions would depend on the species selected, planting density, and the rainfall, soil types, etc. of the area planted, so higher carbon yields per hectare may be able to be achieved on more accessible parcels of land outside of the City of Marion boundary.</p><p>Australian Carbon Credit Units (ACCUs) could be purchased each year to offset remaining emissions. Market price for 1 x ACCU on 24 Feb 2022 is \$50.25, so 800 tCO₂e could be offset for \$40,200.</p><p>The below table provides an outline of land area required for sequestration.</p></div> <table><tr><th>Year</th><th>Estimated Annual</th><th>Land Area Required for Sequestration</th></tr></table>	Year	Estimated Annual	Land Area Required for Sequestration
Year	Estimated Annual	Land Area Required for Sequestration					

Questions Taken on Notice Register



Attachment 1

						Emissions* (tCO₂e)	(Ha) (based on yield of 7.48 tonnes /Ha over 25 yrs)
					2020/21	3,234	17.29
					2021/22	3,000	16.04
					2022/23	2,500	13.37
					2023/24	2,000	10.70
					2024/25	1,800	9.63
					2025/26	1,600	8.56
					2026/27	1,400	7.49
					2027/28	1,200	6.42
					2028/29	1,000	5.35
					2029/30	800	4.28
							99.1 (total)
					*Based on emissions reduction trajectory in the Carbon Neutral Plan		
Carbon Offset Project - Next Steps Report Reference GC220222R11.2	22 February 2022	Cr Crossland	Chief Financial Officer – Ray Barnwell	<ul style="list-style-type: none"> Can we please provide a whole of life costs for Edwardstown sport complex? To compare the two projects for financial comparison. 	The indicative costs for the Carbon Offset project for site preparation and planting over 3 years, and ongoing maintenance for 25 years are estimated to be between \$4.69m and \$10.25m. The estimated whole of life costs for the Edwardstown Sports complex based upon an assumed total life of 50 years is \$20.41m.		

Questions Taken on Notice Register



Attachment 1

Mitchell Street, Glengowrie Parking Report Reference GC220222R12.2	22 February 2022	Cr Shilling	Acting General Manager City Services - Mathew Allen Unit Manager Engineering - Carl Lundborg	<ul style="list-style-type: none"> What are the types of trees being removed and are these regulated? 	The 3 trees identified in Option 4 'Paved Parking Areas' that were identified for removal in Mitchell Street Glengowrie are:			
					Location	Species	Height	Regulated
					No. 19 Mitchell Street	Pyrus Calleryana 'Bradford' Callery Pear	Less than 5m	No
					No. 11 Mitchell Street	Callistemon Viminalis Weeping Bottlebrush	Less than 7m	No
					No. 9 Mitchell Street	Magnolia Grandiflora Southern Magnolia	Less than 5m	No

Questions Taken on Notice Register



Attachment 1

Mitchell Street, Glengowrie Parking Report Reference GC220222R12.2	22 February 2022	Cr Crossland	Unit Manager Engineering - Carl Lundborg	<ul style="list-style-type: none"> If we remove these trees, will this become our standard response? How many trees will we need to remove? 	<p>Partial Paved parking areas have been constructed across the City of Marion in areas of below standard road widths (less than 7.2m wide) and / or high parking demand. Examples of these can be found in:</p> <ul style="list-style-type: none"> - Newberry Avenue, Morphettville - Ayers Court, Morphettville - Ludgate Avenue, Trott Park - Marion Road, Plympton Park <p>Roads that have been identified with high parking demand and below standard road widths are individually assessed for the appropriate parking interventions (such as parking controls and/or parking infrastructure). The decision making for the appropriate intervention is made by understanding the root cause of the parking demand (schools, public transport, commercial precincts, residential, etc.) and assessing possible solutions against the environmental, financial impact and social/community benefits. Any solution to alleviate a parking concern is presented to the community for consultation before implementation is undertaken.</p> <p>An assessment on the number of road segments within the City of Marion that are below the current minimum road width standard (7.2m wide) is 426 (approx. 48.7km). It has been identified that the number of trees within these segments total 3,178 trees.</p>
Mitchell Street, Glengowrie Parking Report Reference GC220222R12.2	22 February 2022	Cr Hull	Unit Manager Engineering - Carl Lundborg	<ul style="list-style-type: none"> Did consultation occur with the community in relation to option 5. 	<p>No, Option 5 has not been consulted with the community. The purpose of the report presented to General Council was for the options to be discussed and a preferred option to be supported to undergo community consultation.</p>

Questions Taken on Notice Register



Attachment 1

Call for Nominations for Members of GAROC - Casual Vacancies Report Reference GCYMMDDR12.6	22 February 2022	Cr Crossland	Manager Office of the Chief Executive - Kate McKenzie	<ul style="list-style-type: none"> What is the payment for the GAROC meeting? Are they only paid if in attendance? 	<p>The LGA Policy <i>GP02 Board and Committee Member Allowances and Expenses Policy</i> last reviewed at the Annual General Meeting in October 2020 states:</p> <p>4.3 SAROC, GAROC and CEO Advisory Group Members</p> <p>In setting the allowances and expenses for GAROC, SAROC and CEO Advisory Group members' consideration is given to the principle set out in section 3 of this Policy.</p> <p>SAROC, GAROC and CEO Advisory Group members:</p> <ul style="list-style-type: none"> Are not entitled to a sitting fee or allowance for their role on these committees. Are entitled to reasonable travel costs associated with attending their respective GAROC, SAROC and CEO Advisory Group meetings, which are not met by their respective regions and/or councils. Reasonable travel costs include: <ul style="list-style-type: none"> Airfares (See Section 4.5) Vehicle travel (see section 4.6) Car parking (See section 4.8) Are entitled to reasonable accommodation costs associated with attending meetings where it is impractical/unsafe to travel to and from the meeting in the same day.
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Questions Taken on Notice Register



Attachment 1

South Adelaide Basketball Club Report Reference GC220222M15.1	22 February 2022	Cr Crossland	Manager City Activation - Charmaine Hughes Acting General Manager City Development – Tony Lines	<ul style="list-style-type: none"> What is the number of courts that is lacking in the local area? 	<p>Determining the latent demand for indoor courts requires a multi-factor assessment which consists of applying an industry benchmark ratio and other factors including:</p> <ul style="list-style-type: none"> If the localised demand is greater than the standard benchmarking (1 court per 10,000 residents). The condition and suitability of any existing courts. The range of services provided or the use of the facility i.e. recreation, social, or club sport <p>Applying this methodology to the City of Marion indicates there is a shortage of at least two indoor courts, as there is currently high demand and high utilisation for existing indoor courts, and the existing Council owned facilities have condition, compliance and suitability issues.</p>
Review and Selection Committee - Appointment of Independent Council Assessment Panel (CAP) Members Report Reference GC220222F11.3	22 February 2022	Cr Crossland	Manager Development & Regulatory Services – Warwick Deller-Coombs Team Leader – Planning – Alex Wright	<ul style="list-style-type: none"> Can the agenda for CAP be condensed or merge meetings when the agenda is small? 	<p>Yes. The Assessment Manager curates the agenda to maximise use of the CAP and staff's time and expense. For example, the CAP did not meet in February due to lack of items. It is important to note however, that the CAP must follow the timeframes prescribed in the PDI Act and this may mean meetings are organised at short notice or more meetings may need to be scheduled to avoid out of time 'deemed consent' notices being issued in favour of applicants.</p>

13 Workshop / Presentation Items - Nil

14 Motions With Notice - Nil

15 Questions With Notice - Nil

16 Motions Without Notice

17 Questions Without Notice

18 Confidential Items

18.1 Cover Report - Confirmation of the Confidential Minutes of the Finance, Risk and Audit Committee Meeting held on 22 February 2022

Report Reference	GC220308F18.1
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

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)
- (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)(ii) 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 City Development, General Manager Corporate Services, Manager Office of the CEO, Chief Finance Officer, Unit Manager Governance and Council Support, Executive Officer to the CEO, be excluded from the meeting as the Council receives and considers information relating to the confidential minutes of the Finance, Risk and Audit Committee meeting held on 22 February 2022, 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:

- **Civile Service Review – containing confidential information relating to personnel matters**
- **External Audit Tender – containing confidential information relating to commercial affairs**
- **Cybersecurity Quarterly update – containing information relating to the current status of the CoM Cyber Security and the impact on contractual expectations.**

18.2 Cover Report - Confirmation of the Confidential Minutes of the Asset and Sustainability Committee meeting held on 1 February 2022

Report Reference	GC220308F18.2
Originating Officer	Executive Officer to General Manager City Services – Colleen Madsen
Corporate Manager	- N/A
General Manager	Acting General Manager City Services - Mathew Allen

REASON FOR CONFIDENTIALITY

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

(d) commercial information of a confidential nature (not being a trade secret) the disclosure of which (i) could reasonably be expected to prejudice the commercial position of the person who supplied the information, or to confer a commercial advantage on a third party; and (ii) would, on balance, be contrary to the public interest

RECOMMENDATION

That pursuant to Section 90(2) and (3)(d)(i) and (ii) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager City Services, General Manager Corporate Services, Chief Financial Officer, Manager City Activation, Manager Office of the Chief Executive, Communications Advisor, Unit Manager Governance and Council Support and Executive Officer to the CEO, be excluded from the meeting as the Council receives and considers information relating to Edwardstown Urban Renewal Project Update, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to confidential commercial information.

18.3 Cover Report - Confirmation of the Confidential Minutes of the Review and Selection Committee meeting held on 1 February 2022

Report Reference	GC220308F18.3
Originating Officer	Manager People and Culture – Jessica Lynch
Corporate Manager	Manager People and Culture - Jessica Lynch
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, General Manager City Services, General Manager City Development, General Manager Corporate Services, Manager People and Culture, Manager Office of the CEO, Unit Governance and Council Support, Executive Officer of the CEO be excluded from the meeting as the Council receives and considers information relating to confirmation of the confidential minutes of the Review and Selection Committee meeting held on 1 February 2022, 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 personal affairs of City of Marion employees and Independent Committee Members.

18.4 Cover Report - Coastal Walkway Update

Report Reference	GC220308R18.4
Originating Officer	Coordinator Coastal Walkway – Alex Cortes
Corporate Manager	Manager City Activation - Charmaine Hughes
General Manager	Acting General Manager City Development – Tony Lines

REASON FOR CONFIDENTIALITY

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

(k) tenders for the supply of goods, the provision of services or the carrying out of works

RECOMMENDATION

That pursuant to Section 90(2) and (3)(k) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager Corporate Services, General Manager Corporate Services, Manager of the Office of the CEO, Chief Financial Officer, Manager City Activation, Coastal Walkway Coordinator, Unit Manager Governance and Council Support, Executive Officer to the CEO, be excluded from the meeting as the Council receives and considers information relating to the Coastal Walkway Update, 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 yet to be finalised tender outcomes and commercial expenditure.

18.5 Cover Report - BMX Pump Track Procurement

Report Reference	GC220308F18.6
Originating Officer	Executive Officer to the General Manager City Development – Louise Herdegen
Corporate Manager	Manager City Activation - Charmaine Hughes
General Manager	Acting General Manager City Development - Tony Lines

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)(k) of the *Local Government Act 1999*, the Council orders that all persons present, with the exception of the following persons: Chief Executive Officer, General Manager City Development, General Manager City Services, General Manager Corporate Services, Manager of the Office of the CEO, Chief Financial Officer, Manager City Activation, Senior Advisor City Activation, Executive Officer to the General Manager City Development, Unit Manager Governance and Council Support, Executive Officer to the CEO, be excluded from the meeting as the Council receives and considers information relating to the BMX Pump Track Procurement, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to a current procurement process.

18.6 Cover Report - External Audit Tender

Report Reference	GC220308F18.6
Originating Officer	Business Support Officer - Governance and Council Support – Cassidy Ryles
Corporate Manager	Chief Financial Officer - Ray Barnwell
General Manager	General Manager Corporate Services - Sorana Dinmore

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) 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, Chief Financial Officer, Manager Office of the Chief Executive and Senior Procurement Specialist,, be excluded from the meeting as the Council receives and considers information relating to External Audit Tender, 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

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.